

CHAPTER 44

OGDEN VALLEY DESTINATION and RECREATION RESORT ZONE DRR-1

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44-1. Purpose and Intent.

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 Weber County and the Resorts through its ability to preserve the Valley's rural character, by utilizing a mechanism that compensates landowners who voluntarily choose to 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.

[NOTE: These definitions will be moved to the *General Provisions – Definitions Ordinance, Chapter 1* at the time of adoption of this chapter.]

44-2. Definitions.

The following definitions shall apply to this ordinance:

- A. **BUFFER AREA:** Perimeter areas within a Resort that are formally landscaped and/or left natural. These areas are intended to act as an undeveloped transition area in between Resort buildings/parking lots and adjacent lands that are not a part of the Resort.
- B. **OPEN SPACE, CONSERVATION:** An undisturbed, public or private use, area that is undeveloped and permanently preserved in order to maintain scenic qualities and habitat values.

Conservation Open Space is intended to preserve natural resources and/or to buffer natural areas including open or wooded lands, wetlands, lakes and watercourses. Typical Conservation Open Space uses and/or designations include: vacant land, scenic viewsheds, agriculture, watershed protection zones, groundwater recharge areas, wildlife habitat and non-motorized trails/pathways including associated maintenance and signage.

- C. **RESORT (DESTINATION and RECREATION):** A Destination and Recreation Resort is a destination place that attracts visitors throughout the year and provides areas and facilities used for relaxation and/or recreation. The Resort is entirely contiguous, it consists of at least 1,000 gross acres and is generally self-contained; therefore, capable of providing goods and services that meet most needs of the visitor while remaining on or within the Resort. These goods and services may include, but not be limited to Resort administration/operations, food, drink, lodging, sports, entertainment, shopping, personal and healthcare/emergency facilities (e.g., market, open-air market, restaurant, package liquor store, owner-occupied dwellings, nightly rentals, indoor/outdoor sports, cultural events, performing arts, miscellaneous retail, athletic/wellness center and clinic).

- D. **PRIVATE RESIDENCE CLUB:** A club (equity or non-equity) made up of members that typically pay a one-time upfront membership fee and annual dues in order to receive benefits and privileges such as gaining access to a variety of luxury homes around the world. These homes can be booked based on availability and reservation priorities.

- E. **SEASONAL WORK FORCE HOUSING PLAN:** A document that describes, in general, the seasonal workforce housing needs, facilities, housing development schedule and management strategy for a development proposal. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, number of full-time equivalent employees, number of required housing units, number of on-site housing units, number of off-site housing units, unit type(s) (e.g., single-family dwelling, multi-family dwelling, group dwelling etc.) and a section describing the management plan that will guarantee that the units will be used for affordable workforce housing only and remain affordable in perpetuity.

- F. **FULL-TIME EQUIVALENT EMPLOYEE (FTEE):** The minimum number of employees required to provide a particular service based on the type and intensity of the service. Where employee generation values or FTEE's are not provided by ordinance and a workforce consists of a combination of full and part-time employees, the FTEE shall be calculated by adding up the total number of employee hours worked during a weekly pay period and then dividing that number by 32 hours to get the full-time equivalent employee number.

- G. **RECREATION FACILITIES PLAN:** A document that describes, in general, the recreational facilities that are part of a development proposal. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, list of facilities and their scale, facility orientation (i.e., public/private), phasing schedule and proposed recreational programs.

- H. **TRANSPORTATION PLAN:** A document that describes, in general, the transportation elements that will be involved as part of a development proposal. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, Traffic Impact Analysis, list of facilities and modes of transportation, transportation orientation (i.e., public/workforce), phasing schedule and projected ridership.

- I. **TRANSFER INCENTIVE MATCHING UNIT (TIMU):** A discretionary development right, or fraction thereof, that may be granted by the Weber County Commission, after a recommendation from the Planning Commission, when a development right is transferred from an area within the Ogden Valley to a Destination and Recreation Resort Zone.

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- J. **COST BENEFIT ANALYSIS (CBA):** A formal discipline used to help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify, consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and compatibility of a particular proposal.
- K. **TRAFFIC IMPACT ANALYSIS (TIA):** A Traffic Impact Analysis specifically identifies the generation, distribution, and assignment of traffic to and from a proposed development. The purpose is to identify the traffic impacts that a proposed development will have on the existing road system network. It determines and makes recommendations of all improvements and/or mitigation measures necessary to: 1) maintain, what the TIA considers to be, an adequate Level of Service (LOS) at study area intersections and 2) ensure safe pedestrian and vehicular ingress to and egress from the transportation system.
- L. **LOT OF RECORD (LAWFULLY CREATED LOT):** A Lot of Record is defined as any one of the following circumstances:
1. Any parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
 2. Any parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
 3. Any parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
 4. Any parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992 which complied with the zoning requirements in effect at the time of its creation and has undergone and successfully completed the Weber County subdivision process; or
 5. Any parcel/lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992 which complied with the zoning requirements in effect at the time of its creation and was shown to be the first or second division of a larger parent parcel; or
 6. Any parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a Lot of Record.
- There are parcels/lots within Weber County that, may have been created and subsequently recorded in the office of the Weber County Recorder, but were not lawfully created in accordance with Utah State Code or Weber County Ordinances/Policy as described herein. Weber County is not able to issue a Land Use Permit and/or Building Permit for such parcels/lots.
- M. **RESERVED FUTURE DEVELOPMENT AREA (RFDA):** Areas within a described parcel of land and/or proposed Irrevocable Transfer of Development Right Easement and/or a Transferable Development Right Site Plan that has been reserved for future development.
- N. **EMERGENCY SERVICES PLAN:** A document that describes, in general, the emergency facilities and level of staffing that are part of (or will provide services to) a proposed Resort. The plan is supplemental to an overall master plan and consists of but is not limited to the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule describing emergency personnel staffing and anticipated time and general location of facility construction if applicable.

