

Frequently Asked Questions Regarding the Powder Mountain MOU

What is an MOU?

MOU stands for memorandum of understanding. It is a legal document specifying agreement between two parties regarding a specific issue, e.g., the proposed MOU outlines key provisions and the next steps in the review process for Powder Mountain's development.

Does the MOU mean that Powder Mountain can receive building permits if approved?

No. The MOU outlines two processes, it requires that a development agreement be drafted and approved by the County Commission prior to any development occurring.

Second, it sets in motion the removal of the petition to incorporate the Town of Powder Mountain.

Who drafted the MOU?

The petitioner drafted the MOU and it has gone through a number of drafts after being presented to the County Commission (Commissioner Craig Dearden was the contact) who responded after receiving comments from County staff. A revised MOU is now on the website as a result of contacts the petitioner made with valley residents. Consideration of a MOU came as a result of negotiations to end the incorporation of Powder Mountain. The draft MOU is a compromise of numbers of units between what was requested in the rezone application and what is allowed under existing zoning.

Why did the County Commission entertain the negotiation of an MOU?

The County Commission has listened to Valley residents both those pro-town and anti-town and is interested in making the best decision for the future of Ogden Valley. It is in the best interest of the Ogden Valley to not have the Town of Powder Mountain and protect the integrity of the Ogden Valley General Plan and the development review process.

Is there a concept development plan for Powder Mountain?

A concept development plan was presented at the initial Planning Commission hearing. It would be reviewed and most likely will be revised as part of the development agreement negotiations. A copy of this concept plan is on the website

What options are before the County Commission and what are the implications of approving each option:

- Approve the MOU as presented
Would identify parameters for negotiating the development agreement, sets a maximum number of dwelling units based upon performance standards, calls for two phases in the project, requires infrastructure improvements, establishes an open lands donation, allows one 18 hole golf course, establishes a transfer fee subject to getting legislation changed; in the event the legislation is not changed it sets up a trust fund,

stays litigation regarding the formation of the Town and ultimately would require the withdrawal of the petition to incorporate, and requires a construction traffic plan

- Modify the MOU

If the County Commission desires changes to the MOU they can instruct those to be incorporated within the document.

- Deny the MOU

The existing litigation regarding the formation of the Town of Powder Mountain would continue. If the Town is formed then the petitioner would make application for development approvals to the Town of Powder Mountain.