

OGDEN VALLEY PLANNING COMMISSION

PLANNING MEETING AGENDA



May 22, 2018
5:00 p.m.

Pledge of Allegiance
Roll Call

1. Minutes: Approval of the March 27, 2018, April 03, 2018, and May 01, 2018 Meeting Minutes
2. Consent:
 1. UVS041218 Consideration and action on a request for final plat approval of Summit Eden Phase 1C Amendment 7, an eight lot subdivision in the Ogden Valley Destination and Recreation Resort (DRR-1) Zone located at 8450 E Copper Crest in Eden, UT. (SMHG Phase 1, LLC, Applicant; Rick Everson, Agent)
3. Petitions, Applications and Public Hearings
 - 3.1. Administrative Items
 - a. New Business
 1. CUP 2018-01 Consideration and action on an administrative application for a conditional use permit for a kennel to be used for Alaskan Husky dogs in the Agricultural Valley (AV-3) Zone located at 8115 E 500 S in Huntsville, UT. (Rex Mumford, Applicant)
 2. CUP 2018-03 Consideration and action for a conditional use amendment for the Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development in the RE-15 & FR-3 Zones, located at approximately 4920 East Fairways Drive in Eden, UT. (WCU LLC & Bridges Hold Co LLC, Applicant; Eric Household, Agent)
 - 3.2. Legislative Items
 - a. New Business
 1. ZDA 2018-02: Consideration and action on a request to amend and reinstate the Zoning Development Agreement, previously approved as Contract #2012-230, which affects approximately 174 acres, located at approximately 3300 N Wolf Creek Drive. The request is that Weber County consider reinstating the Agreement and extend the project completion date (10 years) to June 30, 2028.
 2. ZTA 2018-02 Public Hearing to discuss and take comment on a proposal to amend the following section of Weber County Code (§108-15) to add standards for single family dwellings with secondary kitchens.
 4. Public Comment for Items not on the Agenda:
 5. Remarks from Planning Commissioners:
 6. Planning Director Report:
 7. Remarks from Legal Counsel:
 8. Adjournment:

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. to discuss agenda items. No decisions are made in this meeting.



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for the final plat approval of Summit Eden Phase 1C Amendment 7, an eight lot subdivision.

Type of Decision: Administrative

Agenda Date: Tuesday, May 22, 2018

Applicant: SMHG Phase 1, LLC

Authorized Representative: Rick Everson

File Number: UVS041218

Property Information

Approximate Address: 8450 E. Copper Crest, Eden, Ut

Project Area: 0.72 acres

Zoning: Ogden Valley Destination and Recreation Resort Zone (DRR-1)

Existing Land Use: Ski Resort

Proposed Land Use: Resort Development

Parcel ID: 23-146-0001

Township, Range, Section: T7N, R2E, Section 8

Adjacent Land Use

North:	Ski Resort	South:	Ski Resort
East:	Ski Resort	West:	Ski Resort

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
801-399-8768

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 104, Zones, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Natural Hazards Areas

Development History

- Summit Eden Phase 1C received preliminary subdivision approval in conjunction with the County Commission's approval of the Summit at Powder Mountain PRUD on April 9, 2013 with subsequent amendments on July 9, 2013
- Summit Eden Phase 1C final subdivision was heard and received a positive recommendation by the Ogden Valley Planning Commission on October 22, 2013 and received final approval by the Weber County Commission on January 21, 2014
- Summit Mountain Holding Group, LLC petitioned Weber County to rezone approximately 6,198 acres from the CVR-1, FV-3 and F-40 zones to the DRR-1 zone to enable them to proceed with their development in a manner that would be consistent with the proposed Master Plan that was presented to Weber County as part of the rezone application (see Exhibit B for the Conceptual Land Use Plan). The petition to rezone the development to the DRR-1 zone was heard and approved on January 13, 2015 by the Weber County Commission after receiving a unanimous recommendation for approval from the Ogden Valley Planning Commission on October 28, 2014. Weber County entered into Zoning Development Agreement Contract # C2015-6 and the contract was recorded on January 14, 2015 as Entry# 2717835.
- Summit Eden Phase 1C Amendment 1, amending lot lines between Lot 57A & Open Space Parcel G Administratively Approved on June 24, 2015
- Summit Eden Phase 1C Amendment 2, combining Lots 87-95 and Open Space Parcel M into Develop Parcel D2 Administratively Approved on July 10, 2015

- The applicant petitioned Weber County to amend certain areas within the Uniform Land Use Code of Weber County (LUC) to allow for some various resort development standards. The petition to amend the LUC was heard and approved by the Weber County Commission on May 24, 2016 as Ordinance 2016-4.
- Summit Eden Phase 1C Amendment 3, combining Parcel E with a remnant parcel that was not included in the original development to create Development Parcel D8 Administratively Approved on July 12, 2016
- An amendment to reduce the overlaying PRUD footprint from the original 594.23 acres to approximately 14 acres (see Exhibit C for the application and narrative) after holding a public meeting with the Ogden Valley Planning Commission on July 5, 2016 and receiving a unanimous approval from the Weber County Commission on July 19, 2016. The areas to remain under the existing Summit at Powder Mountain Phase 1 PRUD will be three of the previously approved and platted development areas and one future development area (see Exhibit D). The approved and platted developments to remain under the PRUD are the Summit Eden Ridge Nest PRUD, a 15 unit "Nest" development and the Village Nests at Powder Mountain, a 20-unit condominium development and the Horizon Neighborhood at Powder Mountain PRUD, a 26 unit "Nest" development. The future phase of the PRUD will be Spring Park at Powder Mountain, which has received conceptual approval as Lot 76 in the existing PRUD for a 12 unit "Nest" development and a lodge.
- Summit Eden Phase 1C Amendment 4, consisting of 19 lots and four open space parcels was heard and approved by the Weber County Commission on January 31, 2017 after receiving a positive recommendation from the Ogden Valley Planning Commission.
- Summit Eden Phase 1C Amendment 5, creating "Parcel A" and reducing the size of open space "Parcel J", was heard and received administrative approval by the Planning Director in a public meeting held on August 16, 2017.
- Summit Eden Phase 1C Amendment 6, removing the designated building envelope from lot 44R, was heard and received administrative approval by the Planning Director in a public meeting held on March 28, 2018.

Background and Summary

The Planning Division recommends final approval of the Summit Eden Phase 1C Amendment 7, consisting of eight lots and one open space parcel (see Exhibit A for the proposed amendment). The original Summit Eden Phase 1C consisted of 64 lots and 8 open space parcels (see Exhibit B for the recorded Summit Eden Phase 1C Subdivision plat). The applicant would like to amend development Parcel D8 to create eight lots and one open space parcel between the public right of way known as Summit Pass and a private road identified as Copper Crest. Access to the lots will be gained from Copper Crest and will be restricted from Summit Pass.

The Uniform Land Use Code of Weber County (LUC) §101-1-7 identifies a subdivision amendment as a "Small Subdivision" and can be administratively approved by the Planning Director as long as the amendment consists of five or fewer lots; however, based on the amount of lots the proposed amendment is being forwarded for consideration and approval by the County Commission after receiving a recommendation from the Planning Commission per the approval process outlined in LUC §106-1-8. The proposed subdivision amendment and lot configuration is in conformance with the current zoning and the Zoning Development Agreement Master Plan as well as the applicable subdivision requirements as required in the LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related commercial areas.

Zoning: The subject property is located in the Ogden Valley Destination and Recreation Resort Zone more particularly described as the DRR-1 zone. The purpose and intent of the DRR-1 zone is identified in the LUC §104-29-1 as:

"The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land."

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC Chapter 106 and the standards in the DRR-1 zone in LUC Chapter 104 Title 29. The proposal has been reviewed against the adopted zoning and subdivision ordinances to ensure that the regulations and standards have been adhered to. It appears that the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations:

The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for a single family residential structures. The proposed amendment will create eight lots with access and frontage along a private road identified as Copper Crest and a public road known as Summit Pass. A “No Access Line” has been placed along the northern boundary and Summit Pass to ensure the lots are accessed from Copper Crest. The proposed lots range in size from 2,265 square feet to 3,354 square feet. The lots range in width from 36.39 feet to 48.09 feet. The open space parcel is 7,274 square feet. These lots will be developed as “Nest” units. The following development standards will be reviewed upon submittal for land use approval for a single family dwelling unit:

- Front yard setback: 0 feet
- Side yard setback: 5 feet
- Rear yard setback: 10 feet
- Average building height: 35 feet

Based on the proposed lot configuration, the proposed lots meet the minimum lot area and minimum lot width requirement per LUC §104-29-2(h).

Natural Hazards Areas: The proposed subdivision is located in a Zone “D” as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone “D” are typically areas in which no analysis of flood hazards has been conducted.

Geotechnical and geologic hazard investigations have taken place by IGES for the proposed subdivision in accordance with the Natural Hazard Areas as outlined in LUC Chapter 108 Title 22. The site specific investigation for the proposed Lots 144R-151 are in the IGES report Project # 01628-020 dated January 20, 2017. This report states that “The West Village Sliver project area does not appear to have major geological hazards that would adversely affect the development as currently proposed.” Specific recommendations have been made for the development of the West Village Sliver Summit Powder Mountain Resort site and it is recommended that IGES staff is onsite to verify compliance with the recommendations.

A condition of approval that a “Natural Hazards Disclosure” document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

Culinary water and sanitary sewage disposal: Culinary water and sewer service are provided by Powder Mountain Water and Sewer Improvement District.

Review Agencies: The Weber County Surveyor’s Office has reviewed the proposal and the applicant has addressed the areas of concern. The Weber County Engineering Division and Weber Fire District have reviewed and approved the proposal.

Additional design standards and requirements: There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report, additional standards and requirements are unnecessary at this time.

Tax clearance: The 2017 property taxes are delinquent. The 2018 property taxes will be due in full on November 1, 2018. The 2017 taxes will need to be paid in full prior to recording the subdivision mylar.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

Staff Recommendation

Staff recommends final approval of the Summit Eden Phase 1C Amendment 7, consisting of eight lots and one open space parcel. This recommendation for approval is subject to all applicable review agency requirements and is based on the following conditions:

1. A geologist and geotechnical engineer are onsite during development to ensure that their recommendations are adhered to.
2. A “Natural Hazards Disclosure” document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
3. The 2017 property taxes must be paid in full prior to recording the subdivision mylar.

This recommendation is based on the following findings:

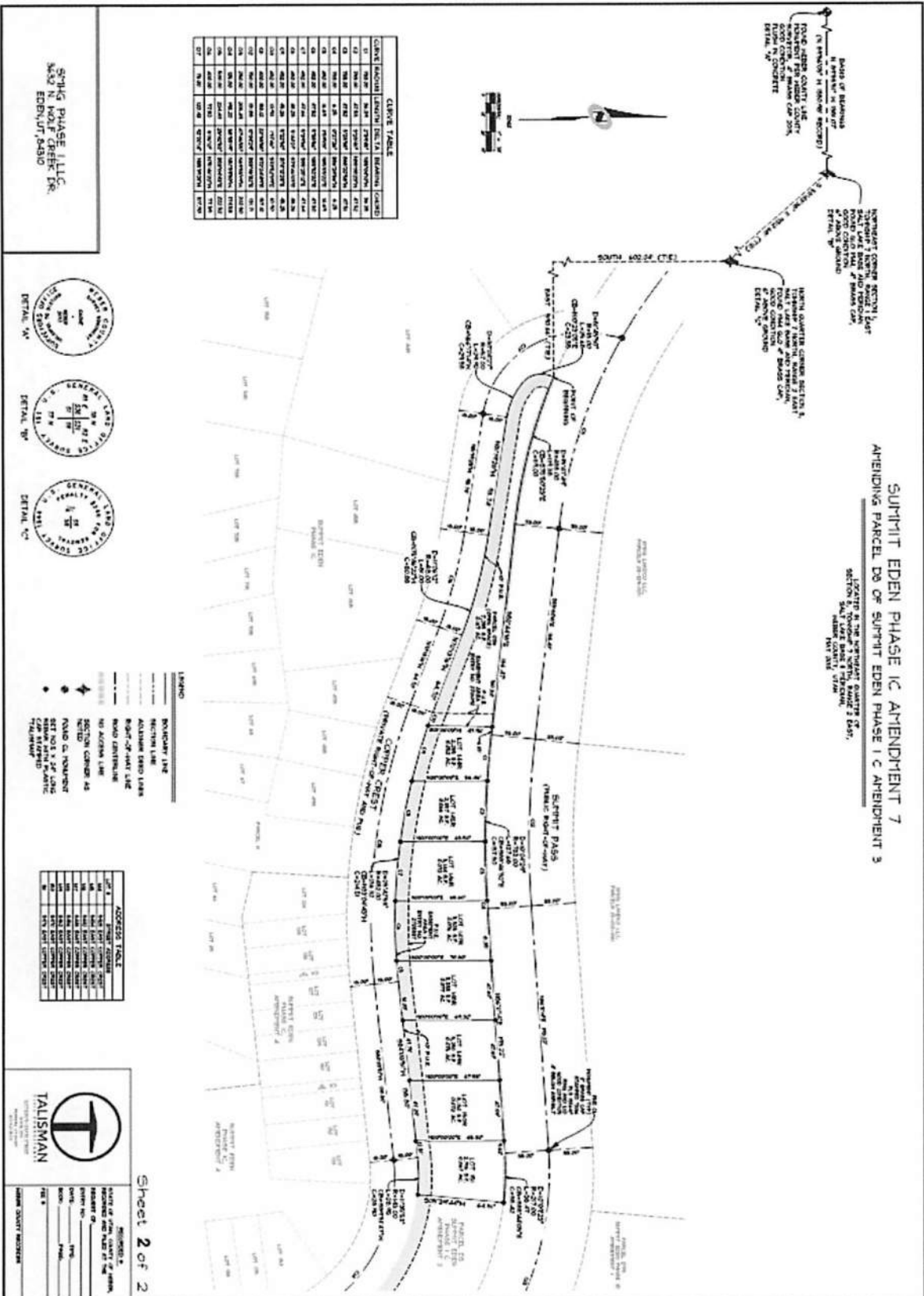
1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision amendment will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision amendment will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Proposed Summit Eden Phase 1C Amendment 7
- B. Recorded Summit Eden Phase 1C Subdivision Plat

Location Map 1







Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on Conditional Use Permit (2018-01) for a dog kennel in the Agriculture AV-3 Zone.

Agenda Date: Tuesday, May

Applicant: Rex and Deborah Mumford

File Number: CUP 2018-01

Property Information

Approximate Address: 3928 North 3175 West

Project Area: 3.74 acres

Zoning: Agriculture AV-3 Zone

Existing Land Use: Agricultural/Residential

Proposed Land Use: Residential dwelling with a dog kennel

Parcel ID: 21-124-0001

Township, Range, Section: T6N, R2E, section 17 S.W. 1/4

Adjacent Land Use

North:	Agricultural/Residential	South:	Agricultural
East:	Agricultural/Residential	West:	Agricultural/Residential

Staff Information

Report Presenter: Iris Hennon
ihennon@co.weber.ut.us
801-399-8762

Report Reviewer: R.G.

Applicable Ordinances

- Zoning Ordinance Section 104 Zone Chapter 6 (AV-3 Zone)
- Zoning Ordinance Section 104 chapter 28 (Stream corridors, wetlands, and shorelines)
- Zoning Ordinance Section 108 Standards Chapter 1 (Design Review)
- Zoning Ordinance Section 108 Chapter 4 (Conditional Use)
- Zoning Ordinance Section 108 Chapter 8 Parking and Loading Space, Vehicle Traffic and access regulations

Background

The applicant is requesting approval of a Conditional Use Permit to allow a personal dog kennel with four (4) to ten (10) dogs.

In an AV-3 Zone a dog breeding, dog kennels, or dog training school can be situated on a minimum of two acres; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as not being closer than forty (40) feet from the residence and not closer than 70 feet from the nearest adjacent residence.

- No more than ten (10) dogs older than ten (10) weeks are allowed.
- Minimum setbacks of fifty (50) feet from any lot line, one-hundred (100) feet from a property line adjacent to a street, and seventy-five (75) feet from a dwelling on an adjacent lot is required.
- Must have a minimum of two acres.