44-3 Development Standards.

A. General Design and Layout. A Destination and Recreation Resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and Resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multi-family dwellings.

B. Minimum Area. The minimum area requirement for a Destination and Recreation Resort shall be 1,000 contiguous acres located within the Ogden Valley. The Resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.

C. Maximum Permitted Units. Current zoning and its “by-right” density is not considered when determining the maximum number of dwelling units allowed within a Destination and Recreation Resort Zone. The maximum number of units allowed within the Zone (Resort) shall be dependent upon; (1) an applicant’s willingness to acquire and/or transfer development rights to the Resort; (2) an applicant’s desire to accrue additional discretionary units in the form of Transfer Incentive Matching Units (TIMU’s) and/or Density Bonus Units (DBU’s); and (3) an applicant’s ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.

The preservation of open space and the maintenance of the Ogden Valley’s rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the Resort, from elsewhere within the Valley. This initial transfer will establish a base number of units, referred to as Transferred Base Units (TBU’s), that may be used in a request to receive additional Transfer Incentive Matching Units (TIMU’s) and/or Density Bonus Units (DBU’s). These units, requested in addition to the TBU’s, are an alternative source of development rights and are considered to be performance based units that may be awarded through a Resort’s voluntary participation in the transfer incentive and bonus unit options listed below. These options are intended to provide flexibility and the voluntary means of increasing Resort development rights through thoughtful and effective mitigation of Resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley General Plan. To be eligible to receive TIMU’s and/or DBU’s, the units transferred to the Resort shall be from an elevation of 6,200 feet and below. Units transferred from an elevation above of 6,200 feet are permitted; however, those units shall not be eligible to receive TIMU’s and/or DBU’s.

Refer to Sections 44-4, 44-5 and 44-6 of this ordinance for transferable development right eligibility and procedures for calculating and transferring units to a Destination and Recreation Resort Zone.

In the event a previously approved master planned resort makes application to become a Destination and Recreation Resort Zone, the Resort may retain the remaining dwelling unit rights associated with a previously approved and executed Zoning Development Agreement given that the Resort can demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously approved master planned resort chooses to increase densities beyond what remains as part of a

previously approved and executed Zoning Development Agreement, the Resort shall be obligated to meet all requirements of this section.

Transfer Incentive Matching Units

Each Transferred Base Unit (TBU), that qualifies to receive Transfer Incentive Matching Units, shall only be applied to one (1) of the following six (6) categories.

1. For every unit transferred, to a Resort, from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir - Weber County may match that number at a rate ranging from 0.0 – 2.0 units to each transferred unit depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element and shall be subject to the following table:

<u>Percentage of Units Transferred from Parcel</u>	<u>Match</u>
Less than 40%	0.0
40% to 55%	1.25
56% to 70%	1.5
71% to 85%	1.75
86% to 100%	2.0

2. For every unit transferred, to a Resort, from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir - Weber County may match that number at a rate of three (3) units to each transferred unit. To be eligible to receive the matching units associated with these parcels the following two conditions must be met:
 - a. All units, except one (1) unit for every five (5) acres within the parcel, shall be transferred.
 - b. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element.
3. For every unit transferred, to a Resort, from an area within the Important Wildlife Area, as shown on the adopted Ogden Valley Sensitive Lands Map - Weber County may match that number at a rate of 2.0 units to each transferred unit.
4. For every unit transferred, to a Resort, from an area within a Ridge Line Area that skylines as viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the adopted Ogden Valley Sensitive Lands Ordinance) - Weber County may match that number at a rate of 2.0 units to each transferred unit.
5. For every unit transferred, to a Resort, from an area not previously listed but lying below an elevation of 5,500 feet - Weber County may match that number at a rate of 1.5 units to each transferred unit.
6. For every unit transferred, to a Resort, from any other areas within Ogden Valley - Weber County may match that number at a rate of 1.0 unit to each transferred unit.

Density Bonus Units

Any bonus units awarded by Weber County shall be calculated by multiplying the total of all TBU's plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed sixty (60) percent.

