



# Staff Report to the Weber County Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Request for approval of a conditional use permit for the Legacy Mountain Estates PRUD.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, June 08, 2021
<b>Applicant:</b>	Legacy Mountain Estates, LLC
<b>File Number:</b>	CUP 2021-04

### Property Information

<b>Approximate Address:</b>	6068 East Nighthawk Lane, Huntsville, UT, 84317
<b>Project Area:</b>	288.37 acres
<b>Zoning:</b>	FV-3
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	See application for all parcel numbers
<b>Township, Range, Section:</b>	T6N, R1E, Section 23

### Adjacent Land Use

<b>North:</b> Hwy 39	<b>South:</b> Residential/Snow Basin Road
<b>East:</b> Residential	<b>West:</b> Vacant

### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte <a href="mailto:taydelotte@webercountyutah.gov">taydelotte@webercountyutah.gov</a> 801-399-8794
<b>Report Reviewer:</b>	SB

## Applicable Ordinances

- Title 104, Zones, Chapter 14 Forest Valley Zone (FV-3)
- Title 106, Subdivisions, Chapters 1-8 as applicable
- 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

## Summary

This request consists of **48** lots, ranging in sizes from 2.00 acres to 30.16 acres. Lot widths vary from 85.5' to 874'. Applicant is citing a maximum 35' height for all residences within the proposed development and development rights for up to 25 detached accessory dwelling units. This proposal consists of 288.37 acres. After taking into account 15.10 acres of roadway, 37.50 acres of slopes over 40%, and 14.79 acres of sensitive lands, there is 220.98 acres of net developable area, which translates to **73** entitlements.

The applicant is proposing 54.35 acres of common area, and private roads are proposed throughout the development. PRUD's as a conditional use require approval from both the Planning Commission and the County Commission. This request is before the County Commission as a recommendation has made by the Ogden Valley Planning Commission. Once the County Commission approves of the proposed conditional use, the applicant will be able to begin the process of receiving approvals from the planning commission.

## Planning Commission Recommendation

Ogden Valley Planning Commission recommended approval of CUP 2021- 04, request for approval of a conditional use permit for a PRUD in the FV-3 zone, consisting of 48 lots, and no more than eight detached accessory dwelling units, as well as 48.66 acres of common area, based on the findings and subject to the conditions listed in the staff report, and based on the following additional condition:

- Limiting the number of detached ADUs to no more than eight.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by maintaining the existing density provided by the current zoning and existing approvals (2016 Ogden Valley General Plan, Land Use Principle 1.1).

**Zoning:** The subject property is located in the Forest Valley (FV-3) zone. The purpose and intent of the FV-3 zone is identified in the LUC §104-14-1 as:

*"The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development."*

**Lot area, frontage/width and yard regulations:** The site development standards for the FV-3 zone require a minimum lot area of 3 acres of net developable area. The FV-3 zone requires a minimum lot width of 150 feet. The zoning requirements such as setbacks, lot sizes, and lot widths are allowed to be modified under a PRUD, as approved by the county commission. Lot sizes range from 2.03 acres to 30.16 acres. Lot widths vary from 85.5' to 874'.

The intent of a PRUD is defined in LUC §108-5-2 as follows:

- (a) *A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.*
- (b) *Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.*

**Review Agencies:** A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the review agencies are adhered to County Engineering has requirements that will be addressed at subdivision. Weber Fire District has approved this proposal.

**Additional design standards and requirements:** The original PRUD is planned to include, at minimum, two-car garages with each dwelling. No additional parking is proposed with this development. According to §108-8-5, "The planning commission may adjust the required number of spaces listed in this chapter if it determines that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted."

Exhibit D shows the proposed landscaping plan for the roundabouts, as well as the monument signs at the entrances. The landscaping plan also shows 3' soft-surface public trails are being proposed throughout the development. The applicant will be required to install or provide a financial guarantee for the proposed improvements prior to recording the future subdivision plat.

**Conditional Use Review:** The proposed PRUD is conditionally allowed in the FV-3 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects.