The kennel will be located in the Ogden Valley area of unincorporated Weber County on approximately 3.78 acres. The proposed site is bordered by agricultural land on the south, and by homes on the north, west, and east sides of the property, this property is in an area known as Unincorporated Huntsville. The property is located on 500 South.

The property consists of a house and a barn with a stream on the property; it is proposed that the dogs will be housed in between the barn and stream, the dogs will be housed fifty (50) feet from a natural ephemeral stream, as dictated by the Zoning Ordinance Section 104 chapter 28 (Stream corridors, wetlands, and shorelines).

This kennel is for personal use only. Mr. Mumford and his son have a shared hobby. The dogs belong to his Son who lives in Idaho, he also train's the husky dogs. Mr. Mumford will be training four dogs on a consistent base's at his home, although a few weeks toward the time when the competitions start there might be up to ten dogs for some intensive training; the four dogs will stay at Mr. Mumford's home to have daily training sessions.

The entire property is fenced. There will also be additional fencing around the dogs resting area. During the day the dogs would be working on their skills and to mitigate the noise of the dogs during their down time there will be a hay/straw fence around the dogs to muffle any sound.

Mr. Mumford has a plan in place to clean twice daily picking up solid excrement and double bagging it, and the area where the dogs will reside will have a system like an artificial turf dog yard, this system is where the urine passes through easily. The yard area is washed down daily and it percolates through the compacted gravel and top dressing.

As there will not be any clients there will be no need for any additional parking, and as this is a family dwelling the landscaping is already in existence in keeping with a family home.

This is a family hobby and there will be no hours of operation. There will be very effort made to keep the quiet tranquil environment of the neighborhood and as the majority of the time there will only be four dogs.

Applicable County review agencies have responded with no concerns, except that a kennel license is required from County Animal Services.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed use meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

Title 108 Chapter 4 C-4: Criteria for Issuance of Conditional Use Permit

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.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The potentially detrimental effects of this kennel relate to noise and loose dogs. Noise is mitigated for the most part because of the hay/straw fence the property. This is a primarily a home and a family hobby, these dogs are well behaved and have good manners and loving, partly because of their workouts, and like many athletes are tired and just want to eat and rest.

There is fencing surrounding the property to keep the dogs from leaving the property, and additional fencing is proposed for the resting area, with the hay/straw fence. There will be no additional building for housing of the dogs.

2. This application meets the criteria listed in applicable County Ordinances in the following ways:

- The proposed site (3.78 acres) is larger than the required two acres.
- The applicant currently is not proposing more than ten dogs at any time with four (4) dogs the majority of the time.
- The kennel location meets the required setbacks.
- Mature landscaping is already in place.
- No additional parking is required because there will not be any clientele.
- A plan for removal of animal waste has been submitted to the Health Department. The plan consists of a waste disposal that will be emptied on a regular basis.

Conformance to the General Plan

The proposed use complies with applicable County Ordinances.

Conditions of Approval

- Requirements of the Weber County Health Department
- Requirements of County Animal Services

Staff Recommendation

Staff recommends approval of CUP 10-2018 for a dog kennel in the AV-3 Zone, subject to staff and review agency requirements.

This recommendation is based on the following findings:

1. The proposed Kennel conforms to the Ogden Valley General Plan.
2. The application for the Mumford kennel is in compliance with applicable County Ordinances.

Exhibits

- A. Site plan
- B. Applicant's narrative
- C. Applicable photographs of activities of the family and dogs.
- D. Map Location of dogs, map of home.

Kennel Location

Exhibit A

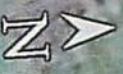
500 South

Legend



Google Earth

Ephemeral Stream



90 ft

Exhibit B.

Weber County Conditional Use Permit Application

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

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

Name of Property Owner(s) Rex & Deborah Mumford		Mailing Address of Property Owner(s) 8115 E 500 S Huntsville Utah 84317	
Phone 801 721 2677	Fax	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address (required) eagleoutdoor@msw.com			

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person	
Phone	Fax	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Email Address			

Property Information

Project Name Rex Mumford Kennel	Total Acreage 3.78	Current Zoning AV3
Approximate Address 8115 E 500 S Huntsville Utah	Land Serial Number(s) 21-124-0001	

Proposed Use Dog Kennel

Project Narrative <p>My desire is to have a small Kennel for keeping and training of a small number of Alaskan Husky dogs. These dogs are on loan from my son a musher in Idaho that would like me to help train and run dogs in preparation for mid and long distance races including the Iditarod. The number of dogs expected is 4 for the most part. Could increase a little during the winter for a month or two.</p>

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

No anticipated detrimental effects. Waste would be cleaned up twice daily. I would put hay or straw around the fenced enclosure to muffle any sound. The kennel would have its own fence as well as the overall property is also fenced. All training will take place elsewhere except for some limited running on adjacent property (30 Acres). These dogs are athletes!

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

This kennel would be for personal use only. The training of the dogs is a personal hobby only - No business and all races are outside of Utah. There would be no signs on the property. The neighbors are all aware and fine with the use. In fact they love to see the dogs. Waste would be double bagged and put in the weekly trash. There would be no boarding, breeding or commercial venture. Just running dogs. Number of dogs would never exceed allowable numbers. The kennel would be an outside kennel. No additional landscaping or parking needed.

General Information on dogs.



The Alaskan Husky is a mongrel that is bred for one specific purpose—to pull a sled for as long as possible. Siberian Huskies and Canadian Inuit Dogs were the original sled dogs used for transportation, generally they are very friendly toward humans and have loyal pack instincts.

Alaskan Huskies bred for racing require significantly more protein and calories than your average domestic dog—they burn as many as 10,000-to-14,000 calories on the trail a day, compared to the 1,000 calories a typical house dog burns in a day.

Iditarod racers will generally start running their dogs on a strict training routine in September or October to prepare for the race.

They start training at about nine months of age, and the best of dogs can race until they are nine or ten years old.

The strongest dogs are generally placed closer to the sled, in the rear of the pack, but for the wheel position right next to the sled, smaller dogs are required so they do not get rubbed raw by their harnesses.

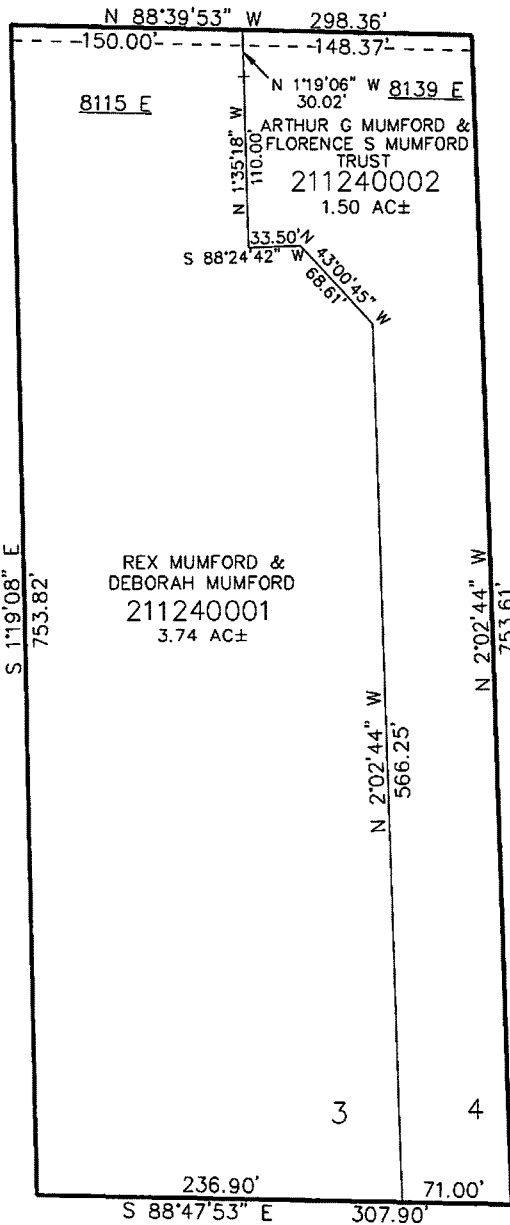
PART OF THE SW.1/4, OF SECTION 17, T.6N., R.2E., S.L.B. & M.
REX MUMFORD SUBDIVISION 1ST AMENDMENT LOTS 1 & 2

IN WEBER COUNTY

TAXING UNIT: 318

SCALE 1" = 60'

500 SOUTH STREET



SEE PAGE 26-1

SEE PAGE 26-1

10' UTILITY & DRAINAGE EASEMENTS EACH
SIDE OF PROPERTY LINES AS INDICATED
BY DASHED LINES EXCEPT AS OTHERWISE
SHOWN.

FOR COMPLETE ENG DATA SEE
ORIGINAL DEDICATION PLAT IN
BOOK 73, PAGE 96 OF RECORDS.

exhibit C.









Man in brown winter suit and sunglasses.

Child in black winter suit and beanie.

Man in grey winter suit and black beanie.

Young Living 19
Sweet Pea Sewer & Septic
Helena, MT
2018 Race to the Sky



Exhibit D.



500 S

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Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use amendment for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development.

Type of Decision: Administrative

Agenda Date: Tuesday, May 22, 2018

Applicant: WCU LLC and Bridges Holding Company, LLC

Authorized Representative: Eric Householder

File Number: CUP2018-03

Property Information

Approximate Address: 4920 East Fairways Drive

Project Area: 262.81 Acres

Zoning: RE-15 and FR-3

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-017-0020, 22-006-0033, 22-006-0004, Parkside Phase 1 22-347-0001 –0015, and Mountainside Phase 1 22-348-0001 –0025

Township, Range, Section: T7N, R1E, Section 16

Adjacent Land Use

North: Forestry	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 3 Residential Estate Zones (RE-15)
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Development History

- The Bridges at Wolf Creek Resort PRUD received approval from the County Commission on July 19, 2016 after receiving a positive recommendation from the Ogden Valley Planning Commission on July 5, 2016.
- Parkside PRUD Phase 1, a 14 lot subdivision received approval from the County Commission on September 19, 2017 after receiving a positive recommendation from the Ogden Valley Planning Commission on September 27, 2016.
- Mountainside PRUD Phase 1, a 24 lot subdivision received approval from the County Commission on September 19, 2017 after receiving a positive recommendation from the Ogden Valley Planning Commission on September 27, 2016.

Summary and Background

The Planning Division recommends approval of the conditional use amendment request for The Bridges at Wolf Creek Resort Planned Residential Unit Development (PRUD) located within the approved Wolf Creek Resort Master Development. The proposal is an amendment to the previously approved 364-unit master planned project within the Wolf Creek Resort,

(see Exhibit A for the project narrative) to reconfigure areas in Parkside Phase 2, Mountainside Phase 2 and Mountainside Phase 3 to allow for the development of 23 cabins. The Bridges at Wolf Creek is zoned RE-15 and FR-3. The PRUD is a multi-phased development consisting of six communities with a variety of housing options and includes approximately 143 acres of open space (see Exhibit B for the proposed amended plans). The open space accounts for approximately 54.5% of the total project boundary area.

Wolf Creek Resort has been a Master Planned Community since the early 1980's. In 2002, the owner of Wolf Creek Resort petitioned the County to rezone areas within the development and amend the agreement. The 2002 Wolf Creek Master Plan Amendment was approved as Contract# C2002-139 and recorded with the Weber County Recorder's Office as Entry# 1883524. The applicant has played a crucial part of the recent restructure of the Wolf Creek Resort development and currently has 486 units allocated to this development area. The revised contract was approved as Contract# C2015-31 and was recorded with the Weber County Recorder's Office as Entry# 2768159. An amendment to include the "conceptual maps" that were requested by Weber County was approved on March 22, 2016 and recorded with the Weber County Recorder's Office as Entry# 2784398 (see Exhibit C for the adopted conceptual map). The developer, under the approved ZDA, has 383 entitlements for the development area where The Bridges at Wolf Creek Resort is located. The amendment will increase the density from the previously approved 364-unit development to a 368-unit development (see Exhibit A for the narrative).

The applicant would like to amend the development plans and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) Chapter 108 Title 5 for consideration and approval of the proposed PRUD amendment. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC in both the RE-15 and FR-3 Zones.

Conditional use permits should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building and the layout of the parking areas.

The Planning Commission, subject to the requirements of this chapter, may recommend approval or approval with conditions of the PRUD to the County Commission. The proposed PRUD amendment is in conformance with the existing PRUD, the Zoning Development Agreement Master Plan, as well as the applicable requirements in the LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in two separate zones identified as the Residential Estate and the Forest Residential Zone more particularly described as the RE-15 and FR-3 zones.

The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."

The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

"The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts."

Conditional Use Review: The proposed PRUD amendment is conditionally allowed in the RE-15 and the FR-3 zones. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required material to facilitate a thorough review of the proposed amended development.

The general requirements for consideration of this planned residential unit development amendment include items such as parking, the architectural design of buildings and their relationship on the site and development, 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 general plan proposals of the county as being a desirable future residential density. These considerations will be addressed in the design review analysis of the proposal.

Design Review: The current zoning and the proposed conditional use mandates a design review as outlined in the LUC Chapter 108 Title 1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. The conditional use review standards are similar in nature to those outlined in the design review chapter. To eliminate redundancy, both the standards from the conditional use chapter and the design review chapter are being addressed together. As part of this review, the Planning Commission shall consider the relevant standards for the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The standards for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* The proposal includes improvement drawings for the construction of the infrastructure throughout the development. The development identifies multiple areas of access including the main access off of Fairway's Drive. Additional ingress and egress points have been proposed at Snowflake Drive on the East side of the development connecting into 4150 East along the West side of the development. The applicant has provided adequate parking for the cabin sites as well as for the Homestead Club area.
- *Considerations relating to buildings and site layout.* The individual lot layout has been reviewed against the design criteria of the current zoning in the LUC Chapter 104 Title 3 and LUC Chapter 104 Title 17, the Design Review in the LUC Chapter 108 Title 1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4. The lot sizes in the PRUD will vary from 0.14 acre lots to 0.92 acre lots. Five of the seven development areas will offer single family building lots designed to accommodate home ranging in size from 1,400 square feet to 5,000 square feet.

The proposed amendment will replace 14 lots in Mountainside Phase 2 with 23 cabins (see Exhibit D). The original lots were planned to have single family dwellings up to 5,000 square feet developed on the lots; the cabin sites will be approximately 896 square feet. The amendment also includes adjusting the phasing plan and removing two lots from Parkside Phase 2 and three lots from Mountainside Phase 3.

The proposed amendment to add 23 additional "Grove Cabins" will offer individual building pads with approximately 896 square feet of livable space. The area being modified is identified below:



Approved Development Layout

Proposed Amended Development Layout

- *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The Bridges at Wolf Creek Resort has been designed to provide a variety of housing options for the residents of the Ogden Valley and will preserve over 54.5% of the total project area as open space. The applicant has designed the development to utilize the existing landscaping and preserve the native vegetation in order to protect the wildlife habitat.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a feasibility letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer for the additional units in The Bridges at Wolf Creek Resort PRUD amendment.