1. Develop a Resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this Ordinance (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities); up to a ten (10) percent bonus may be granted.
2. Develop a Resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared Traffic Impact Analysis) that due to proposed transferring of development rights to the Resort, an eighty (80) percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the SR39 / SR158 (spillway) intersection, SR158 / Hwy 162 (Eden 4-way stop) intersection and the SR39 / Hwy 166 (Huntsville Crossroads) intersection will occur; up to a ten (10) percent bonus may be granted.
3. For an additional ten (10) percent or more of Conservation Open Space preserved within the Resort in excess of the minimum required by this ordinance; up to a one (1) time maximum of five (5) percent bonus may be granted.
4. Provide a developed and (public land agency) approved access to public lands; up to a five (5) percent bonus may be granted.
5. Preservation of an Ogden Valley agricultural parcel (within or outside of the Resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by Weber County in consultation with the Utah State Agriculture Extension Office; up to a ten (10) percent bonus may be granted for parcels containing fifty (50) acres or more; however; a twenty (20) percent bonus may be granted for preserving an agricultural parcel containing one hundred (100) acres or more.
6. Preservation of an Ogden Valley historical site (within or outside of the Resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by Weber County in consultation the Utah State Historic Preservation Office; up to a twenty (20) percent bonus may be granted.
7. Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley General Plan; up to a thirty (30) percent bonus may be granted.

8. Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility; up to a five (5) percent bonus may be granted.
9. Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other County approved entity, for the perpetual location and operation of a public cultural or recreational facility; up to a twenty (20) percent bonus may be granted.

The following formula demonstrates how to calculate the maximum permitted units at a Destination and Recreation Resort:

$$\begin{aligned}
 &\text{Applicant's initial Transfer of Base Units (TBU's)} \\
 &+ \text{Transfer Incentive Matching Units (TIMU's) Awarded by Weber County} \\
 &\times \text{Density Bonus Unit (DBU's) Percentage Awarded by Weber County} \\
 &= \text{Maximum Permitted Units}
 \end{aligned}$$

The maximum number of permitted units shall diminish as development occurs at a rate of one (1) unit per one (1) residential lot/unit developed and a rate of one (1) unit for every 5000 sq. ft. of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

D. Buffer Area. A buffer area, approved by the Ogden Valley Planning Commission, shall be provided at the perimeter of the Resort boundary where commercial and/or multi-family buildings and associated parking are proposed to lie within close proximity to lands that are not a part of the Resort. The following minimum standards shall apply:

- a. DRR-1 Zone abutting zones that allow residential uses with area requirements of 1 unit per 3 acres or larger: A minimum width of 200 feet with an additional 10 feet of buffer for every one foot that a Resort building exceeds the height of 35 feet.
- b. DRR-1 Zone abutting zones that allow residential uses with area requirements of less than 1 unit per 3 acres: A minimum width of 100 feet with an additional 10 feet of buffer for every one foot that a Resort building exceeds the height of 35 feet.
- c. DRR-1 Zone abutting commercial zones or zones that allow multi-family dwellings: No buffer required.
- d. No buffer area is required at or around a Resort's interior lot or parcel boundaries or where a Resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

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- a. Single-Family Residential/Main Building: 6,000 Sq. Ft.
- b. Two, Three, Four and Multi-Family, Commercial and Mixed Use Structure: None
- c. Public Utility Substation: As required in Chapter 26, *Public Utility*
- d. Other: As otherwise required by the Uniform Land Use Ordinance of Weber County

2. Minimum Lot Width.

- a. Single-Family Residential/Main Building: 60 feet.
- b. Two, Three, Four and Multi-Family, Commercial and Mixed Use Structure: None
- c. Public Utility Substation: As required in Chapter 26, *Public Utility*
- d. Other: As otherwise required by the Uniform Land Use Ordinance of Weber County

3. Site Setbacks. Setbacks shall apply for the following specific uses:**a. Front Yard.**

- i. Single, Two, Three and Four-Family Dwelling: 20 feet.
Accessory building related to the above: 20 feet.
- ii. Multi-Family, Commercial and Mixed Use Structure: None (0 feet)
Accessory building related to the above: 20 feet
- iv. Public Utility Substation: As required in Chapter 26, *Public Utility*
- v. Other: As otherwise required by the Uniform Land Use Ordinance of Weber County

b. Side.

- i. Single, Two, Three and Four-Family Dwelling: 8 feet with a total of two required side yards of not less than 18 feet.
Accessory Building: 8 feet, except 3 feet when located at least 10 from the rear of the dwelling.
- ii. Multi-Family, Commercial and Mixed Use Structure: None (0 feet); except where a Destination and Recreation Resort parcel sides on an existing parcel in a commercial zone, lying outside of the Destination and Recreation Resort Zone. In this situation, the Destination and Recreation Resort multi-family, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
Accessory Building: None (0 feet); exception is the same as above.
- iii. Public Utility Substation: As required in Chapter 26, *Public Utility*
- iv. Other: As otherwise required by the Uniform Land Use Ordinance of Weber County.

c. Rear.

- i. Single, Two, Three and Four-Family Dwelling: 20 feet.
Accessory Building: 3 feet, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot.
- ii. Multi-Family, Commercial and Mixed Use Structure: None (0 feet); except where a Destination and Recreation Resort parcel rears on an existing parcel in a commercial zone, lying outside of the Destination and Recreation Resort Zone. In this situation, the Destination and Recreation Resort multi-family, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.

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- Accessory Building: None (0 feet); exception is the same as above.
- iii. Public Utility Substation: As required in Chapter 26, *Public Utility*
- iv. Other: As otherwise required by the Uniform Land Use Ordinance of Weber County.