- (1) **Standards relating to safety for persons and property.** The proposed private roads are 60' wide, with four roundabouts located throughout the development, with proposed landscaping. There are two entrances into the proposed development, one with a monument sign, not to exceed six feet in height and ten feet in width, in the form of a gabion rock wall.
- (2) **Standards relating to infrastructure, amenities, and services.** Lakeview Water and Mountain Sewer have issued a will-serve letter for up to 51 residential connections. Public pathways are proposed throughout this development. A

geologic hazards reconnaissance and study have been submitted with this proposal. The County will require that all recommendations be followed throughout the development process of this proposal.

- (3) Standards relating to the environment. Natural drainages, and waterways, as well as much of the slopes will be dedicated as open space within this proposed PRUD.
- (4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan. There will be over 50 acres preserved as open space, so as to preserve the natural surrounding characteristics, as much as possible.
- (5) Standards relating to performance. County Engineering will require escrow for improvements to guarantee performance of private, county standard roads within this proposed development.
- (6) Standards generally. These have been addressed through County review agency requirements.
- (7) Voluntary contributions providing satisfactory compliance with applicable standards. The applicant is proposing access to this PRUD through an adjacent subdivision to the north, thus eliminating access to this proposed development off of Old Snow Basin Road.

Design Review: The FV-3 zone and the proposed conditional use, mandate a design review as outlined in the LUC §108-1 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. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- 1) Considerations relating to traffic safety and traffic congestion. The applicant is proposing private roads within the development. Traffic safety concerns are not anticipated with private roads.
- 2) Considerations relating to outdoor advertising. The proposal does not include any outdoor signage other than a monument entry signs, not to exceed six feet in height and ten feet in width.
- 3) Considerations relating to landscaping, screening and buffering. The applicant's landscaping plan is included as exhibit D. The proposal includes public trails, and landscaping in the roundabouts (there are four).
- 4) Considerations relating to buildings and site layout. The proposed designs of the buildings are included as Exhibit E. The material of these designs conforms to the requirements outlined in LUC §108-2.
- 5) Considerations relating to utility easements, drainage, and other engineering questions. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

## Staff Recommendation

Staff recommends approval of the conditional use permit for the Legacy Mountain Estates PRUD (CUP 2021-04). This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

1. The roads within this proposed development shall be private.
2. The proposed trails shall allow public access, through open spaces.
3. All signage must be compliant with Title 110, Chapter 12 Ogden Valley Signs, and shall be located such that no obstruction of sight visibility shall occur.
4. All exterior lighting must comply with Title 108, Chapter 16 Outdoor Lighting.