Review Agencies: The Weber County Engineering Division and the Weber Fire District have reviewed and approved the proposed amendment. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- In considering the proposed planned residential unit development amendment, the planning commission shall review and consider the following, as applicable:
 - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
 - *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 general plan proposals of the county as being a desirable future residential density.*

Staff Recommendation

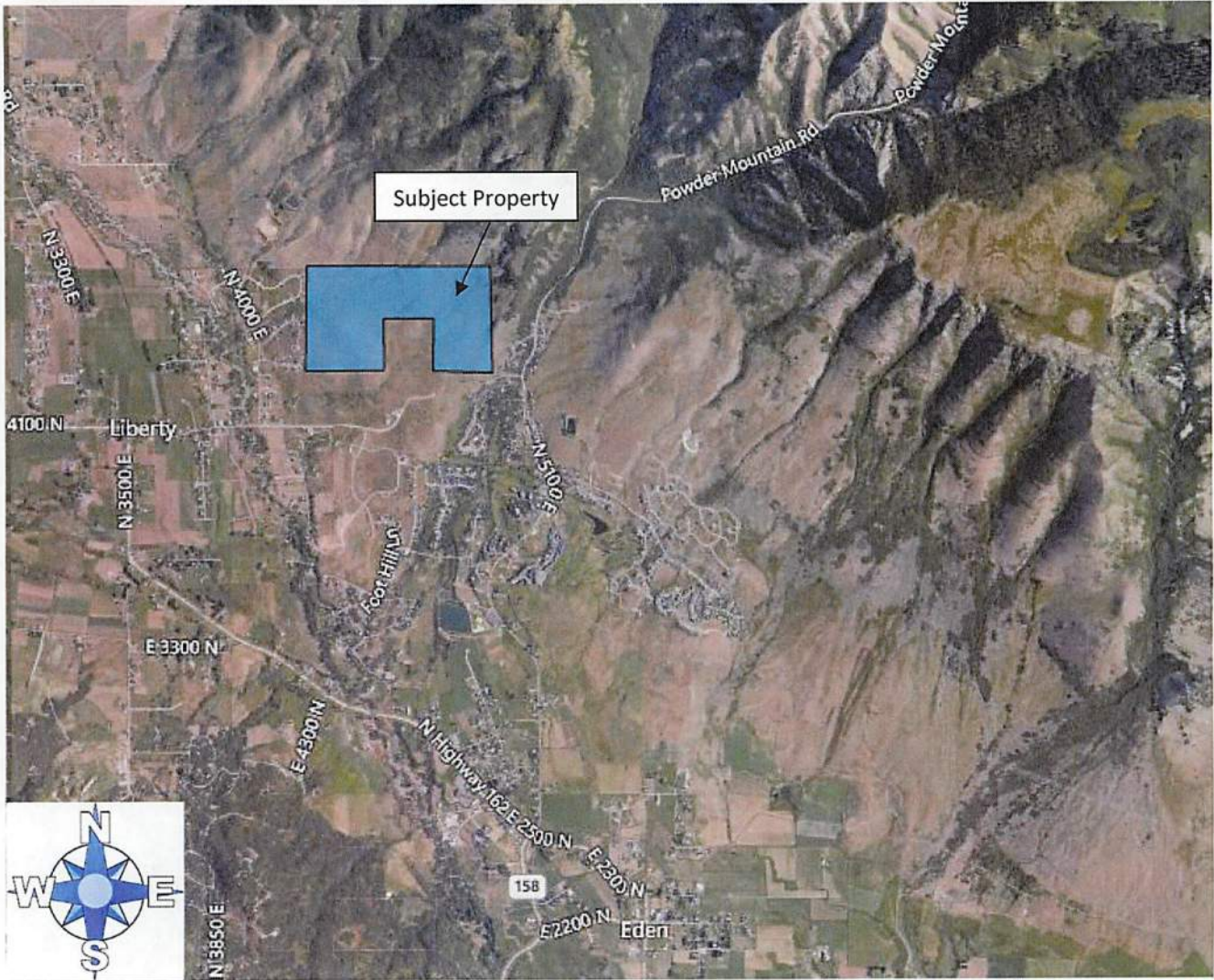
Staff recommends approval of the request for a conditional use amendment for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. This recommendation for approval is subject to all review agency requirements and based on the following findings:

1. The proposed development conforms to the Ogden Valley General Plan.
2. The proposed PRUD amendment complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the amended conceptual drawings.
4. The proposed master planned development amendment is in conformance with the approved Zoning Development Master Planned.
5. The proposed development will not be detrimental to the public health, safety, or welfare.
6. The proposed development will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Project Narrative
- B. The Bridges at Wolf Creek PRUD Development Plans
- C. Zoning Development Conceptual Plan

Location Map



The Bridges at Wolf Creek Resort
Planned Residential Unit Development (PRUD)
Conditional Use Permit (CUP) Amendment Application
May 2018

Project Narrative

Why the Amendment Request?

The original Conditional Use Permit for the PRUD was approved in 2016 with 364 entitlements on 262 acres. Phases 1 of both the Parkside and Mountainside communities were recorded in 2017, consisting of 38 homesites. The construction will be completed on these two subdivisions later this spring.

With the project underway, the market has pushed us in a direction to get to the Cabin portion of the development. We are proposing to replace 14 Mountainside phase 2 homesites, which can have structures up to 5,000 SF, with 23 approximately 896 SF cabins. The amended site plan adjusted the phasing plan and removes two units from phase 2 of the Parkside community and three lots from the Mountainside phase 3 subdivision. Overall, with the addition of cabin units and the removal of some single family homesites, the project increased by four units (364 to 368). As outlined in the AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT that was recorded on March 23, 2016, combined these RE-15 and FR-3 parcels support 486 entitlements (Parcels 1 and 3 in the Density Allocations Diagram in section 2). The adjusted total for the Bridges would be 383 units.

Development Description

The Bridges is a 262 acre, 368 unit master planned project within Wolf Creek Resort in Eden Utah. The development consists of six communities with an assortment of housing options. The Parkside and Homestead neighborhoods will be single family homes with various models ranging from approximately 1,500 SF to 2,300 SF. The Mountainside, The North 40 and Hillside neighborhoods will be single family building lots that will allow homes up to 5,000 SF. The Homestead and Grove Cabins range from approximately 594 SF for a one bedroom unit to 896 SF for a two bedroom option.

An extensive 6 mile pathway system, using a combination of both asphalt and soft trails, will circulate throughout the development. The project has allocated approximately 143 acres of open space and the pathways connect all areas to three neighborhood parks. Eventually a hard surfaced route will lead residents and guests from the Bridges project to the Resort Commercial Core by heading south through the Wolf Creek golf course. Trails also lead to the Hilltop Pavilion at the top of Lone Tree Hill.

The Bridges project is anchored by the Homestead Barn and Club. These amenities feature a community event space, swimming pool and a recreational lawn. Parking will

be provided adjacent to the Barn. Working on the design and feasibility study for a reservoir that could provide secondary water storage and a water recreation amenity.

Water and sewer utilities services will be provided by the Wolf Creek Water & Sewer Improvement District. The Covenants, Conditions and Restrictions (CC&Rs) in each neighborhood will mandate landscaping design and practices to help regulate secondary water consumption. A feasibility letter from the district is included with this application.

An entry monument coming off of Fairways Drive will welcome owners and guests to the community. Both pedestrian and vehicular Bridges will be placed throughout the development. There will be no exterior lighting in the common areas. The CC&Rs for the residential homes will require Dark Sky compliant fixtures.

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.

All Weber County standards and practices will be observed.

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 General Plan supports recreation resort development. The Bridges at Wolf Creek has designed clustered community neighborhoods to preserve open space with an extensive project trail system.

THE BRIDGES AT WOLF CREEK

AMENDED PRUD SUBDIVISION APPLICATION



PREPARED FOR:
 LEWIS HOKES, INC.
 204 N. LEWIS
 5537 EAST LONDON BLVD
 EDEN, UTAH 84302
 801.420.1507



CONSULTANTS:
 LANDSCAPE ARCHITECT
 LANGAVAROT DESIGN GROUP
 328 WEST 200 SOUTH, SUITE 102
 SALT LAKE CITY, UTAH 84101
 801.463.1298



PROJECT MANAGEMENT:
 THE HOUSEHOLDER GROUP
 ERIC HOUSEHOLDER
 2850 NORTH MONDIC VALLEY DRIVE
 EDEN, UTAH 84302
 801.340.0380

SHEET INDEX:

ARCHITECTURE	LANDSCAPE	PLANNING
		C1.1 COVER SHEET
		P1.1 OVERALL ZONING PLAN
		P1.2 OVERALL SITE PLAN
		P1.3 OVERALL SLOPE ANALYSIS
		P1.4 CABINS SLOPE ANALYSIS
		P1.5 OVERALL MEADOW PLAN
		P1.6 CABIN MEADOW PLAN
		P1.7 OVERALL PROPOSED PLAN
		P1.8 DETAIL SITE PLAN
		P1.9 DETAIL SITE PLAN
		P1.10 DETAIL SITE PLAN
		P1.11 DETAIL SITE PLAN
		P1.12 DETAIL SITE PLAN
L1.1	ENTRY LANDSCAPE PLAN	
L1.2	CABIN LANDSCAPE PLAN	
L1.3	SITE ELEMENTS	
A1.1	HOMESTEAD CLUB DETAIL	
A1.2	HOMESTEAD BARN DETAIL	
A1.3	GROVE CABIN DETAIL	
A1.4	HOMESTEAD CABIN DETAIL	

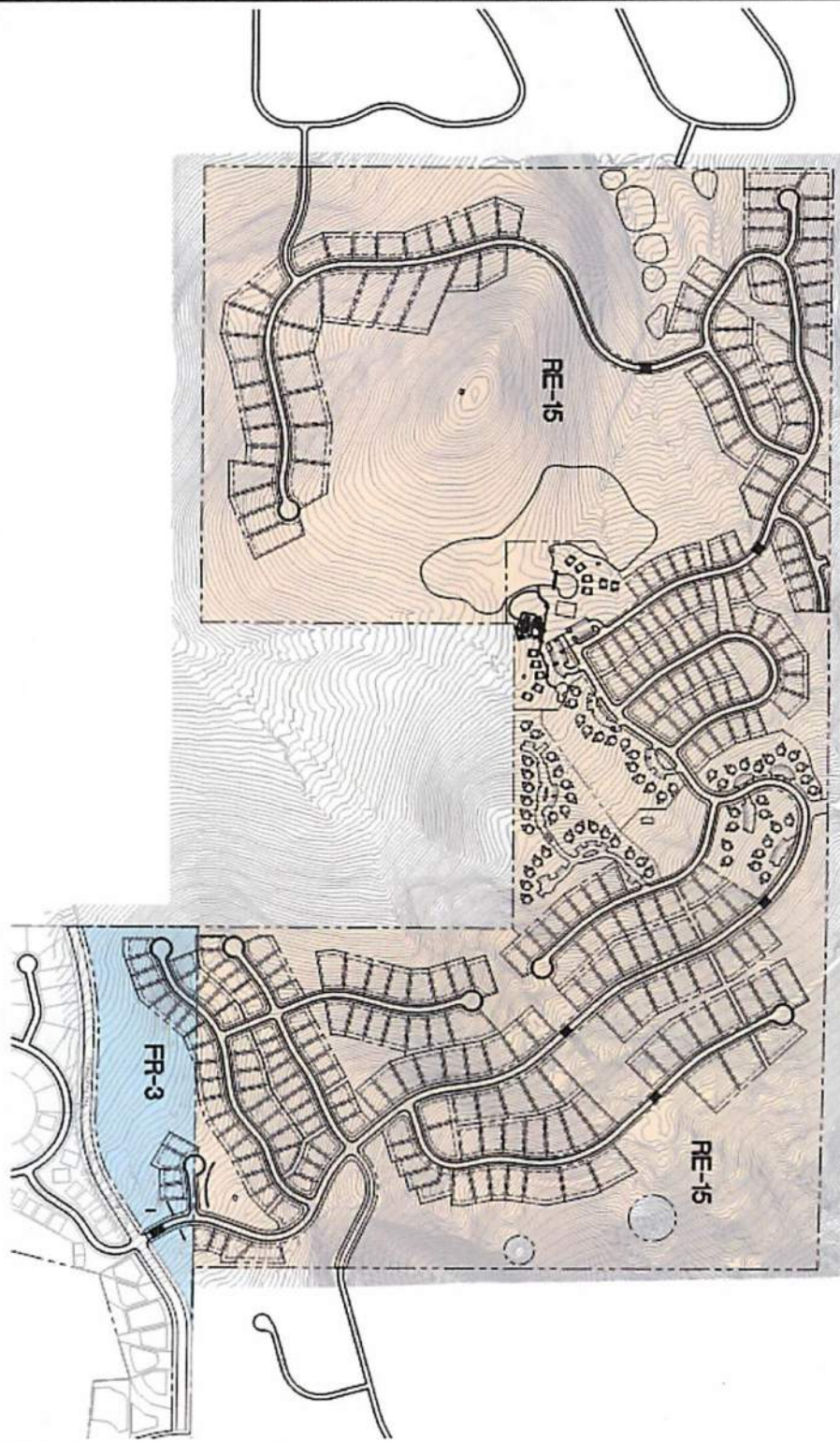
THE BRIDGES
 WOLF CREEK RESORT

AMENDED PRUD SUBMITTAL
 WEBER COUNTY, UTAH

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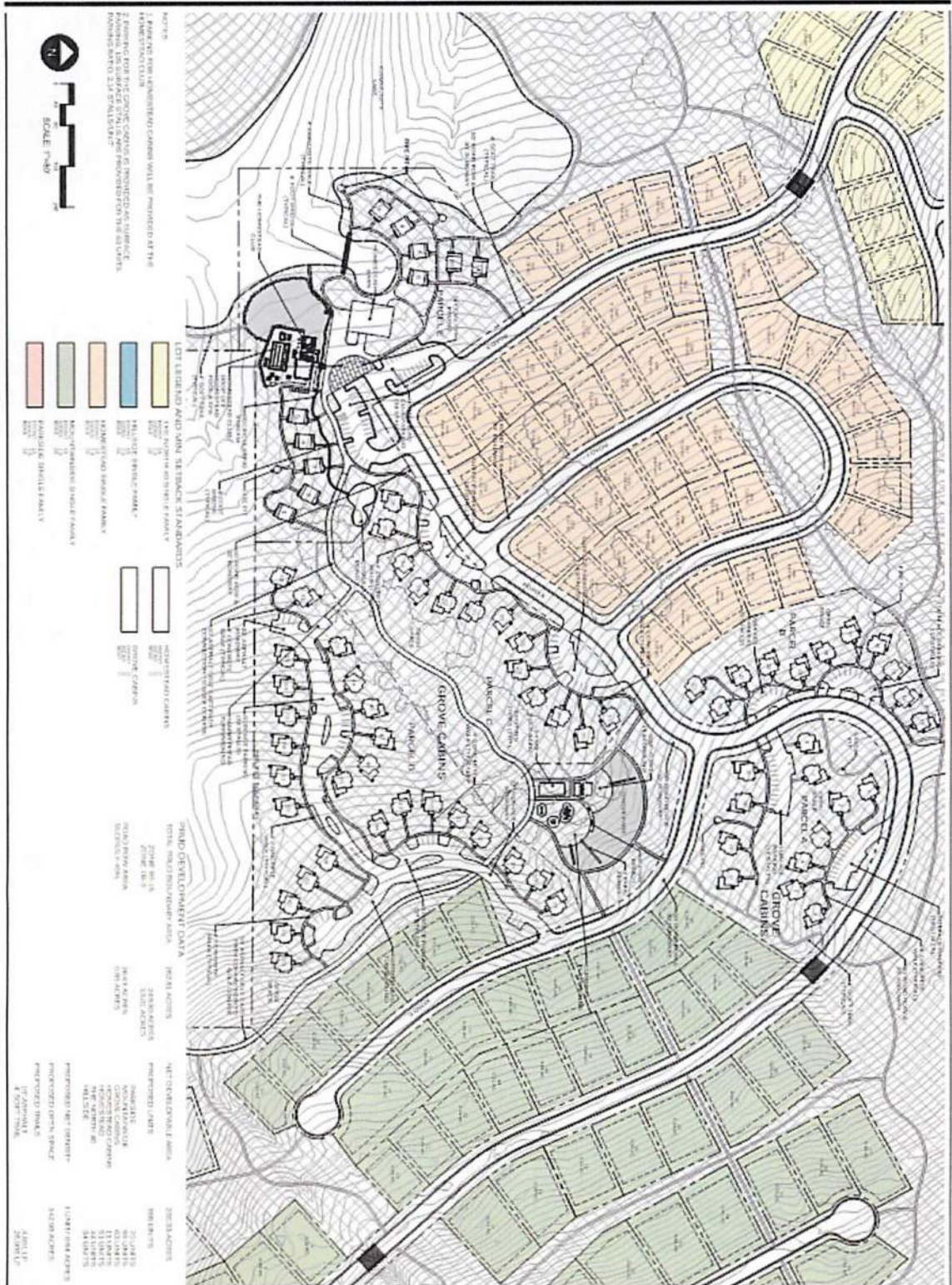
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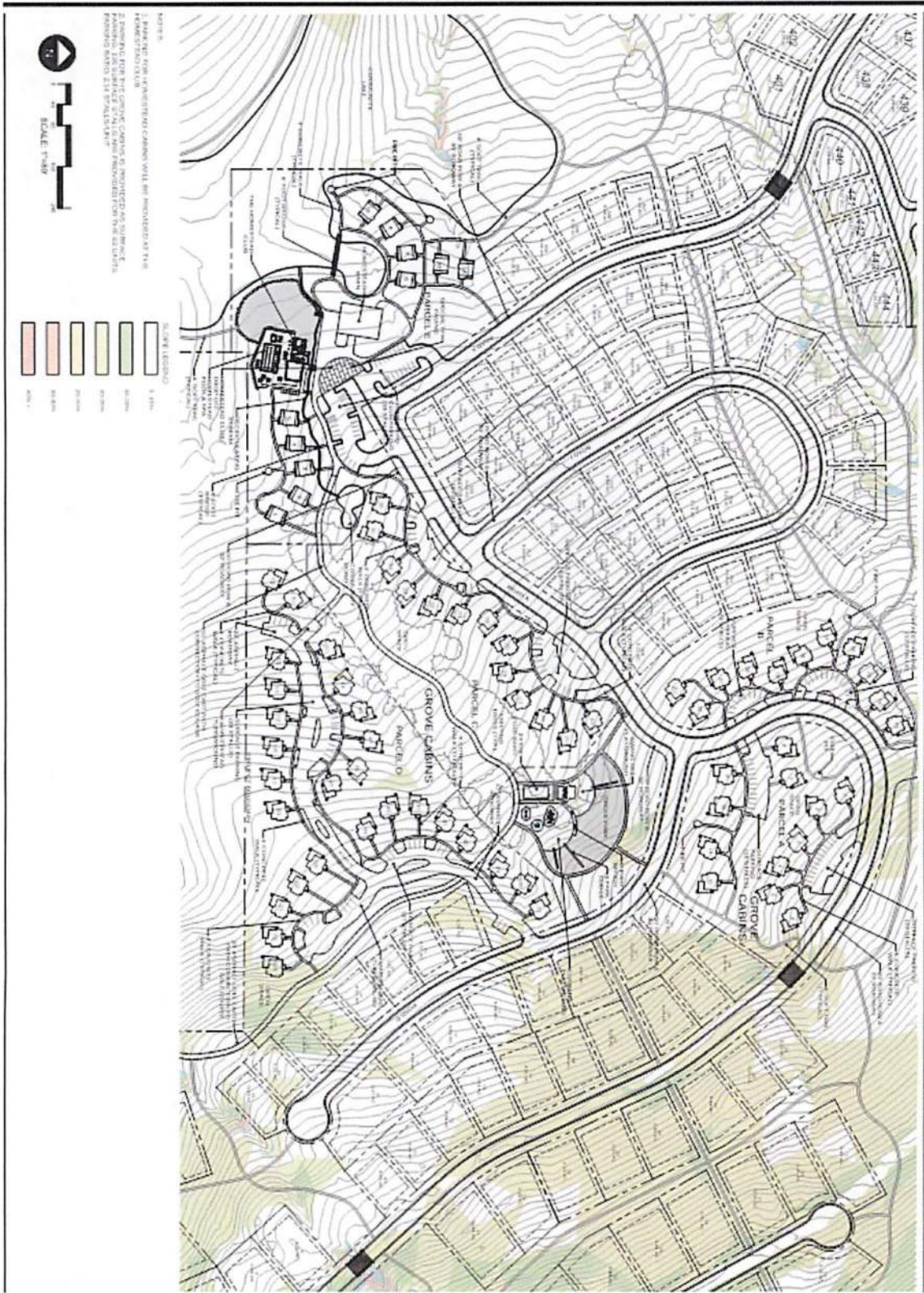
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 ZONING: RE-15
 SHEET NUMBER: 10