4. Maximum Building Height.

- a. Single, Two, Three and Four-Family Dwelling: 35 Feet.
- b. Multi-Family, Commercial and Mixed Use Structure: 55 Feet. Any building designed to exceed a height of 55 feet shall require a Conditional Use Permit unless otherwise exempted in Chapter 23 (23-12), Supplementary and Qualifying Regulations.
- c. Public Utility Substation: 35 feet, unless otherwise exempted in Chapter 23 (23-12), Supplementary and Qualifying Regulations.
- d. Other: As otherwise required by the Uniform Land Use Ordinance of Weber County

F. Open Space. A minimum of sixty (60) percent of the adjusted gross acreage, owned by the Resort and located within the Destination and Recreation Resort Zone, shall be designated as open space. A portion of that open space shall consist of Conservation Open Space in an amount equal to or greater than thirty (30) percent of the Resort's adjusted gross acreage. The area designated as Conservation Open Space shall be encumbered by an Irrevocable Conservation Easement meeting the general/applicable requirements described in Section 44-7A of this Ordinance and shall be granted prior to beginning any construction within an overall project phase. The minimum number of acres encumbered by the each Easement shall be equal to or greater than the number of acres involved in each project phase until the total number, of required Conservation Open Space acres, is met. Areas dedicated (platted and recorded) as open space within residential and non-residential subdivisions may count towards the minimum open space requirement.

[NOTE: Section "G" below will be moved to the *Ogden Valley Architectural, Landscape and Screening Standards, Chapter 18-C* at the time of adoption of this chapter.]

G. Destination and Recreation Resort Landscaping. Where a Resort lies within a Destination and Recreation Resort (DRR-1) Zone and is developing any site where buildings are designed to exceed a height of 35 feet, the Resort shall, in addition to Chapter 18-C (Ogden Valley Architectural, Landscape and Screening Standards), incorporate earthen berms into the landscaped area and increase the height and caliper of one-half (1/2) of the required evergreen and deciduous trees to the following standards:

- a. Evergreen Trees.
 - i. Site with building(s) with a height of 35 feet or below: No Increase.
 - ii. Site with building(s) with a height of 35 feet to 45 feet: 10 foot tall.
 - iii. Site with building(s) with a height of 45 feet to 55 feet: 12 foot tall.
 - iv. Site with building(s) exceeding a height of 55 feet: Height to be determined during the Commercial Site Plan and/or Conditional Use Permit Process.
- b. Deciduous Trees.
 - i. Site with building(s) with a height of 35 feet or below: No Increase.
 - ii. Site with building(s) with a height of 35 feet to 45 feet: 2.5 inch caliper.
 - iii. Site with building(s) with a height of 45 feet to 55 feet: 3 inch caliper.
 - iv. Site with building(s) exceeding a height of 55 feet: Caliper to be determined during the Commercial Site Plan and/or Conditional Use Permit Process.

44-4 Transferable Development Right (TDR) Eligibility.

- A. Real Transfer from Parcel(s) Contiguous or Non-Contiguous to the Resort but Not Included as Part of DRR-1 Zone: A landowner may transfer development rights from any Lot of Record or described parcel of land that is contiguous or non-contiguous to the Resort and meets or exceeds the minimum (single-family dwelling) area requirement for the zone in which it is located. A landowner may also transfer development rights from any parcel that has been described in a document (e.g., deed, sales contract or survey) and subsequently recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992. This parcel must have complied with the zoning requirements in effect at the time of its creation but not necessarily undergone or successfully completed the Weber County subdivision process. Development rights transferred from parcels, as described above, shall be considered eligible to receive TIMU's and DBU's as described in Section 44-3C (Maximum Permitted Units) of this ordinance. A Resort that transfers development rights shall do so by conforming to the requirements of this Chapter and shall finalize and record all necessary transfers (for a particular phase or part thereof) prior to submitting any application for subdivision or plan approval for any site within the Destination and Recreation Resort Zone.

At the discretion of the Resort, development rights required to be transferred in order to establish an initial number of Transferred Base Units (TBU's), as described in Section 44-3C (Maximum Permitted Units) of this Ordinance, may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only.

Refer to Section 44-5A (Transferable Density Calculation for Real Transfers) for transferable density calculation requirements. Refer to Section 44-6B (Real Transfer from Parcel(s) Contiguous or Non-Contiguous to the Resort but Not Included as Part of DRR-1 Zone) and Section 44-7A (Irrevocable Transfer of Development Right Conservation Easement) for procedural and content requirements relating to a Transfer of Development Right Easement.

44-5 Calculating Transferable Density.

- A. Transferable Density Calculation for Real Transfers: Except for the circumstances and/or conditions listed below, every Lot of Record; and every described parcel of land exceeding the minimum (single-family dwelling) area requirement, for the zone in which it is located; and every parcel/lot that has been described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder, in between January 1, 1966 and June 30, 1992 and met the zoning requirements in effect at the time of its creation but has not necessarily undergone and successfully completed the Weber County subdivision process shall be granted Transferable Development Rights based upon the parcel/lot's record description/area and current or other applicable zoning.