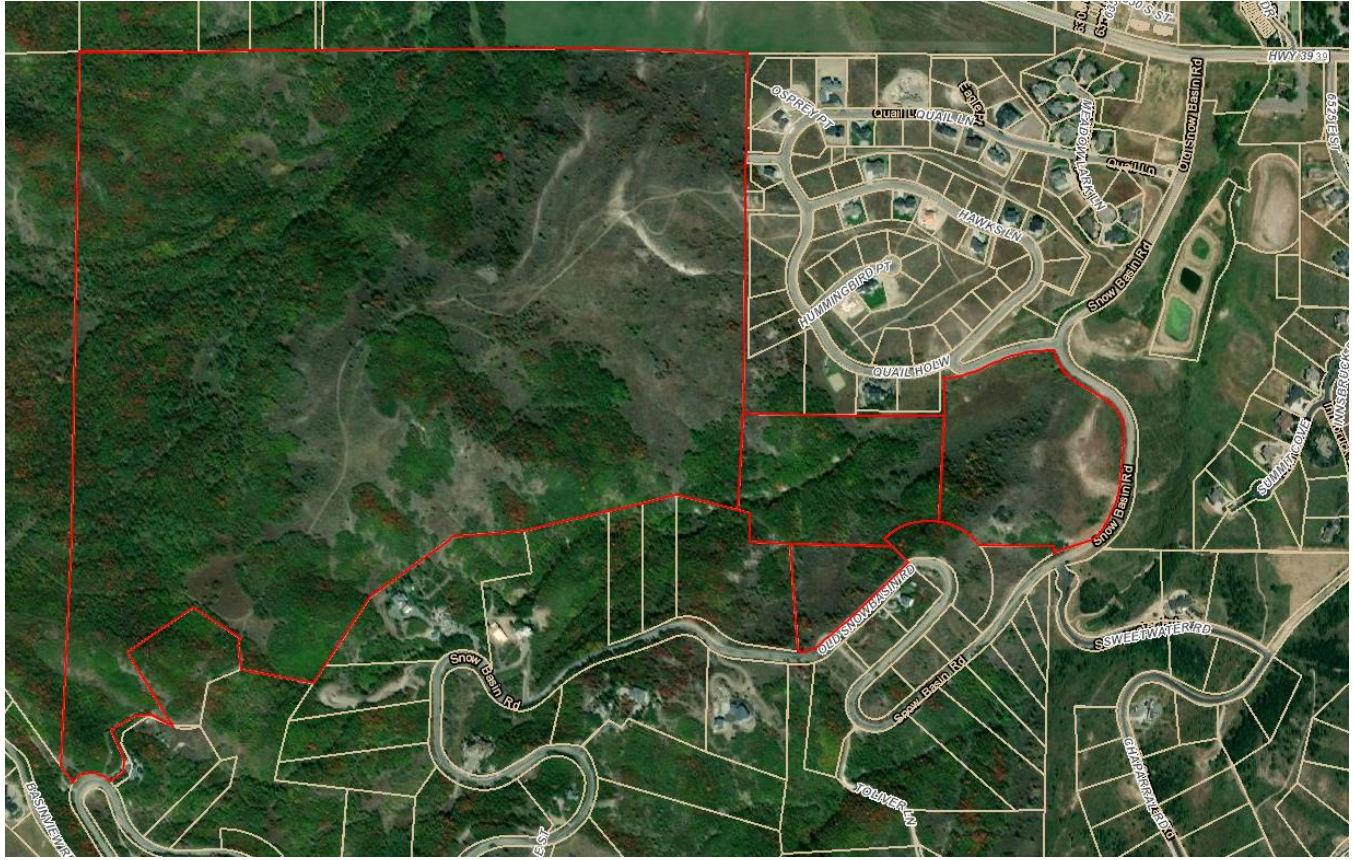
This recommendation is based on the following findings:

1. The proposed conditional use amendment conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed conditional use 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 conditional use amendment.
4. The proposed conditional use amendment will not be detrimental to the public health, safety, or welfare.
5. The proposed conditional use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
6. Planning Commission has determined that unique circumstances exist that warrant an adjustment in the required number of parking spaces.

## Exhibits

- A. Application
- B. Narrative
- C. Proposed Site Plan
- D. Landscaping Plan
- E. New Building Design

# Location Map



**Exhibit A - Application**

<b>Weber County Conditional Use Permit Application</b>			
<b>Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401</b>			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) Legacy Mountain Estates LLC		Mailing Address of Property Owner(s) 3718 N Wolf Creek Drive Eden UT 84310	
Phone 801.430.1507	Fax NA		
Email Address (required) john@wolfcreekresort.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) Eric Householder		Mailing Address of Authorized Person 3718 N Wolf Creek Drive Eden UT 84310	
Phone 801.389.0040	Fax NA		
Email Address eric@thg-cs.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name Legacy Mountain Estates		Total Acreage 252.43	Current Zoning FV-3
Approximate Address 6068 East Nighthawk Lane Huntsville UT 84317		Land Serial Number(s) 20-015-0009, 20-035-0028, 20-035-0046, 20-035-0044	
Proposed Use Single Family Homesites			
Project Narrative  See attached.			

**Property Owner Affidavit**

I (We), LEGACY MOUNTAIN ESTATES LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

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

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

Subscribed and sworn to me this 4<sup>th</sup> day of February, 20 21.



Candyce Smith  
Notary Public, State of Utah  
Commission # 697567  
My Commission Expires  
October 24, 2021

\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

I (We), LEGACY MOUNTAIN ESTATES LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s) ERIK HOUSEHOLDER, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

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

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

Dated this 4<sup>th</sup> day of February, 20 21, personally appeared before me John Lewis, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Candyce Smith  
Notary Public, State of Utah  
Commission # 697567  
My Commission Expires  
October 24, 2021

\_\_\_\_\_  
(Notary)

Legacy Mountain Estates  
PRUD Conditional Use Permit Application  
April 2021

**Application Sections**

**Project Narrative**

Legacy Mountain Estates (LME) is a single family project located in Huntsville, UT. The property is zoned FV-3, consists of 288.37 acres and contains 54.35 acres of common area open space. The project density was determined by using the calculation below to find the net developable acreage of 220.98, which translates into 73 entitlements.