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	SHEET NO. 10 TOTAL SHEETS 15 DATE: 10/15/11 DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS APPROVED BY: J. HARRIS	

P1.1



	THE BRIDGES WOLF CREEK RESORT AMENDED PRUD SUBMITTAL WEBER COUNTY UTAH	



Wolf Creek RESORT
THE BRIDGES
WOLF CREEK RESORT
 AMENDED FRUD SUBMITTAL
 WEBER COUNTY UTAH

LDG

CABINS
 SCOPE ANALYSIS
P1.5

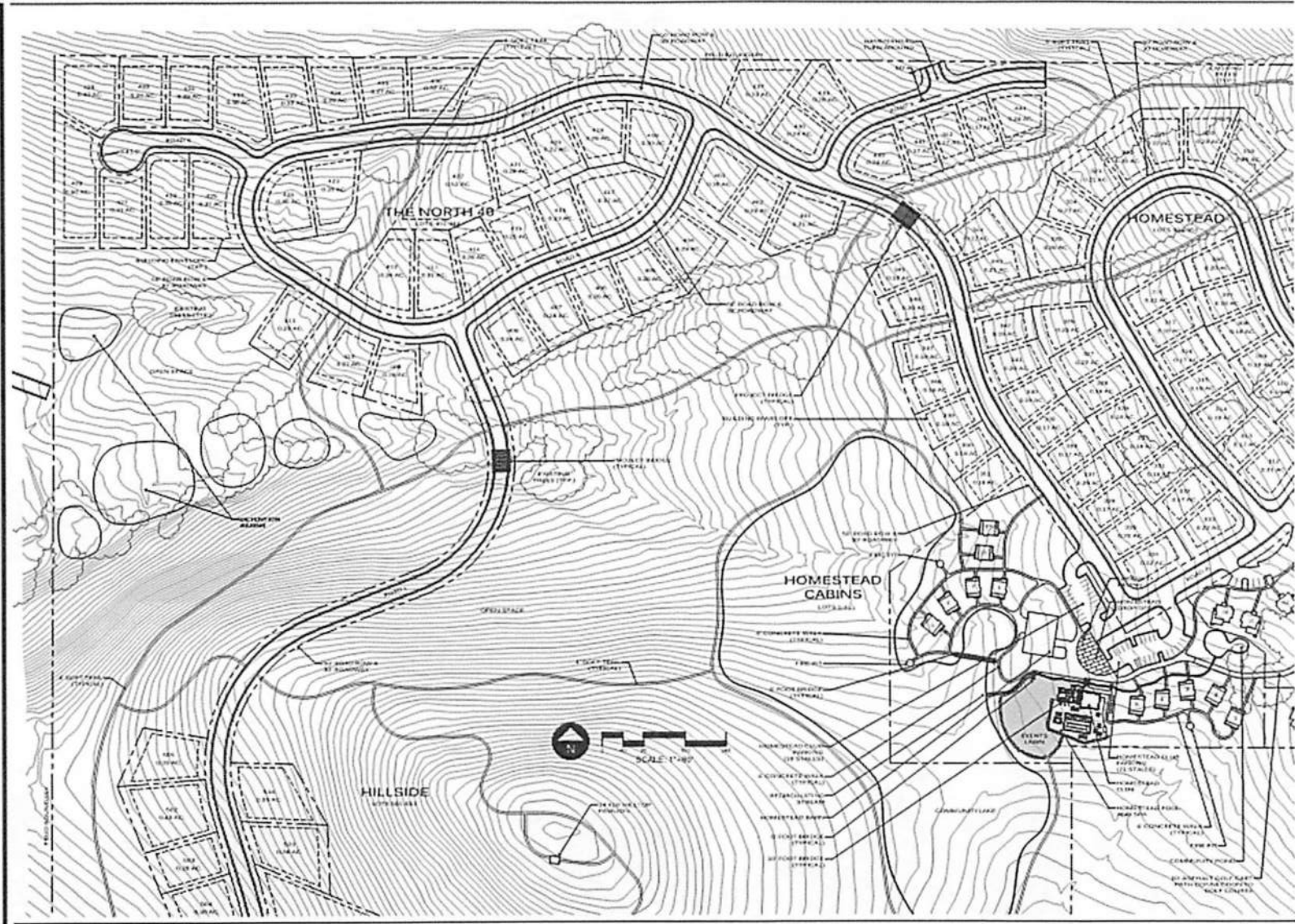




THE BRIDGES
WOLF CREEK RESORT
AMENDED PERIOD SUBMITTAL
 WEBER COUNTY UTAH



DATE	NOV 2014
PROJECT	THE BRIDGES
SCALE	AS SHOWN
DESIGNER	LDG
CHECKED	
APPROVED	
PROJECT NUMBER	
PROJECT TITLE	DETAIL SITE PLAN
PROJECT NUMBER	P1.9





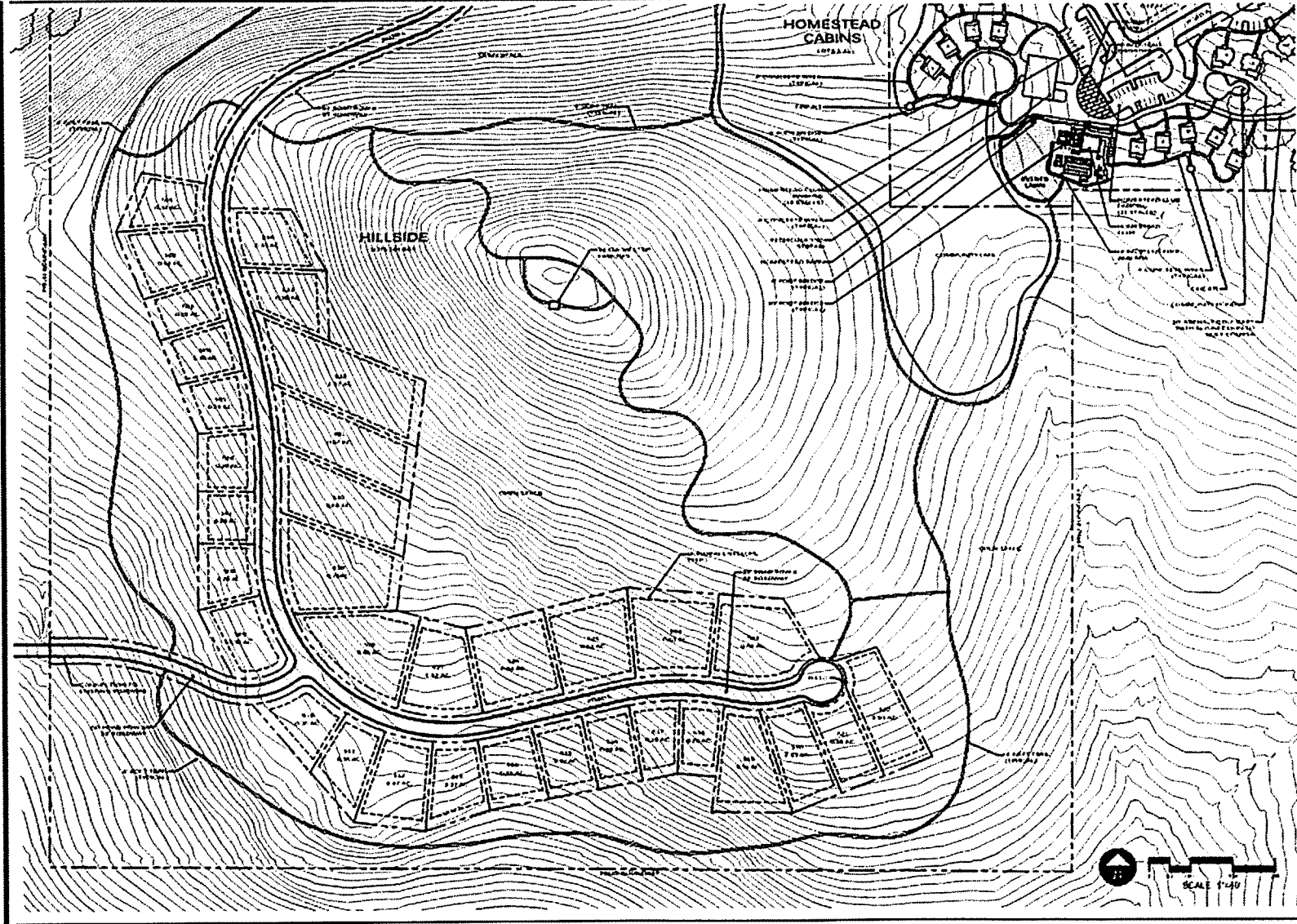
THE BRIDGES
WOLF CREEK RESORT
AMENDED PRUD'G SUBMITTAL
 WEBER COUNTY UTAH




DATE:	MAY 2014
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SCALE:	AS SHOWN
DATE:	05/14/14
BY:	LDG
CHECKED BY:	LDG
DATE:	05/14/14


SHEET TITLE: **DETAIL SITE PLAN**

SHEET NUMBER: **P1.11**





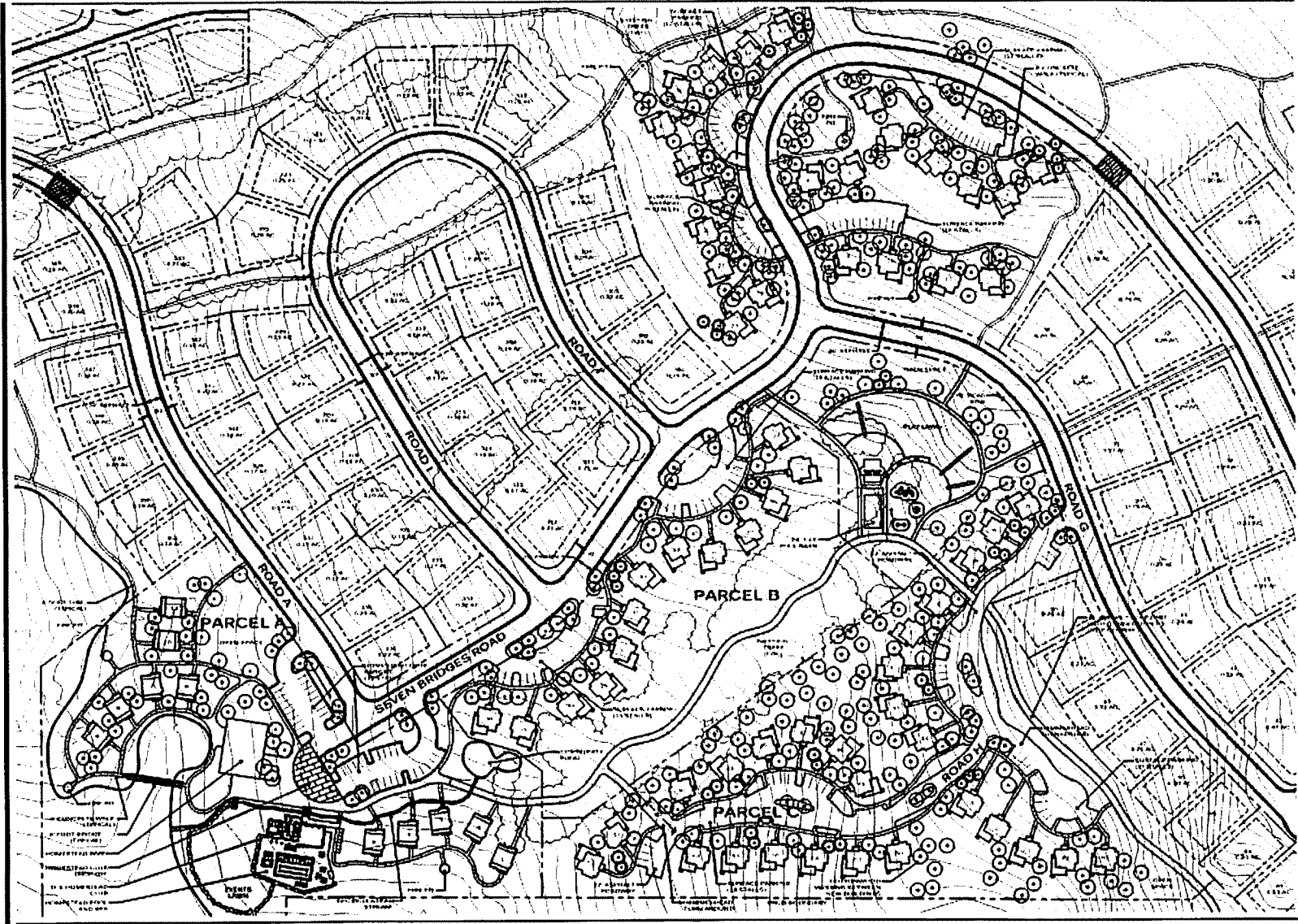
THE BRIDGES
WOLF CREEK RESORT
 AMENDED PRELIMINARY
 WEBER COUNTY, UTAH



DATE	NOV 2012
PROJECT	WOLF CREEK
DESIGNED BY	LDG
SCALE	AS SHOWN
DATE	
PROJECT	
DESIGNED BY	
SCALE	
DATE	

1:1000
**DETAIL
 SITE PLAN**

P1.12





THE BRIDGES
WOLF CREEK RESORT
AMENDED PRLO SUBMITTAL
 WEBER COUNTY, UTAH



<small>DATE</small>	<small>SCALE</small>
<small>REVISED</small>	<small>DATE</small>
<small>BY</small>	<small>DATE</small>
<small>FOR</small>	<small>DATE</small>
<small>BY</small>	<small>DATE</small>
<small>FOR</small>	<small>DATE</small>