Transferable Development Rights shall be excepted from and/or not granted to the following:

1. Areas within a described parcel of land containing slopes of forty (40) percent or greater in Forest Zones and thirty (30) percent or greater in all other zones.
2. Areas within a described parcel of land and/or proposed Irrevocable Transfer of Development Right Easement (ITDRE) reserved for future development or designated as a Reserved Future Development Area (RFDA) on an approved Transferable Development Right Site Plan.

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3. Areas within a described parcel of land or Lot of Record restricted by conservation easement or similar instrument restricting residential or commercial development.
4. Areas or tracts of land owned by Federal Government and/or State Government agencies.
5. Areas or tracts of land lying outside of the Ogden Valley area as defined by the Ogden Valley General Plan, Recreation Element Project Area Map adopted December 27, 2005 (OVGPPE; Figure 1, pg 4).
6. Lot of Record subject to the payment of fees for operation and/or maintenance of common areas, open space, amenities and/or private facilities.
7. Fractional and/or non-contiguous portions of a Lot of Record or parcel of land that does not meet or fully exceed the minimum (single-family dwelling) area requirement for the zone in which it is located.

The following provides an example of calculating the development rights associated with a typical parcel of land that exceeds the minimum (single-family dwelling) area requirement:

100 acres, as described by private survey or Weber County record, lying within a FV-3 Zone
~~- 20 acres shown to exceed slopes of 40% and greater~~
 = 80 transferable development acres

80 transferable development acres
~~÷ 3 acre minimum (single-family dwelling) area requirement~~
 = 26.7 transferable development units

26.7 transferable development units
~~- .7 fractional portion of a transferable development unit~~
 = 26 Transferred Base Units as described in Section 44-3C (Maximum Permitted Units)

44-6 Transferable Development Right Procedure.

- A. Real Transfer from Parcel(s) Contiguous or Non-Contiguous to the Resort but Not Included as Part of DRR-1 Zone: At the discretion of the Resort, development rights required to be transferred in order to establish an initial number of Transferred Base Units (TBU's), as described in Section 44-3C (Maximum Permitted Units) of this Ordinance, may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only. In either situation, the property owner or his/her representative who wishes to transfer development rights shall complete the following:
 1. Registration. A property owner or his/her representative who is interested in transferring development rights from their property shall register to do so by declaring his/her intent and desire, to transfer development rights, on an official Weber County Request to Register Transferrable Development Rights Form. The Transferrable Development Right Register shall be maintained by the Weber County Planning Division and shall be made available to any Resort upon request.
 2. Certification Request. A property owner or his/her representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone shall obtain an Ogden Valley Certificate of Transferable Development Right(s) by providing the Weber County Planning Division with the following:
 - i. Payment of a Certification Fee.
 - ii. Complete Weber County Request to Certify Transferrable Development Rights Form.

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- iii. Map of the property in the form of a Weber County Recorder's Plat or record of survey map filed in accordance with USC 17-23-17.
 - iv. Legal Description, including total acreage, as it appears in the Weber County Recorder's Office or as it is described on a record of survey map on file in the Weber County Surveyor's Office.
 - v. Transferable Development Right Site Plan, drawn to a scale no smaller than one hundred (100) feet to one (1) inch, that demonstrates the location and dimensions of all important features including, but not limited to, reserved future development right area(s), water bodies or courses, easements and buildings within the subject parcel (transferring parcel) of land.
 - vi. Slope analysis, performed by a professionally licensed engineer or land surveyor, that identifies developable acreage as described in the Weber County Subdivision Ordinance 26-2-9. This requirement may be waived by the Weber County Engineer upon finding that the subject parcel of land (transferring parcel) is not affected by steep terrain as defined in the Weber County Subdivision Ordinance 26-2-9.
 - vii. Preliminary Title Report demonstrating that the subject parcel of land (transferring parcel) has clear title; or a Preliminary Title Report identifying any interested party making claim to the property and/or any beneficiary of an easement or encumbrance that exists in the form of a mortgage, deed of trust or other instrument that either secures the property and its unrestricted value as collateral or restricts development in any manner.
 - viii. Title Report Summary Letter prepared by the property owner or his/her representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone. The letter shall, in the form of an outline, list all interested parties and provide contact information and details describing interest and/or encumbrance type(s) and order of subordination if applicable.
 - ix. Subordination Agreement(s), provided by each and all interested parties with rightful claims and/or beneficiaries of existing encumbrances, that clearly states that the interested party and/or beneficiary acknowledges and agrees to a subordinate position to the Grantee(s) of an Irrevocable Transfer of Development Right Easement (ITDRE) and the enforcement of its terms. The letter shall also clearly state that the interested party and/or beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the Grantee(s) right to enforce the terms of the ITDRE.
 - x. Proposed Transfer of Development Right Easement meeting the requirements of Section 44-7 of this Ordinance.
 - xi. Proposed Transfer of Development Rights Deed.
3. Certification. The Weber County Planning Division, after consideration of all relevant information, shall issue a Certificate of Transferable Development Right(s) based on an official request and its conformance to the standards of this Ordinance. The Certificate shall state the number of Transferable Development Rights approved and available for transfer and shall be valid for a period of time not to exceed 60 days from the date of issuance.
4. Transfer. Prior to the expiration of a Certificate of Transferable Development Right(s) and prior to or at the time of application for a specific land use (e.g. subdivision or site plan approval) within a Destination and Recreation Resort Zone, all transfer documents, including an approved Transfer of Development Rights Deed

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and an approved Transfer of Development Right Easement, shall be executed by appropriated signature and recordation in the Office of the Weber County Recorder. Recording of the Transfer of Development Rights Deed and a Transfer of Development Right Easement shall constitute a complete transfer, therefore, enable Resort land use applications to be accepted and processed through Weber County Planning Division.