*Project Density Calculation*  
Total Property - 288.37 acres  
Roadway - 15.10 acres  
Slopes Over 40% - 37.50 acres  
Sensitive Lands Stream Corridor - 14.79 acres  
Net developable Acreage - 220.98 acres  
Forest Valley Zone (FV-3) minimum lot size three acreages  
Entitlements -  $220.98 / 3 = 73.66$  or 73 units

The site plan for LME illustrates 48 lots ranging from about 2 to 30 acres. LME is proposing to create an "Accessory Dwelling Unit Bank" to allocate Accessory Dwelling Units (ADUs) to homesites within the project. Using the 73 entitlements from the calculation above, there are 25 detached ADUs that could be potentially used ( $73-48=25$ ) on the lots. However, the CC&Rs are only going to allow up to eight ADUs, on to be determined large homesites. The remaining entitlements could be transferred off through a Transfer of Density (TDR) ordinance or will be retired. Per the ADU code, the maximum footprint of these dwellings will not exceed 1,500 SF. The underlying FV-3 density rights support these additional structures. With the proposed layout, 56 out of the 73 available entitlements are being used.

The entry monument feature will be a gabon rock design. Any lighting will be dark sky compliant. Roundabouts are located at both the main intersection and cul-de-sacs. These roundabouts will be landscaped and could have art pieces staged in the center from time to time. The plan purposes a mixture of 3' and 4' of private trail sections totaling 17,496' or 3.31 miles.

LMI will be governed by a Homeowners Association (HOA), Covenants, Conditions and Restrictions (CC&Rs) and Building Design Guidelines. An example of a potential home is included in the exhibit packet. The Lakeview Water and Mountain Sewer Corporations will service the project.

A temporary construction management trailer will be on location for the duration of the project. The structure is located on the southeast corner of lot 1. The trailer is 10'x60' (600 SF) with a slanting roof that goes 11' in the front to 8' in the rear. The exterior is wood with blue and natural colors. A picture of the trailer is in the book of exhibits.