PROJECT NO. CABINS
LANDSCAPE PLAN

L1.2

TYPICAL PROJECT BRIDGE



HORIZONTAL PRESSURE-TREATED WOODEN RAILS
 PRESSURE-TREATED WOODEN POSTS

TYPICAL PEDESTRIAN BRIDGE



RUSTED METAL HAND RAIL
 PRESSURE-TREATED WOODEN DECK BOARDS



LANDSCAPE TO ACCENT BRIDGE
 HORIZONTAL PRESSURE-TREATED WOODEN RAILS
 PRESSURE-TREATED WOODEN POSTS
 ASPHALT ROADWAY

TYPICAL PAVILION



WOODEN ROOF STRUCTURE
 CONCRETE FOUNDATION

MATERIALS



ENTRY MONUMENT WALL



RUSTED METAL ENTRY SIGN
 2x4 HORIZONTAL BARN WOOD

HOMESTEAD ROCK WALL
 NATIVE GRASS LANDSCAPING



THE BRIDGES
 WOLF CREEK RESORT
 AMENDED PRUD' SUBMITTAL
 WEBER COUNTY, UT

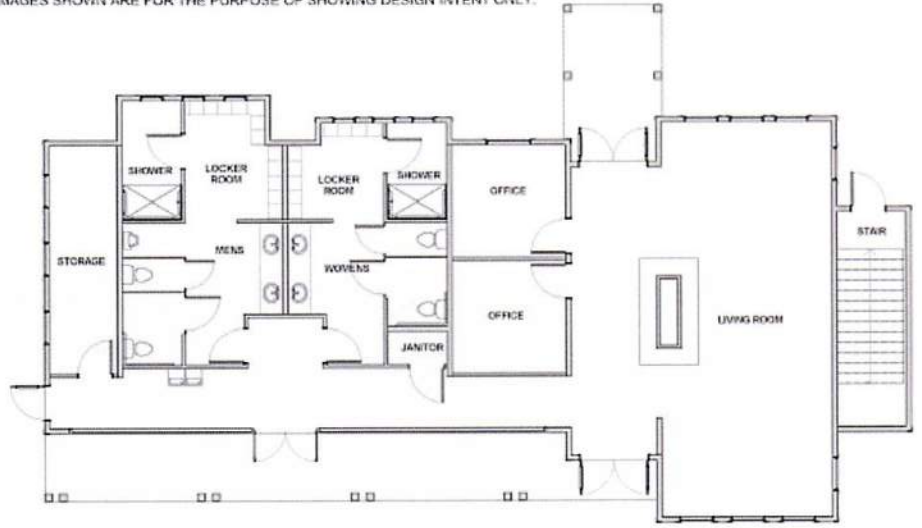


DATE	NOV 2018
PROJECT	WOLF CREEK
DESIGNED BY	LDG
REVISIONS	01
DATE	NOV 2018
PROJECT	WOLF CREEK
DESIGNED BY	LDG
REVISIONS	01
DATE	NOV 2018
PROJECT	WOLF CREEK
DESIGNED BY	LDG
REVISIONS	01

SHEET TITLE: **SITE ELEMENTS**
 SHEET NUMBER: **L1.3**

HOMESTEAD CLUB

NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



MAIN FLOOR
2,823 SQ. FT.

MATERIALS/ ARCHITECTURAL PRECEDENTS



VIEW LOOKING SOUTHWEST



VIEW LOOKING NORTHWEST



THE BRIDGES
WOLF CREEK RESORT
 AMENDED FRID SUBMITTAL
 WEBER COUNTY, UTAH



DATE:	NOV 2016
PROJECT:	THE BRIDGES
DRAWING NO.:	11
DESIGNER:	LDG
DATE:	NOV 2016
PROJECT:	THE BRIDGES
DRAWING NO.:	11
DESIGNER:	LDG
DATE:	NOV 2016

PROJECT: THE
HOMESTEAD CLUB
 DETAIL

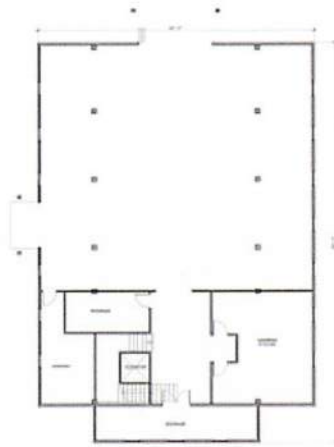
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HOMESTEAD BARN

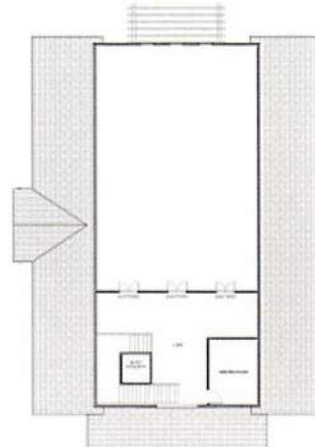
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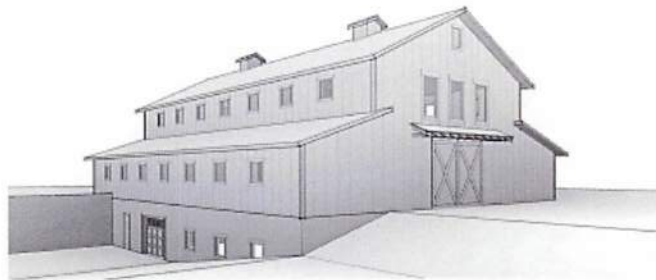


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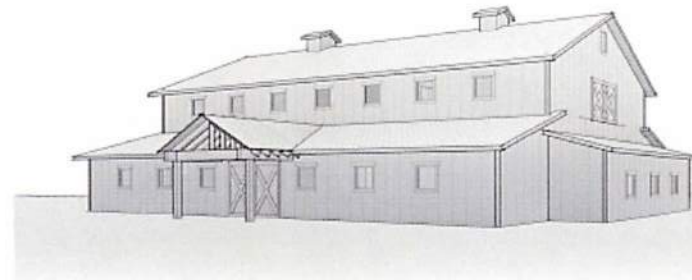


LOFT
868 SQ. FT.

MATERIALS/ ARCHITECTURAL PRECEDENTS



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VIEW LOOKING SOUTHEAST



THE BRIDGES
WOLF CREEK RESORT
AMENDED PRUD SUBMITTAL
WEBER COUNTY UTM



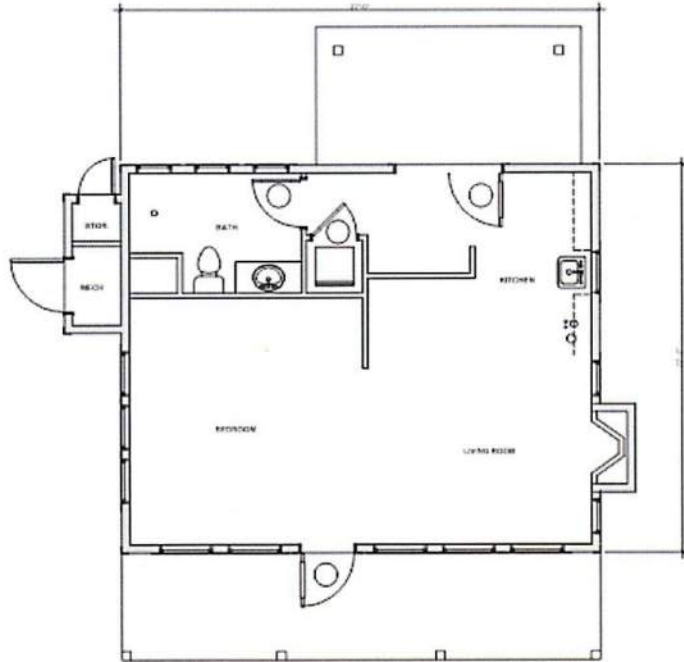
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DATE:	06/21/2018
PROJECT:	WOLF CREEK
DESIGN BY:	LDG
SCALE:	1/8" = 1'-0"

PROJECT:
HOMESTEAD BARN DETAIL

HEET NUMBER:
A1.2

HOMESTEAD CABIN

NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



HOMESTEAD CABIN MAIN FLOOR

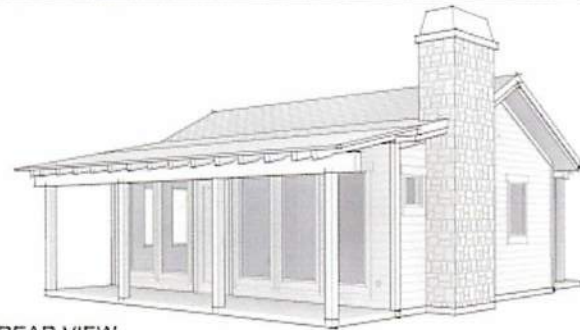
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MATERIALS



FRONT VIEW



REAR VIEW



ILLUSTRATIVE



THE BRIDGES
WOLF CREEK RESORT
AMENDED PRELIM SUBMITTAL
WEBER COUNTY UTAH



DATE	NOV 2024
PROJECT	WOLF CREEK
DESIGNER	LDG
ARCHITECT	LDG
ENGINEER	LDG
LANDSCAPE	LDG
INTERIOR	LDG
MECHANICAL	LDG
ELECTRICAL	LDG
PLUMBING	LDG
PAINT	LDG
FINISHES	LDG
CONTRACTOR	LDG
OWNER	LDG
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PROJECT 100D PRINT	LDG

A1.4

Exhibit D-The Grove Cabins Illustration





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request to amend and reinstate the Zoning Development Agreement, previously approved as Contract #2012-230, which affects approximately 174 acres, located at approximately 3300 N Wolf Creek Drive. The request is that Weber County consider reinstating the Agreement and extend the project completion date (10 years) to June 30, 2028.
Application Type:	Legislative
Agenda Date:	Tuesday, May 22, 2018
Applicant:	Eden Valley Development/Howard Schmidt
File Number:	ZDA 2018-02

Property Information

Approximate Address:	3300 N Wolf Creek Dr
-----------------------------	----------------------

Staff Information

Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	RK

Summary

The applicant is requesting that Weber County amend and reinstate the Zoning Development Agreement, previously approved as Contract #2012-230. The Original Agreement was approved as Contract #2002-169 and was first amended as Contract #2006-15, and most recently amended as Contract #2012-230. The Agreement (#2012-230) expired on the last day of February, 2017. The applicant is asking that the County renew the Agreement and extend the project completion date (10 years) to June 30, 2028. See Exhibit A for the applicant's request letter. See Exhibit B for the original Zoning Development Agreement. See Exhibit C for the recently expired Agreement (Contract #2012-230). See Exhibit D for the proposed amended Zoning Development Agreement.

Background

The original Zoning Development Agreement resulted in the re-zone of approximately 174 acres from Agricultural Valley (AV-3) zoning to Residential (RE-15) and Open Space (O-1) zoning. The Agreement allowed for the development of 106 residential building lots. Since the rezone took place, ten residential lots have been platted, known as Eagles Landing at Wolf Creek Subdivision Phase 1. The proposed amendment and reinstatement of the Agreement will allow the applicant to develop the remaining 96 lots. As part of the amendment to the Agreement, the applicant is proposing to include a temporary easement for emergency access through the subject property. The temporary easement will include a pedestrian trail and is proposed to have a road base surface that will be fully improved and re-aligned when development occurs. The location of the temporary easement is included as Exhibit E.

Conformance to the General Plan

Based on staff's analysis, the proposal conforms to the Ogden Valley General Plan by:

- Encouraging development within existing resort areas. (*The 2016 Ogden Valley General Plan, Chapter 3, Land Use, page 16 and Map 6*).
- Acknowledging that Ogden Valley "Residents support housing near villages and commercial areas and in commercial areas in mixed-use developments." (*The 2016 Ogden Valley General Plan, Chapter 5, Commercial Development, page 24*).

Summary of Planning Commission Considerations

The following questions may be considered by the Planning Commission regarding the request to amend the Zoning Development Agreement that was previously approved as Contract #2012-230:

- Does the existing "Conceptual Development Plan" still correspond with the Ogden Valley General Plan?
- Does extending the completion date to June 30, 2028 meet the County's development expectations?
- Does the proposal promote public health, safety and welfare?

Staff Recommendation

The Planning Division recommends approval of the request to amend and reinstate the Eden Valley Development/Howard Schmidt Zoning Development Agreement that was previously approved as Contract #2012-230. More specifically, the staff recommendation is to renew the Agreement for 10 years, expiring on June 30, 2028. The Agreement will include the applicant providing the temporary emergency easement and pedestrian trail, as shown on Exhibit D. This recommendation is based on the following findings and conditions as listed below:

FINDINGS

1. The amendment and reinstatement will promote public health, safety, and welfare by guaranteeing that a secondary access is provided for the greater Wolf Creek Resort community residents.
2. The amendment will not negatively impact the general area or surrounding properties and uses.

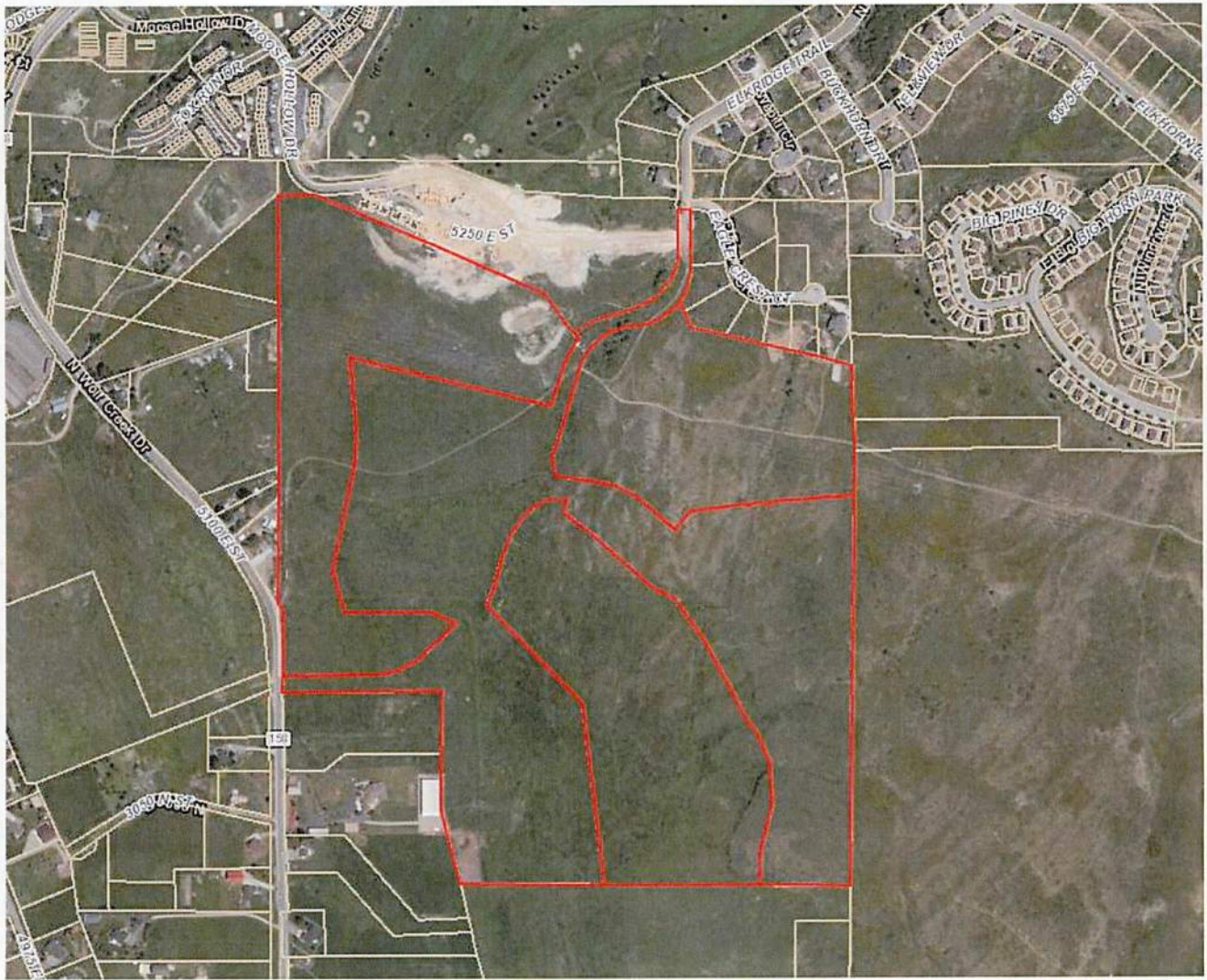
CONDITION(S)

1. To enhance public safety, the developer will provide a temporary emergency access easement through the subject property as well as a pedestrian trail. The road surface of the temporary easement is required to meet the Weber County Fire District standards, until the remaining development occurs and results in a fully improved street and pedestrian trail.