44-7 Transferable Development Right Easement.

- A. Irrevocable Transfer of Development Right Conservation Easement. To ensure consistency and the perpetual protection and preservation of a parcel's conservation value(s), a parcel that is the subject of a proposed development right transfer shall be encumbered by an Irrevocable Transfer of Development Right Conservation Easement that meets the requirements described in Section 57-18-1 et seq. of Utah Code and consists of but is not be limited to the following content and/or requirements:
1. Title/Form.
 - i. The Easement shall be entitled as an "Irrevocable Transfer of Development Rights (TDR) Conservation Easement".
 - ii. The Easement shall be in a form considered appropriate and acceptable to the Office of the Weber County Recorder.
 2. Grantor/Grantee
 - i. The Easement shall name Weber County and one (1) other qualified conservation organization, which is authorized to hold interest in real property, as the grantees. The qualified conservation organization, named as grantee, shall meet the requirements described in Section 57-18-3 of Utah Code and shall require the approval of Weber County.
 3. Recital.
 - i. The Easement shall recite and explain all matters of fact, including a parcel/boundary description, which are necessary to make the transaction intelligible.
 4. Nature of Easement.
 - i. The Easement shall explain its perpetual, irrevocable, inheritable and assignable nature.
 5. Purpose.
 - i. The Easement shall explain its purpose in terms of how it is intended to protect, preserve, enable the creation or continuation of an anticipated use and prevent certain conditions or uses upon the land that may diminish its open space qualities.
 - ii. It shall be acknowledged, within this section, that the above "statements of purpose" are intended to be a substantive provision of the Easement and that any ambiguity or uncertainty regarding the application of the terms of the Easement will be resolved so as to further its purpose.
 6. Permitted Uses and Activities.
 - i. The Easement shall list the property rights that have been retained by the Grantor, including the right to allow or restrict public access, and shall acknowledge that these rights are consistent with the applicable zoning for the area in which the parcel is located.
 - ii. In the event that a residential development right(s) has been retained on the subject parcel (transferring parcel), a statement shall be made, within this section, which explains the remaining number and type of development rights associated with the parcel. An exhibit shall also be

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referenced, within this section, which restricts and graphically demonstrates the general location of any future development.

7. Prohibited Uses and Activities.

- i. The Easement shall list the property rights that have been voluntarily relinquished by the Grantor and acknowledge that any exclusion does not constitute an approved use or imply that uses may be inconsistent with the applicable zoning for the area in which the parcel is located.

8. Water Rights.

- i. Agricultural parcels, when the subject of an “Irrevocable Transfer of Development Rights (TDR) Conservation Easement, shall maintain a sufficient right to water in order to preserve agricultural production, therefore, it shall be required that the Easement state that the Grantor is legally prohibited from conveying, transferring, encumbering, leasing or otherwise separating or changing any historic water use on the parcel.
- ii. In the event that an agricultural parcel requires flexibility in its use of water to protect historic water rights, the Grantor may make such statement that will allow the temporary lease of water rights for a period of time not to exceed two (2) years. Such statement shall acknowledge that the temporary lease will conform to all State requirements and will not permanently separate any historic water right from the agricultural parcel. Such statement shall also acknowledge that the Grantees of the Easement shall be notified prior to entering into any short-term water lease.

9. Monitoring and Enforcement.

- i. The Easement shall state that the Grantee will have the right to enforce the terms of the Easement by entering the property, provided that an advance notice of twenty-four (24) hours is provided to the Grantor, for the purpose of inspecting the property for suspected/reported violations. Additionally, it shall state that the Grantee shall have the right to enter the property at least once a year, at a mutually agreed time for the purpose of inspection and compliance monitoring regardless of whether Grantee has reason to believe that a violation of the Easement exists. In order to establish a monitoring baseline, an exhibit shall also be referenced, within this section, which inventories, graphically demonstrates and photo documents relevant features and the existing condition of the parcel.
- ii. For the purposes of correcting any violation, condition or circumstance that is not consistent with the terms of the Easement, it shall be stated that the Grantee or assigns may, at their discretion, use any available legal or equitable remedy to secure and restore compliance with the standards set forth in the Easement. Legal and/or equitable remedies may include but not be limited to injunctive relief, entering the property to perform restorative activities and/or recorded lien.

10. Termination and Extinguishment

- i. The Easement shall state under which conditions and/or circumstances that the Easement could be terminated. These conditions may include but not be limited to Grantee consent, court action or eminent domain.