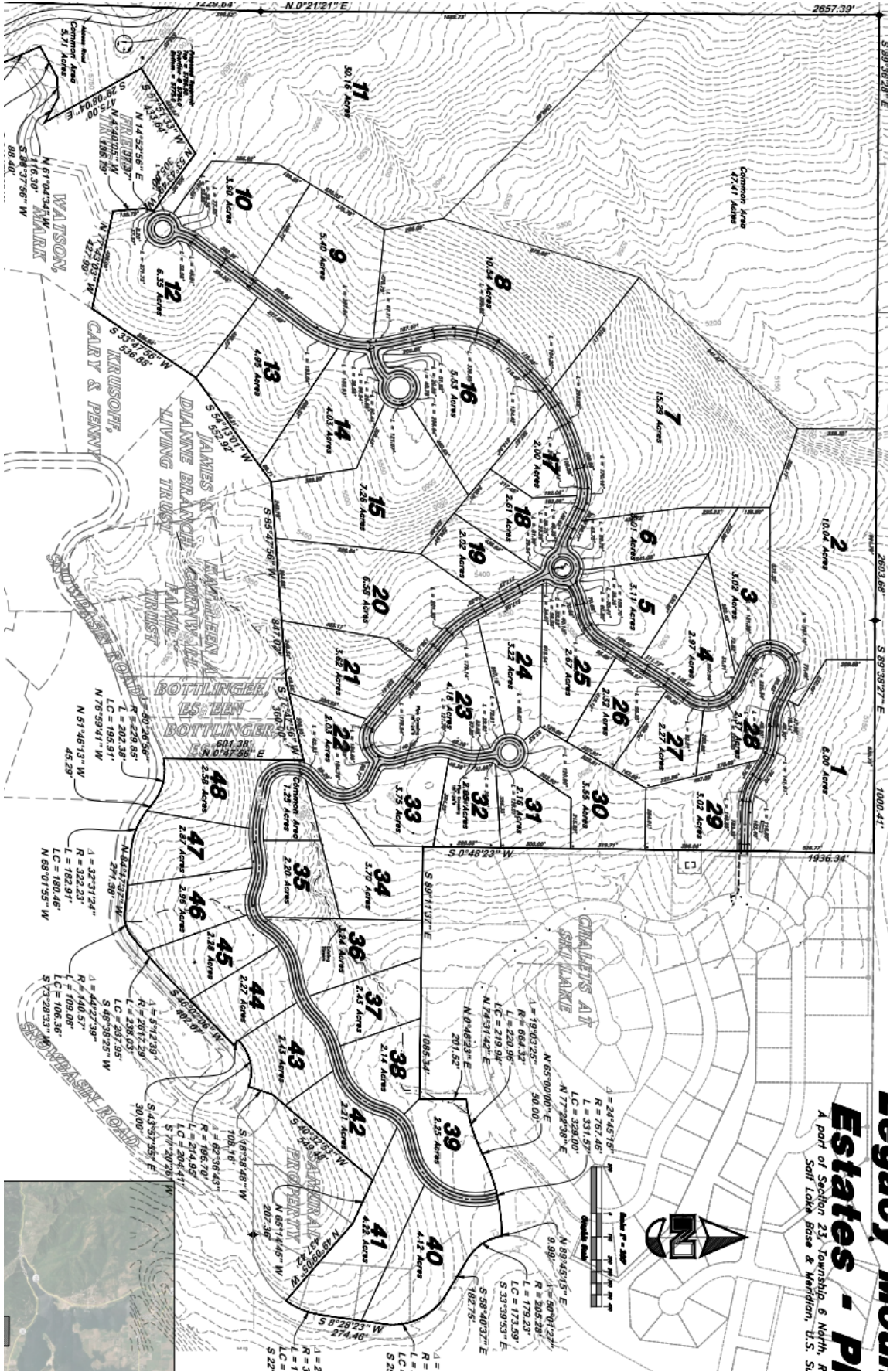
**Reasonably anticipated detrimental effect of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.**

All Weber County ordinances, standards and regulations will be followed during and after construction is completed.

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

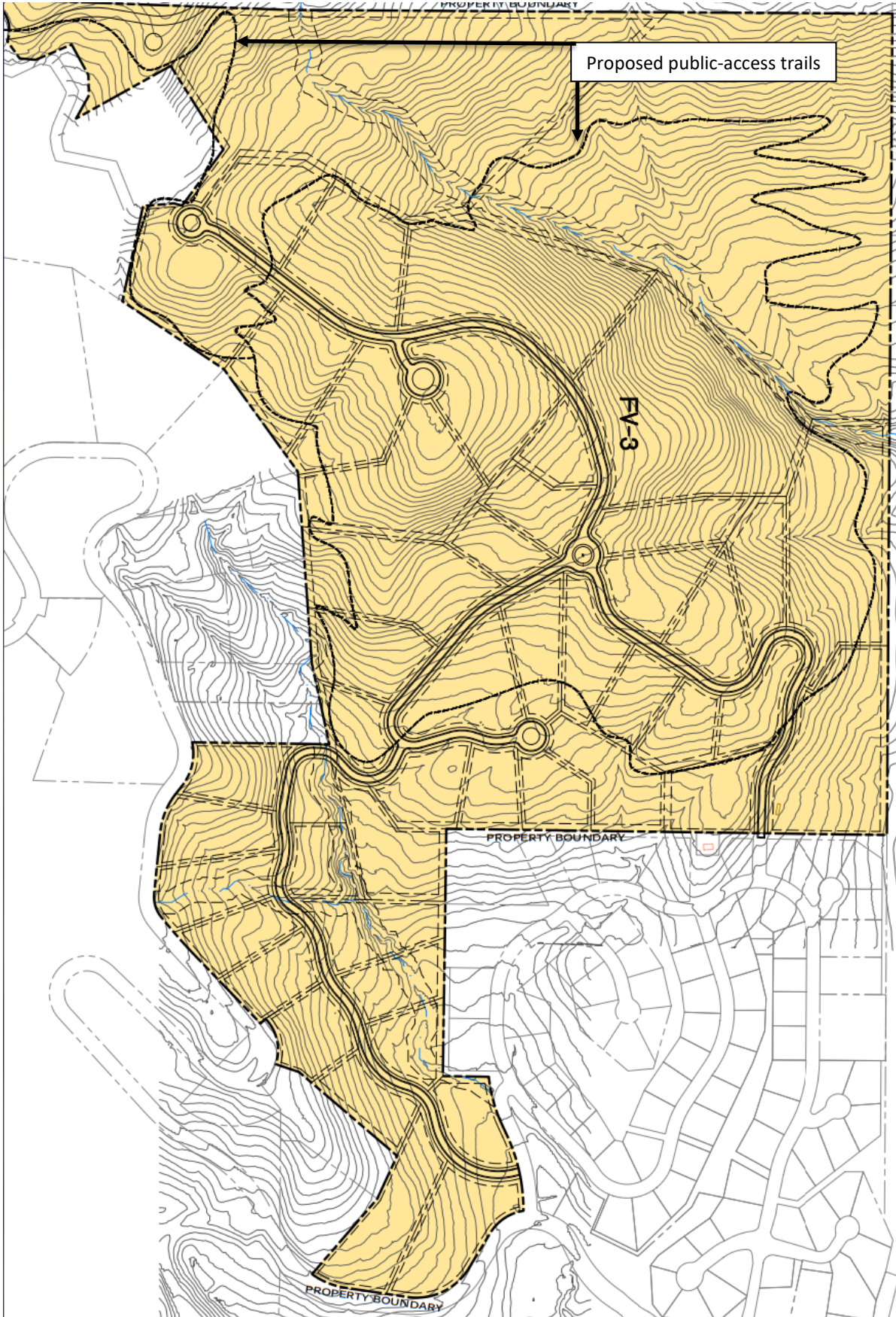
The FV-3 ordinance allows Planned Residential Unit Developments (PRUD). All Weber County ordinances, standards and regulations will be followed.