Exhibits

- A. Applicant's request letter.
- B. Original Zoning Development Agreement, Contract #2002-169.
- C. Recently expired Zoning Development Agreement, Contract #2012-230
- D. Proposed amended Zoning Development Agreement
- E. Temporary easement location.

Vicinity Map





6405 South 3000 East, Suite 150, Salt Lake City, UT 84121
W 801-527-1040 • F 801-527-1000 • yorkhowell.com

April 17, 2018

Via Email & First-Class Mail

Ms. Ronda Kippen
Mr. Charles Ewert
Principal Planners
Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

*Re: Request to Reinstate ZDA -- Eden Valley Development LLC/Howard Schmidt
(Weber County Parcels 220210127, 222820001, 222830001, 222840001)*

Dear Ms. Kippen and Mr. Ewert:

Thank you for meeting with Howard Schmidt and me recently. As explained, I represent Mr. Schmidt and his company, Eden Valley Development LLC, which owns approximately 145 acres of undeveloped land within the Work Creek Resort area of Eden, Utah (the "EVD Property"). Weber County previously approved the EVD Property for development of 106 lots. So far, 10 lots have been platted and developed.

My clients respectfully request a reinstatement of the ZDA for the EVD Property. As we discussed at our meeting, my clients are willing to grant a temporary easement for emergency access through the EVD Property. The temporary easement will have a road-base surface but will be realigned and fully improved when development occurs and a formal public right of way is granted. The temporary emergency access will include a pedestrian trail.

Please let us know what you need from us in order to move forward with this request.

Sincerely,

YORK HOWELL & GUYMON

A handwritten signature in blue ink that reads "Paxton R. Guymon". The signature is written in a cursive, flowing style.

Paxton R. Guymon, Esq.
Managing Partner

cc: Howard Schmidt



W1899165

12-23

C2002-169
WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT

PARTIES: The parties to this Zoning Development Agreement (Agreement) are Eden Valley Land Company ("the petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement will be the date that rezoning approval is granted as outlined below by the Weber County Commission ("the Commission").

RECITALS: Whereas, the petitioner seeks to rezone property generally located at Approx. 3300 North Wolf Creek Drive within the unincorporated area of Weber County, Utah from and Agricultural AV-3 Zone to a Residential RE-15 and a Open Space O-1 Zone for the purpose of of a Residential Subdivision which property consists of 174 acres and is more particularly described on EXHIBIT A attached hereto and incorporated herein by this reference ("the property"); and,

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing adopted Land Use Master Plans of all or part of the County; and

WHEREAS, petitioner has requested that certain property be rezoned for purposes of allowing him or his designees to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the petitioner considers it to his advantage and benefit for the County to review his petition for rezoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's master plan and for the area and the existing land use surrounding the property to be rezoned as outlined in Exhibit A.

WHEREAS, the County is desirous of rezoning the property for the purpose of developing the property in the manner outlined to the county but does not feel that the property should be rezoned unless the development that the petitioner contemplates is commenced and completed on the property within an agreed upon reasonable time; and

WHEREAS, it is in the best interests of both the petitioner and the County that in the event the petitioners project is not commenced, constructed and completed within a reasonable time that the zoning of the parcel described in Exhibit A be rezoned back to the zoning that existed prior to granting petitioners initial rezoning request.

NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will rezone the property described in Exhibit A from a Agricultural AV-3 zone to a Residential RE-15 zone for the purpose of allowing the petitioner to construct his pre-design project on the subject property.

The County will rezone the property described in Exhibit B from an Agricultural AV-3 zone to a Open Space O-1 zone for the purpose of allowing the petitioner to construct his pre-design project on the subject property.

E# 1899165 BK2299 PG2867
DOUG CROFTS, WEBER COUNTY RECORDER
23-DEC-02 3:09 PM FEE \$0.00 DEP JPM
REC FOR: WEBER.COUNTY.CLERK

Zoning Development Agreement

Page 2

2. The petitioner will develop the subject property based on the concept development plan attached hereto and marked as Exhibit C. The attached plan may be refined and modified by the general concept of the plan will not be changed without prior formal approval of the County. The petitioner will complete all construction within Exhibit C within 10 Years of the date on which final approval of the rezoning petition is granted.
3. Petitioner acknowledges that if the project has not begun or has not been completed within the time frames outlined above that he will request that the property be rezoned from a Residential RE-15 and Open Space O1 zone to a Agricultural AV-3 zone and this document will serve as his request that the property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as outlined in Exhibit B and within the time frame outlined in this agreement.
4. The petitioner agrees that only uses which fall within the general use types included in the approved Concept Development Plan and which comply with the Zoning Ordinance provisions, will be approved on the petitioned for property as part of a more specific and more detailed version of the approved Concept Development Plan. No other uses will be approved until or unless this Agreement and the approved Concept Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner his assigns and successors in interest and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue land use permits for only those uses determined to be within the general land use types listed on the Concept Development Plan and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:
 - a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain land use and building permits and complete construction within the time periods specified in this Agreement.
 - b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.
 - c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.
9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest, occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.

E# 1899165 BK2299 PG2868

Sub. Imp. Agreement

Page 8

CORPORATE ACKNOWLEDGMENT

State of Utah)
)
)
County of Weber)

On the 12 day of Dec A.D. 2012

personally appeared before me James Hays Price duly sworn, did say that he/she is the President of Eden Valley corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.

Janet A Taylor
Notary Public
Residing at: Wenoco



In such a case, the County shall examine the reasons for the default and lack of progress or proposed major change of plans, and either approve an extension of time or major change or the concept plan or initiate steps to revert the zoning designation to its former zone.

- 10. The parties may amend or modify the provisions of this Agreement, the concept development plan and list of use types only by written instrument and after considering the recommendation of the County Planning Commission which may hold a public hearing to determine public feeling on the proposed amendment or modification if deemed warranted.
- 11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.
- 12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
- 13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the defaulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
- 14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Approved by the parties herein undersigned this 23 day of December, 20

Attest:

[Signature]
Zoning Petitioner

[Signature]
Attest: Admin. assist.

[Signature]
Weber County

Documents Attached:

Exhibit A Parcel Description
Exhibit A1 Areas within Exhibit A that will be Zoned Open Space O-1. The remaining areas within Exhibit A will be Zoned Residential RE-15

Exhibit B - List of Conditions:

The connection road through Moose Hollow Condominium shown in Phase 7 needs to be built as part of Phase 4

Exhibit C - Concept Plan

E# 1899165 BK2299 P62870

Exhibit A

Sun Valley Meadows Overall Property Description

22-021-0102

Beginning at the East Quarter Corner of Section 27, T.7N., R.1E., S.L.B.& M. and running thence S 0°22'02"W 650.86 ft. along the Section Line; thence N 89°37'27"W 1,784.92 ft.; thence N 16°33'00"W 368.09 ft.; thence North 530.00 ft.; thence West 752.22 ft. to a point which is N 0°16'53"E 223.16 ft. along the Quarter Section Line from the center of said Section 27; thence N 0°16'53"E 2,260.99 ft. along said Section Line to a point which is S 0°16'53"W 162.04 ft. along said Quarter Section Line from the North Quarter Corner of said Section 27; thence S 89°07'48"E 2,655.32 ft. to a point which is S 0°27'53"W 163.52 ft. along the Section Line from the Northeast Corner of said Section 27; thence S 0°27'53"W 2,464.42 ft. along said Section Line to the point of beginning. Containing 174.582 Acres

Exhibit A1

Areas withing Exhibit A that is zoned Open Space

Pt 22-031-0102

Parcel A (68.006 Acres)

Being a part of the Northeast Quarter of Section 27, T.7N., R.1E., S.L.B. & M. described as follows:

Beginning at a point which is S 0°16'53"W 162.04 ft. along the Quarter Section Line from the North Quarter Corner of Section 27, T.7N., R.1E., S.L.B. & M. and running thence S 89°07'48"E 1,848.59 ft. to the Southeast Corner of Lot 28 of Elkhorn Subdivision Phase 2; thence Southeasterly 201.17 ft. along the arc of a 230.00 ft. radius curve to the left through a central angle of 50°06'49" (chord bears S 24°56'36"E 194.82 ft.); thence Southeasterly 76.18 ft. along the arc of a 170.00 ft. radius curve to the right through a central angle of 25°40'27" (chord bears S 37°09'47"E 75.54 ft.); thence S 60°00'00"W 115.66 ft.; thence S 24°15'29"W 236.16 ft.; thence S 72°00'00"E 414.38 ft.; thence N 81°00'00"E 483.42 ft. to a point which is S 0°27'53"W 713.70 ft. along the Section Line from the Northeast Corner of said Section 27; thence S 0°27'53"W 781.76 ft. along said Quarter Section Line; thence S 85°00'00"W 728.00 ft.; thence S 47°36'28"W 124.06 ft.; thence N 62°00'00"W 347.28 ft.; thence Northwesterly 93.24 ft. along the arc of a 220.00 ft. radius curve to the right through a central angle of 24°17'03" (chord bears N 49°51'29"W 92.55 ft.); thence Northwesterly 239.60 ft. along the arc of a 310.00 ft. radius curve to the left through a central angle of 44°17'03" (chord bears N 59°51'28"W 233.68 ft.); thence N 8°00'00"E 174.00 ft.; thence N 77°00'00"W 852.75 ft.; thence S 6°00'00"W 368.50 ft.; thence S 9°00'00"W 221.74 ft.; thence S 18°00'00"W 396.78 ft.; thence S 57°00'00"E 55.98 ft.; thence S 33°00'00"W 166.00 ft.; thence Southwesterly 105.39 ft. along the arc of a 230.00 ft. radius curve to the left through a central angle of 26°15'12" (chord bears S 19°52'24"W 104.47 ft.); thence Southwesterly 233.72 ft. along the arc of a 170.00 ft. radius curve to the right through a central angle of 78°46'17" (chord bears S 46°07'56"W 215.74 ft.); thence Northwesterly 33.08 ft. along the arc of a 20.00 ft. radius curve to the right through a central angle of 94°45'48" (chord bears N 47°06'01"W 29.44 ft.); thence N 0°16'53"E 2,175.43 ft. along said Quarter Section Line to the point of beginning. Containing 68.006 Acres

Parcel B (10.099 Acres)

Pt 23-021-0102

Being a part of the Northeast Quarter of Section 27, T.7N., R.1E., S.L.B.& M. described as follows:

Beginning at a point which is N 0°27'53"E 594.59 ft. along the Section Line and West 180.00 ft. from the East Quarter Corner of Section 27, T.7N., R.1E., S.L.B.& M. and run thence S 0°27'53"W 117.21 ft.; thence Southwesterly 286.20 ft. along the arc of a 220.00 ft. radius curve to the right through a central angle of 74°32'07" (chord bears S 37°43'57"W 266.44 ft.); thence S 75°00'00"W 287.10 ft.; thence N 15°00'00"W 114.80 ft.; thence N 70°00'00"W 108.89 ft.; thence N 50°00'00"W 820.55 ft.; thence N 11°18'29"W 183.93 ft.; thence North 148.44 ft.; thence S 82°00'00"W 221.08 ft.; thence Northeasterly 369.20 ft. along the arc of a 250.00 ft. radius curve to the right through a central angle of 84°36'56" (chord bears N 78°28'14"E 336.56 ft.); thence S 10°00'00"W 161.72 ft.; thence S 50°00'00"E 91.67 ft.; thence S 62°00'00"E 795.50 ft.; thence S 83°00'00"E 385.51 ft. to the point of beginning.
Containing 10.099 Acres

Parcel C (9.679 Acres)

Pt 23-021-0102

Being a part of the East Half of Section 27, T.7N., R.1E., S.L.B.& M. described as follows:

Beginning at a point which is N 0°16'53"E 223.16 ft. along the Quarter Section Line and East 6.42 ft. from the center of Section 27, T.7N., R.1E., S.L.B.& M. and running thence Northeasterly 13.93 ft. along the arc of a 20.00 ft. radius curve to the right through a central angle of 39°55'00" (chord bears N 67°28'02"E 13.65 ft.); thence Northeasterly 323.87 ft. along the arc of a 230.00 ft. radius curve to the left through a central angle of 80°40'44" (chord bears N 47°05'10"E 297.77 ft.); thence Northeasterly 77.90 ft. along the arc of a 170.00 ft. radius curve to the right through a central angle of 26°15'12" (chord bears N 19°52'24"E 77.22 ft.); thence N 33°00'00"E 166.00 ft.; thence S 57°00'00"E 121.17 ft.; thence S 84°43'31"E 412.23 ft.; thence S 57°00'00"E 890.99 ft.; S 19°00'00"E 83.64 ft.; thence S 71°00'00"W 230.76 ft.; thence N 19°00'00"W 96.38 ft.; thence N 70°00'00"W 679.55 ft.; thence West 745.80 ft. to the point of beginning.
Containing 9.679 Acres

PC 52-021-0102

Parcel D (11.314 Acres)