11. Subordination.

- i. Prior to granting the Easement the Grantor shall submit a title report and certify, within this section, that the subject parcel of land (transferring parcel) has clear title and is not encumbered by a mortgage, deed of trust or other instrument securing the property and it’s unrestricted value as collateral. If the subject property (transferring parcel) has been encumbered by a mortgage, deed of trust or other

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instrument that has secured the property and its unrestricted value as collateral, the Grantor shall declare all encumbrances, within this section, and reference an exhibit, provided by any and all beneficiaries, that acknowledges and agrees to their subordinate position as it relates to the Easement and the enforcement of its terms. The agreement/exhibit shall also clearly state that the beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the Grantee(s) right to enforce the terms of the Easement.

12. Costs and Liabilities

- i. The Easement shall state that the Grantor will continue to be responsible for and bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the subject property (transferring parcel).

13. Conveyance or Transfer of Property

- i. The Easement shall state that any document intended to transfer or convey the subject property (or any interest in the subject property) will specifically refer to the Easement and disclose its perpetual nature and the fact that it runs with the land. It shall also state that any failure to comply with this requirement shall not adversely affect the Grantee's right to enforce the terms of the Easement in any way.

14. General Provisions

- i. This section shall describe provisions for but not limited to Easement amendments, controlling law and interpretation.

44-8 Seasonal Workforce Housing.

- A. Seasonal Workforce Housing. A seasonal workforce housing plan shall be incorporated into the overall Resort in order to provide a socially, economically and environmentally responsible development. To balance neighborhoods and promote a sense of community between visitors and working residents, the Resort shall locate a majority of seasonal workforce housing units within the Resort and offer a total number of units at a rate the meets or exceeds the following requirements based on the land use categories and calculations below:

- a. A specific development site that proposes a land use that requires the Resort developer to project the Full-Time Equivalent Employee (FTEE) generation, shall divide the FTEE by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent (10% or .10) to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.
- b. A specific development site that has an assigned employee generation value shall use that value to establish a FTEE's generated. The number of FTEE's shall then be divided by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be

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multiplied by ten percent (10% or .10) to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.

Seasonal Workforce Housing for the Ogden Valley Destination and Recreation Resort Zone by Land Use	
Development/Land Use Category	Employee Generation Value (FTEE)
Resort Operations	To be projected by Resort
Hotel, Condo-tel & Timeshare etc.	To be projected by Resort
Restaurant and Drinking Establishment	3.5 per 1000 sf finished floor space
Retail	2 per 1000 sf finished floor space
Commercial Amusement and Indoor/Outdoor Recreation	3 per 1000 sf finished floor space

The following provides an example of the workforce housing requirement for a new 2,000 square foot retail development:

2 employees per 1000 square footage of retail development as shown in the above table.
= 4 employees

4 employees
÷ 1.65 to account for the average number of employees estimated to reside in a workforce housing unit
= 2.42 housing demand units

2.42 housing demand units
× 0.10
= 0.24 required workforce housing units

- B. **Housing Type:** Workforce housing may consist of structures such as; single, two, three and four-family dwellings, multi-family dwellings and rental units. Rental units may be apartments, dormitories, boarding houses and/or residence halls.
- C. **Housing Affordability:** An annual report shall be generated and presented to the Weber County Planning Staff that outlines a previous year's employment level, workforce housing need, housing type/availability and occupancy. The report shall also outline the method(s) guaranteeing perpetual affordability and the rental and/or mortgage payments as they relate to housing types. Housing payments, including utilities, shall not exceed 30% of the Upper Valley Moderate Income as defined in the *Weber County Moderate Income Housing Plan*.
- D. **Density and Affordable Workforce Housing:** Any increases in density caused by the development of workforce housing requirements shall be in addition to the allowable density approved at the time of the DRR-1 Zone application.

44-9 Land Uses.

The following table lists the permitted and conditional uses for the Ogden Valley Master-Planned Recreation Resort Zone.

Use		Permitted (P), Conditional (C)
Residential Uses		
	Single-Family Dwelling	P
	Two-Family Dwelling (aka Duplex)	P
	Three-Family Dwelling	P
	Four-Family Dwelling	P
	Multi-Family Dwelling	P
	• Recreation Lodge	P
	• Lock-out Sleeping Room; maximum of two per dwelling unit.	P
	• Condominium Rental Apartment (Condo-Tel)	P
	• Private Residence Club	P
	• Townhome	P
	Residential Facility for Persons with a Disability meeting the requirements of Chapter 23 (23-13).	P
	Timeshare/Fractional Ownership Unit	P
	Nightly Rental of Single Family Dwellings	C
	Hotel	P
	Bed and Breakfast Dwelling / B&B Inn / B&B Hotel	C
	Accessory Apartments	C
	Workforce Housing / Dormitory / Residence Hall	P
	Hostel	P
	Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	C
Commercial Uses		
	Bank / Financial Institution	P
	Bakery	P
	Drinking Establishment	P
	Grocer / Neighborhood Market	P
	Delicatessen	P
	Boutique (gift, flower, antique, clothing, jewelry)	P
	Fueling Station/Gas Station	P
	Conference / Education Center	P
	Wellness Center (i.e. spa, fitness etc.)	P
	Art Gallery and Studios	P
	Book Store	P
	Beauty / Barber Shop	P
	Short Term Vender	P
	Package Liquor Store	P
	Private Club	P
	Restaurant; excluding drive-thru window	P
	Sporting Goods / Clothing Store; including rental	P
Other Uses		