# Exhibit C - Proposed Site Plan



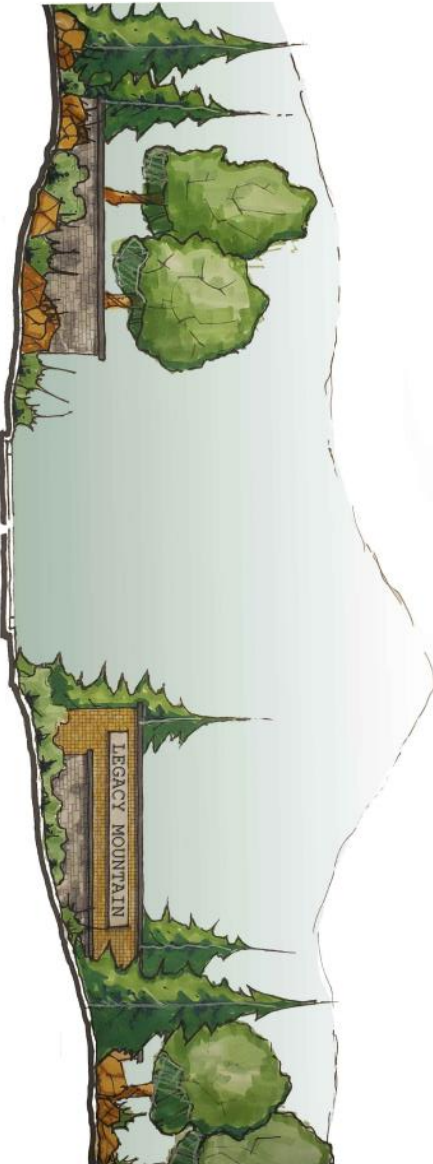
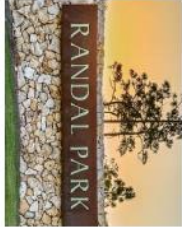
**ROYAL MOUNTAIN**  
**Estates - P1**  
 A part of Section 23, Township 6 North, R  
 Soil Lake Base & Meridian, U.S. S.

Exhibit D- Landscape Design/Trails





MATERIALS



ENTRY MONUMENT WALL



# LEGACY MOUNTAIN ARCHITECTURE

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