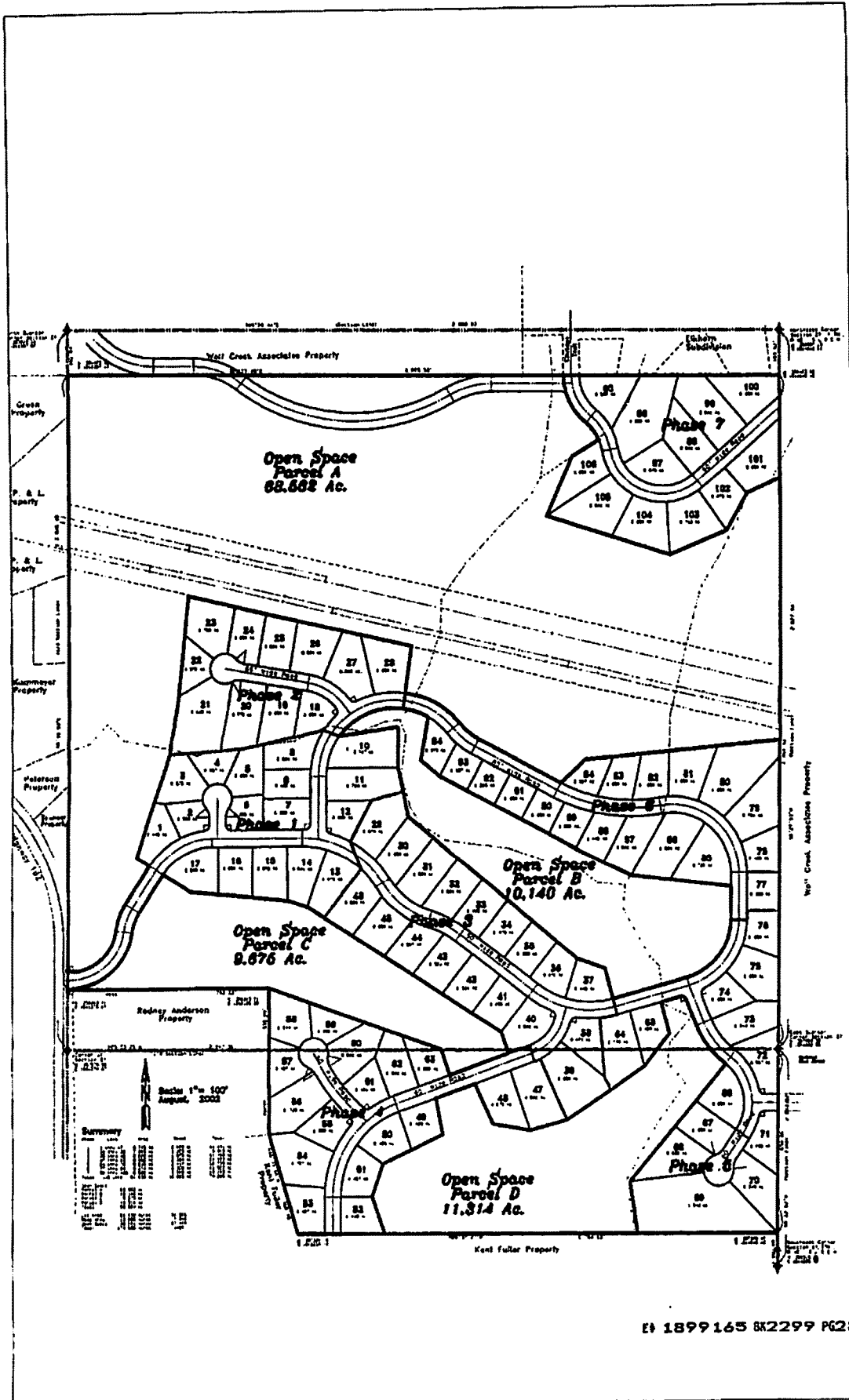
Being a part of the East Half of Section 27, T.7N., R.1E., S.L.B. & M.
described as follows:

Beginning at a point which is S 0°22'02"W 650.87 ft. along the Section
Line and
N 89°37'27"W 520.00 ft. from the East Quarter Corner of Section 27, T.7N.,
R.1E., S.L.B. & M. and running thence N 89°37'27"W 940.05 ft.; thence N
20°00'00"W 138.87 ft.; thence
N 19°16'15"E 123.03 ft.; thence N 65°00'00"E 243.66 ft.; thence N 10°52'12"W
133.05 ft.; thence N 71°00'00"E 153.29 ft.; thence S 25°00'00"E 158.98 ft.;
thence S 80°00'00"E 141.07 ft.; thence N 75°00'00"E 142.38 ft.; thence N
57°00'00"E 343.93 ft.; thence N 38°07'48"E 150.00 ft.; thence N 15°00'00"W
120.00 ft.; thence N 75°00'00"E 72.86 ft.; thence Southeasterly 28.97 ft.
along the arc of a 20.00 ft. radius curve to the right through a central
angle of 83°00'00" (chord bears S 63°30'00"E 26.51 ft.); thence S 22°00'00"E
103.23 ft.; thence Southeasterly 179.90 ft. along the arc of a 330.00 ft.
radius curve to the left through a central angle of 31°14'07" (chord bears S
37°37'03"E 177.68 ft.); thence S 40°53'02"W 546.42 ft.; thence S 9°00'00"E
185.58 ft. to the point of beginning.
Containing 11.314 Acres

Exhibit B

The connection road through Moose Hollow Condominium shown in Phase 7
needs to built as part of Phase 4

EXHIBIT C



Zoning Development Agreement

Page 2

1. The County will rezone the property described in Exhibit A from Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estate RE-15 Zone and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential FR-3 Zone for the purpose of allowing the petitioner to develop his property in conformance with the approved concept development plan.
2. The petitioner will develop the subject property based on the concept development plan attached hereto and marked as Exhibit B. The attached plan may be refined and modified but the general concept of the plan will not be changed without prior formal approval of the County. The petitioner has begun construction on the designated project described in Exhibit B of the original zoning development agreement and has until February 2017 to complete the project.
3. Petitioner acknowledges that if the project has not begun or has not been completed within the time frames outlined above that he will request that the property be rezoned from a Residential Estates Zone RE-15 and Open Space Zone O-1 to Residential Estate RE-15 zone and from Agricultural Valley Zone AV-3, Residential Estates Zone RE-15 and Open Space Zone O-1 to Forest Residential FR-3 Zone and this document will serve as his request that the property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as outlined in Exhibit B and within the time frame outlined in this agreement.
4. The petitioner agrees that only uses which fall within the general use types included in the approved Concept Development Plan and which comply with the Zoning Ordinance provisions, will be approved on the petitioned for property as part of a more specific and more detailed version of the approved Concept Development Plan. No other uses will be approved until or unless this Agreement and the approved Concept Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner his assignees and successors in interest and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue land use permits for only those uses determined to be within the general land use types listed on the Concept Development Plan and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:
 - a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain land use and building permits and complete construction within the time periods specified in this Agreement.
 - b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.
 - c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.

9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest, occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.

In such a case, the County shall examine the reasons for the default and lack of progress or proposed major change of plans, and either approve an extension of time or major change or the concept plan or initiate steps to revert the zoning designation to its former zone.

10. The parties may amend or modify the provisions of this Agreement, the concept development plan and list of use types only by written instrument and after considering the recommendation of the County Planning Commission which may hold a public hearing to determine public feeling on the proposed amendment or modification if deemed warranted.

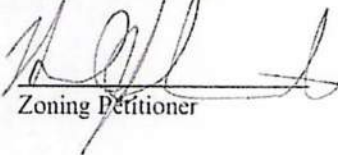
11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.

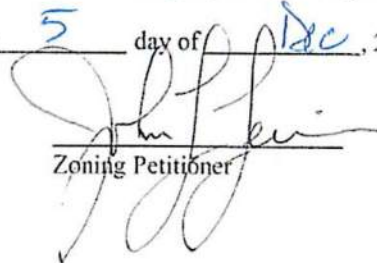
12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.

13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.

14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Approved by the parties herein undersigned this 5 day of Dec, 2012


Zoning Petitioner


Zoning Petitioner

INDIVIDUAL ACKNOWLEDGMENT

State of Utah)
ss
County of Weber)

On the 11th day of December A.D. 2012

personally appeared before me _____

the signer(s) of the within instrument, who duly acknowledged to me that he/she executed the same.

Notary Public

Residing at: _____, Utah

CORPORATE ACKNOWLEDGMENT

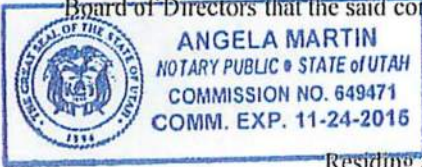
State of Utah)

ss

County of Weber)

On the 5 day of Dec A.D. 2012

personally appeared before me John Lewis duly sworn, did say that he/she is the Managing Member of Capon Capital LLC corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.



[Signature]
Notary Public

Residing at: Ogden, Utah

CORPORATE ACKNOWLEDGMENT

State of Utah)

ss

County of Weber)

On the 5 day of Dec A.D. 2012

personally appeared before me Howard Schmidt duly sworn, did say that he/she is the Managing Member of Eden Valley Development LLC corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.



[Signature]
Notary Public

Residing at: Ogden, Utah

APPROVED AS TO FORM:

[Signature]
Weber County Attorney

12/10/12
Date

APPROVED:

[Signature]
Chairperson, Weber County Commission

12-11-2012
Date

ATTEST:

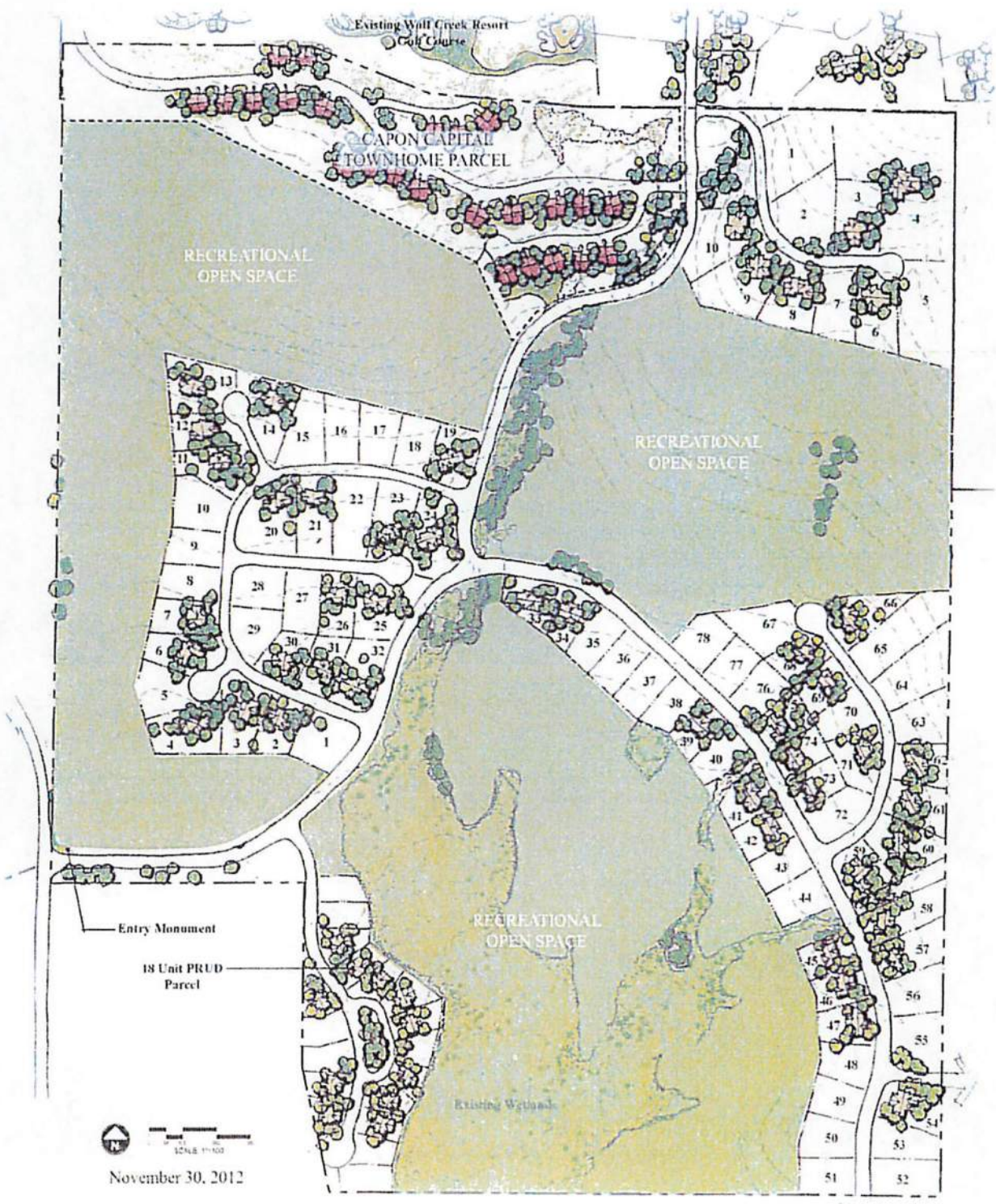
Exhibit A

22-021-0102^W, 22-021-0061^{PT}

A part of the East Half of Section 27, Township 7 North, Range 1 East, Salt Lake Base & Meridian beginning at a point on the South line of Elk Horn Subdivision Phase 3 said point being S. 00°27'53" W. along the section line 163.46 feet from the Northeast Corner of said Section 27, T7N, R1E, SLB&M; thence the following courses: S 00°27'53" W 2464.48 feet along said section line to the east quarter corner; thence S 00°22'02" W 650.86 feet along the section line; thence N 89°37'27" W 1805.50 feet to the East line of Andersen Acres Subdivision; thence N 13°25'39" W 362.44 feet along the East line of Andersen Acres Subdivision; thence N 00°00'09" W 530.00 feet along the East line of Andersen Acres Subdivision and the extension of said subdivision; thence West 752.36 feet to the West line Of the East half of said Section 27; thence N 00°16'53" E 2423.21 feet along the West line Of the East half of said Section 27 to the North quarter corner of said section 27; thence S 89°09'42" E 738.12 feet along the North line of said section 27; thence S 68°46'53" E 378.92 feet; thence S 85°37'27" E 500.94 feet to the Southwest corner of Elk Horn Phase 2; thence S 89°07'48" E 1063.64 feet along the south line of Elk Horn Phase 2 to the point of beginning.

Contains: 7,770,295 sq. ft. / 178.38 acres

Eagles Landing



November 30, 2012

November 27, 2012

EH 2610607 PG 8 OF 8

Dear Mr. Gentry and Members of the Ogden Valley Planning Commission,

RE: Open Space Commitment Letter

As Developers of Eagles Landing and the adjacent town home parcel, it has come to our attention that Weber County staff has concerns about our open space. As part of our desire to extend the current development agreement, we feel that now is a good time to address our intentions regarding our open space.

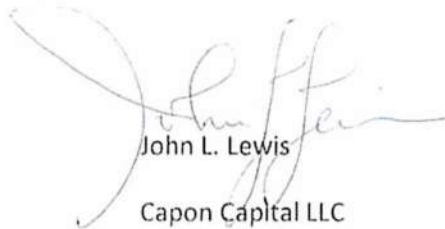
The current financial reality is that the feasibility of a golf course within our open space is not appropriate at this time. However, in the future, it is still our desire and vision to work with the county, our homeowners and futures owners of Wolf Creek Golf Course, to proceed with the plans to build an additional 9 holes. For now however, it is our full intention and commitment to maintain this open space in the natural state that currently exists.

Until such time as a golf course is practical, the HOAs will take responsibility for the maintenance of these open space parcels as part of their internal CCR's.



Howard J. Schmidt

Eden Valley development LLC



John L. Lewis

Capon Capital LLC

WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT THIRD AMENDMENT

PARTIES: The parties to this Zoning Development Agreement (Agreement) are Howard Schmidt D.B.A Eden Valley Development LLC ("the Petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement will be the date upon which the Weber County Commission ("the Commission") signs the Agreement.

RECITALS: Whereas, the Petitioner has previously rezoned property generally located at 3300 North Wolf Creek Drive within the unincorporated area of Weber County, Utah from the Agricultural Valley-3 (AV-3) Zone to the Residential RE-15 and Open Space (O-1) Zone for the general purpose of a Residential Subdivision which property consists of approximately 145 acres and is more particularly described in Exhibit A attached hereto and incorporated herein by this reference ("the Property"); and

WHEREAS, the County seeks to promote the health, safety, welfare, convenience, and economic prosperity of the residents of the County through the establishment and administration of zoning regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing the adopted General Plan; and

WHEREAS, the Petitioner has requested that the Property continue to be zoned RE-15 and O-1 for the purpose of allowing the Petitioner, or a designee, to develop the property in the manner that has been illustrated and described to the County; and

WHEREAS, the Petitioner considers it to his advantage and benefit for the County to review his petition, to maintain the existing RE-15 and O-1 zoning, and amend the Agreement based upon having prior knowledge of the development that is proposed so as to more completely assess its compatibility with the General Plan and the area surrounding the Property described in Exhibit A; and

WHEREAS, the County desires to maintain the RE-15 and O-1 zoning on the Property for the purpose of developing the Property in the manner illustrated and described, but the County does not feel that the property should maintain its zoning unless development of the Property is consistent with the terms of the Agreement and project completion is pursued in good faith; and

WHEREAS, the County Commission, after receiving a recommendation from the Ogden Valley Planning Commission, has determined that the proposed development continues to conform to the goals and objectives of the Ogden Valley General Plan and continues to be a benefit to the parties involved; and

NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties who mutually agree and covenant as follows:

1. The County will maintain, barring any default by the Petitioner, the zoning of the property described in Exhibit A which was rezoned from Agricultural Valley-3 (AV-3) to Residential RE-15 and Open Space (O-1) Zone for the purpose of allowing the Petitioner to construct his pre-designed project on the Property.
2. The Petitioner will develop the Property based on the concept development plan attached hereto and marked as Exhibit B. The attached plan may be refined and minimally modified but the general concept of the plan shall not change without prior formal approval of the County. The Petitioner has until June 30, 2028 to complete the project described in Exhibit B.

3. The Petitioner understands that the County's willingness to maintain the zoning is contingent upon him completing the project as illustrated and described in Exhibit B. Further, the Petitioner acknowledges and agrees that, if project completion is not pursued in good faith, he will request that the Property be rezoned from Agricultural Valley-3 (AV-3) to Residential RE-15 and Open Space (O-1) and this document will serve as his request that the Property be rezoned by the County.
5. The Petitioner agrees to grant to the County, a temporary emergency access easement that extends through the Petitioner's property as described on Exhibit C, including a pedestrian trail. The Petitioner agrees to construct the road surface of the access easement to a standard approved by the Weber County Fire District, until the remaining development occurs and results in a fully improved street and pedestrian trail.
6. The responsibilities and commitments of the Petitioner and the County, as detailed in this Agreement when executed, shall constitute a covenant and restriction running with the land and shall be binding upon the Petitioner or his assignees and successors in interest.
7. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests of both parties; therefore, the parties acknowledge that the Agreement will be recorded in the Office of the Weber County Recorder.
8. The following conditions, occurrences, or actions constitute a default by the Petitioner:
 - a. Failure to comply with the terms of this Agreement.
 - b. Disposing of the property for any other purpose than that approved by this Agreement.
 - c. A written request, submitted to the County, seeking to void, alter, or amend any of the provisions of this Agreement.
9. In the event of Petitioner default, the County may examine the reasons for the default and either approve an amendment to the Agreement or initiate steps to revert the zoning designation to a zone preferred by the County.
10. The parties may amend or modify the provisions of this Agreement only by written instrument and after considering the recommendation of the County Planning Commission which may hold a public meeting to obtain public input regarding the proposed amendment or modification.
11. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
12. This Agreement, which constitutes the entire agreement between the parties, shall supersede all previously executed zoning development agreements and be in full force and effect until the parties appropriately amend the Agreement or until the Property has been rezoned to another zone due to Petitioner default.

Documents Attached:

Exhibit A (Boundary Description)
Exhibit B (Development Plan)

Approved by the parties herein undersigned this _____ day of _____, 20__.

Petitioner

CORPORATE ACKNOWLEDGMENT

State of Utah)
 ss
County of Weber)

On the _____ day of _____ A.D. 2018 personally appeared before me _____
duly sworn, did say that he/she is the
_____ of _____,
the corporation which executed the foregoing instrument and that said instrument was signed on behalf of said
corporation, by authority of a resolution of its Board of Directors, that executed the same.

Notary Public

Residing at: _____, Utah

APPROVED AS TO FORM:

Weber County Attorney

Date

APPROVED:

Chair, Weber County Commission

Date

ATTEST:

Weber County Clerk/Auditor

Exhibit A
(Boundary Description)

Parcel # 22-021-0127

BEGINNING AT A POINT WHICH IS SOUTH 0D27'53" WEST 163.52 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 0D27'53" WEST 2464.42 FEET ALONG THE SECTION LINE TO THE EAST QUARTER CORNER OF SAID SECTION 27, THENCE SOUTH 0D22'02" WEST 650.86 FEET ALONG THE SECTION LINE, THENCE NORTH 89D37'27" WEST 1784.96 FEET TO THE EAST LINE OF ANDERSON ACRES SUBDIVISION, THENCE NORTH 16D33'00" WEST 368.09 FEET ALONG SAID SUBDIVISION, THENCE NORTH 530.00 FEET TO THE NORTHEAST CORNER OF RHOADS PROPERTY, THENCE WEST 752.22 FEET TO A POINT WHICH IS NORTH 0D16'53" EAST 223.16 FEET ALONG THE QUARTER SECTION LINE FROM THE CENTER OF SAID SECTION 27, THENCE NORTH 0D16'53" EAST 2260.99 FEET ALONG SAID QUARTER SECTION LINE TO A POINT WHICH IS SOUTH 0D16'53" WEST 162.04 FEET ALONG SAID QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SAID SECTION 27, THENCE SOUTH 89D07'48" EAST 2655.32 FEET ALONG THE EXTENDED SOUTH BOUNDARY OF ELKHORN SUBDIVISION TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING: A PART OF THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, BEGINNING AT A POINT ON THE SOUTH LINE OF ELK HORN SUBDIVISION PHASE 2 SAID POINT BEING SOUTH 0D27'53" WEST ALONG THE SECTION LINE 163.52 FEET AND NORTH 89D07'48" WEST 806.75 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, THENCE THE FOLLOWING COURSES: SOUTH 229.52 FEET TO A TANGENT CURVE, THENCE SOUTHWESTERLY 340.16 FEET ALONG SAID CURVE TO THE RIGHT TO A TANGENT LINE (R=270.00', DELTA=72D10'58", T=196.38', CH=318.10', CHB=SOUTH 36D05'32", WEST) THENCE SOUTH 72D11'05" WEST 197.69 FEET TO A TANGENT LINE CURVE, THENCE SOUTHWESTERLY 126.01 FEET ALONG SAID CURVE TO THE LEFT TO A NON-TANGENT LINE (R=255.11', DELTA=28D18'49", T=64.32', CH=124.73', CHB=SOUTH 58D01'40" WEST) THENCE NORTH 36D56'23" WEST 232.69 FEET, THENCE NORTH 65D54'36" WEST 539.55 FEET, THENCE NORTH 67D23'35" WEST 604.22 FEET, THENCE SOUTH 89D07'48" EAST 1671.79 FEET ALONG THE EXTENSION OF ELK HORN PHASE 2, SOUTH LINE AND ALONG SAID SUBDIVISION TO THE POINT OF BEGINNING, (E# 2229057) ALSO EXCEPTING THEREFROM ANY PORTION THEREFORE FALLING WITHIN EAGLES LANDING AT WOLF CREEK SUBDIVISION PHASE 1. EXCEPT GOLF COURSE AREA PARCEL 1 AND GOLF COURSE AREA PARCEL 3. EXCEPT ANY PORTION WITHIN GOLF COURSE AREA PARCEL 2. [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THIS OFFICE FOR TAX PURPOSES.]

Exhibit A
(Boundary Description)

Parcel # 22-282-0001

ALL OF PARCEL 1, LIMITED OPEN SPACE AREA, GOLF COURSE
AREAPARCEL 1, WEBER COUNTY, UTAH.

Parcel # 22-284-0001

ALL OF PARCEL 2, LIMITED OPEN SPACE AREA, GOLF COURSE
AREAPARCEL 2, WEBER COUNTY, UTAH.

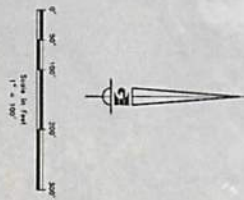
Parcel # 22-283-0001

ALL OF PARCEL 3, LIMITED OPEN SPACE AREA, GOLF COURSE
AREAPARCEL 3, WEBER COUNTY, UTAH.

Exhibit B
(Development Plan)



Exhibit E



S1
1

GARDNER ENGINEERING
 CIVIL - LAND PLANNING
 MUNICIPAL - LAND SURVEYING
 5150 SOUTH 375 EAST OGDEN, UT
 OFFICE: 801-476-0202 FAX: 801-476-0066

EDEN VALLEY DEVELOPMENT
 TRAIL AND ACCESS EASEMENT EXHIBIT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 27,
 TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B. AND M.

REVISIONS	
DATE	DESCRIPTION

SCALE: 1" = 100'
 DATE: 6-25-18
 DESIGN: JGD
 CHECKED: MHW
 DWG. # 18-001-001-001-001-001



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take comment on a proposal to amend the following section of Weber County Code: Standards for Detached Single-Family Dwellings (§108-15) to add standards for single family dwellings with secondary kitchens.
Agenda Date:	Tuesday, May 22, 2018
Applicant:	Weber County Planning Division
File Number:	ZTA 2018-02

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	RG

Applicable Ordinances

- Weber County Land Use Code, Title 108, Chapter 15 (Standards for Detached Single-Family Dwellings).

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The current Uniform Land Use Code of Weber County, Utah (LUC) does not define "Second Kitchen" and does not specify its permissibility in Detached Single-Family Dwellings. A recent change to the County Land Use, Development, and Management Act (H.B. 232) states "If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application." By adding specific standards for more than one kitchen in a detached single family dwelling to the LUC Title 108, Chapter 15, the County will be able to regulate that the secondary kitchen is for the benefit of one family and will not be used to turn a detached single family dwelling into a multi-family dwelling. A detached single family dwelling is defined in LUC §101-1-7 as "a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit". A single-family is defined as "one or more persons related by blood, marriage, or adoption, plus domestic employees serving on the premises, or a group of not more than four persons who need not be so related, living together as a single nonprofit housekeeping unit". Detached single family dwellings should only be occupied by a single family unit unless authorized by a conditional use permit for an accessory apartment.

Policy Analysis

Detached Single-Family Dwellings are considered a permitted use in most zones in Weber County and it is permissible to have more than one kitchen in the dwelling as long as the dwelling is only being occupied by one family unit. Weber County has had a policy of recording a "Second Kitchen Covenant" when a building permit is being issued that has more than one kitchen to ensure that the dwelling will remain a single family dwelling, however, the LUC does not have specific standards for dwellings with more than one kitchen. By adding provisions for detached single-family dwellings with more than one kitchen, Weber County will adhere to H.B. 232 by adding plain language to the LUC to ensure that one family occupies the single-family dwelling with more than one kitchen.

Conformance to the General Plan

The Vision Statement in the 2016 Ogden Valley General Plan for the Rural Residential Development and Housing states: “The Ogden Valley community desires a variety of housing types to meet the needs of a diverse population of various income levels, ages and stages of life. Neighborhoods should have convenient access to community amenities and are designed in a manner that protects the Valley’s character. Residential development should be centered around villages and town centers and designed to provide open spaces and efficient uses of the land.” (2016 Ogden Valley General Plan page 18)

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County’s Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.
3. The changes will enhance the general welfare of County residents.

Exhibits

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

Exhibit A

CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

Sec. 108-15-1. - Codes and standards.

Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD), shall meet all applicable standards and requirements including the International Building Code and those others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data plates.

(Ord. of 1956, § 37-1; Ord. No. 2017-17 , Exh. A, 5-9-2017)

Sec. 108-15-2. - Other standards and requirements.

In addition to the above, the following standards and requirements shall also be met:

(1) Single-family dwellings shall:

- a. Be attached to a site-built permanent foundation which meets all applicable codes; and
- b. Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
- d. Be permanently connected to all required utilities; and
- e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.

(2) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:

- a. Concrete or masonry materials; or
- b. Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
- c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.

(3) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:

- a. A roof pitch of not less than a 2:12 ratio; and
- b. Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and

Exhibit A

- c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all zones if all of the following requirements are met:
- a. The dwelling unit shall have only one (1) front entrance.
 - b. The dwelling unit shall have only one (1) address.
 - c. An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. There shall be no keyed or dead bolt locks, or other manner of limiting or restricting access from the additional kitchen(s) to the remainder of the dwelling unit.
 - d. The dwelling unit shall have no more than one (1) electrical meter.
 - e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory or "out" building provided the use and occupancy limitations of this Section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.
 - f. The dwelling unit owner shall sign a notarized agreement, as prescribed by Weber County, which provides that the dwelling unit, including any accessory building, may not be converted into two (2) or more dwelling units unless allowed by and in accordance with applicable provisions of this Title. The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit.
 - g. An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to Title 108 Chapter 19.

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

Sec. 108-15-3. - Exceptions.

The planning director, or his/her designee, may waive any of the above architectural and/or massing standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- (1) Explains his/her agreement to the waiver of any particular standard; and
- (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and/or architectural features.

(Ord. No. 2017-17 , Exh. A, 5-9-2017)

Exhibit B

1 CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

2 Sec. 108-15-1. - Codes and standards.

3 Any structure that is designed to be lived in by one family, and is located outside of a mobile or
4 manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD),
5 shall meet all applicable standards and requirements including the International Building Code and those
6 others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or
7 manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting
8 the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and
9 Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data
10 plates.

11 (Ord. of 1956, § 37-1; Ord. No. 2017-17, Exh. A, 5-9-2017)

12 Sec. 108-15-2. - Other standards and requirements.

13 In addition to the above, the following standards and requirements shall also be met:

14 (1) —Single-family dwellings shall:

- 15 a. Be attached to a site-built permanent foundation which meets all applicable codes; and
- 16 b. Have all installation and transportation components, consisting of but not limited to, lifting
17 shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- 18 c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement,
19 stucco, Masonite, metal, or vinyl; and
- 20 d. Be permanently connected to all required utilities; and
- 21 e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has
22 previously been issued a certificate of title, the owner shall follow and meet all applicable
23 Utah State Code titling provisions that result in the mobile or manufactured home being
24 converted to an improvement to real property.

25 (2) —Single-family dwellings, except for those located within a mobile or manufactured home park,
26 camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured
27 home PRUD, a county approved master planned community, or the Ogden Valley Destination
28 and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a
29 crawspace area shall have those walls anchored to the perimeter of the dwelling. The walls
30 shall be constructed of or faced with the following:

- 31 a. Concrete or masonry materials; or
- 32 b. Weather resistant materials that aesthetically imitate concrete or masonry foundation
33 materials; or
- 34 c. Materials that are the same as those used on the portion of the dwelling's exterior walls
35 that enclose and create the habitable space of the dwelling.

36 (3) —Single-family dwellings, except for those located within a mobile or manufactured home park,
37 camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured
38 home PRUD, a county approved master planned community, or the Ogden Valley Destination
39 and Recreation Resort Zone, shall have:

- 40 a. A roof pitch of not less than a 2:12 ratio; and
- 41 b. Eaves that project a distance of not less than one foot as measured from the vertical side
42 of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or
43 other similar architectural cantilevers; and

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Exhibit B

44 c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is
45 determined by identifying the lesser of two dimensions when comparing a front elevation to
46 a side elevation.

47 (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all
48 zones if all of the following requirements are met:

49 a. The dwelling unit shall have only one (1) front entrance.

50 b. The dwelling unit shall have only one (1) address.

51 c. An interior access shall be maintained to all parts of the dwelling unit to assure that an
52 accessory apartment is not created. There shall be no keyed or dead bolt locks, or other
53 manner of limiting or restricting access from the additional kitchen(s) to the remainder of
54 the dwelling unit.

55 d. The dwelling unit shall have no more than one (1) electrical meter.

56 e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an
57 accessory or "out" building provided the use and occupancy limitations of this Section are met
58 and no second dwelling unit or accessory apartment is established in the primary or accessory
59 buildings.

60 f. The dwelling unit owner shall sign a notarized agreement, as prescribed by Weber County,
61 which provides that the dwelling unit, including any accessory building, may not be converted
62 into two (2) or more dwelling units unless allowed by and in accordance with applicable
63 provisions of this Title. The document shall be recorded with the Weber County Recorder's
64 Office prior to issuance of a building permit.

65 g. An additional kitchen shall not be established in a one-family dwelling unit which contains an
66 accessory apartment, whether or not such apartment was established pursuant to Title 108
67 Chapter 19. 49.

68
69 (Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17, Exh. A, 5-9-2017)

70 Sec. 108-15-3. - Exceptions.

71 The planning director, or his/her designee, may waive any of the above architectural and/or massing
72 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- 73 (1) Explains his/her agreement to the waiver of any particular standard; and
74 (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered
75 architecturally compatible with the surrounding neighborhood due to the integration and use of
76 compensating materials and/or architectural features.

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Exhibit B

77 (Ord. No. 2017-17, Exh. A, 5-9-2017)

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