Theater and performing arts facility / auditorium / amphitheater	P
Childcare facilities	P
Church / Place of Worship	P
Clinic / Medical Facility	P
Community Center	P
Developed Recreation Facility (i.e. swimming, golf course, ice skating, skate park, playground, tubing hill, tennis etc.)	P
Dude Ranch; including horse rental	P
Equestrian Center	P
Gun club / Skeet / Sporting Clay	C
Helistop; Medical and Interior Resort Operations	C
Home Occupation; with no visiting clientele	P
Home Occupation; with visiting clientele	C
Trails (nordic, hiking, biking, equestrian)	P
Laundromat	P
Museums	P
Nordic Center	P
Office; Professional and Resort Administrative	P
Office Supply / Shipping Service	P
Parking Areas and Structures	P
Parks and Playgrounds	P
Pharmacy	P
Public Building	P
Public Utility Substation and Structure	C
Real Estate Office	P
Recreation Centers	P
School; public or private school having a similar curriculum as a public school	P
Ski Area and associated facilities	P
Ski Lodge and associated services	P
Small Wind Energy System; meeting the requirements of Chapter 23 (23-24).	C
Solar Energy Installation; meeting the requirements of Chapter 23 (23-27).	C
Telecommunications Tower	C
Yurt	P
Cluster Subdivision; meeting the requirements of Chapter 22B of the Weber County Zoning Ordinance	P
PRUD; meeting the requirements of Chapter 22D of the Weber County Zoning Ordinance	C
Welcome / Information Center	P
Waste Water Treatment Facility; meeting the requirements of the State of Utah Division of Water Quality	C
Water pumping plants and reservoirs	C
Accessory building or use customarily incidental to a permitted use	P

[NOTE: Section “44-10” below will be moved to the *Ogden Valley Sign Ordinance, Chapter 32B-6 (Allowable Signs by Zoning District), Chapter 32B-9 (Prohibited Signs) and Chapter 32-B-11 (Special Purpose Signs)* at the time of adoption of this chapter.]

44-10 Destination and Recreation Resort Signs.

32B-6.C Destination and Recreation Resort Zone

1. Non-residential Uses

- a. Wall Signs. Each freestanding building or complex of buildings is allowed one (1) wall sign per street frontage which shall not exceed five percent (5%) of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by 5 %) not including false fronts. If multiple units, each unit to be allowed 5% of width of the unit multiplied by the height.
- b. Ground/Monument Sign. Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one (1) ground sign per frontage, not to exceed six (6) feet in height and ten (10) feet in width. The sign may be placed on a landscaped, mounded berm up to 2 feet from finished grade. The Planning Commission may approve up to two (2) ground/monument signs at each main Resort entrance/portal when presented as part of a Master Signage Plan as described in Section 32B-3.
- c. Portable signs. A-frame or sandwich signs not exceeding nine (9) square feet may be placed outside of a particular subdivision, project or event site; however, the sign must remain within the Resort boundary.
- d. Banners not to exceed twenty-one (21) square feet each. Each sign shall be safely secured to a permanent fixture and extend no closer than eight (8) feet to the ground.
- e. Changeable Copy Signs. Manual signs only meeting the requirements as listed in *32B-11.B (Special Purpose Signs – Destination and Recreation Resort Manual Changeable Copy Signs)*.

2 Residential Uses.

- a. Single-family and residential units of less than eight (8) units. One (1) wall sign identifying the name of the owner and/or property, not to exceed six (6) square feet is permitted.
- b. Multi-family residential uses of eight (8) units or more. One (1) wall sign not to exceed twenty (20) square feet in area is permitted.
- c. Subdivision Entry Signs (Monument Sign) Each subdivision may be allowed one (1) monument sign, not to exceed six (6) feet in height and ten (10) feet in width. The sign may be placed on a landscaped, mounded berm up to two (2) feet from grade.

Chapter 32B-9 Prohibited Signs

- E. Portable signs. Changeable copy trailer, a-frame, sandwich, or portable signs, except as permitted in Section 32B-11, Special Purpose Signs and Section 32B-6, Destination and Recreation Resort Zone.
- F. Banners. Banners, except as permitted in Section 32B-12, Temporary Sign Usage and Section 32B-6, Destination and Recreation Resort Zone.

Chapter 32B-11 Special Purpose Signs

- A. Manual changeable copy signs. One (1) reader board or changeable copy sign per business is permitted to be displayed, at one (1) square foot of sign area per linear foot of building frontage, and may be either ground or wall sign by the following types of businesses:
 - 1. Theaters. Motion picture theaters and play-houses.
 - 2. Auditoriums and Performing arts facilities.
 - 3. Convention facilities. Businesses with convention facilities.
 - 4. Gasoline Stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on premises.
 - 5. Grocery stores.
- B. Destination and Recreation Resort Zone manual changeable copy sign. One (1) reader board or changeable copy sign, not exceeding sixteen (16) square feet, is permitted and may be displayed within a Resort village area when the village area consists of six (6) or more commercial buildings.
- C. Movie poster signs. Motion picture theaters, facilities for performing arts, and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public shall be permitted to display a maximum of two (2) poster signs. Movie posters shall be displayed in a display case which shall be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted, and shall not exceed twelve (12) square feet in area. The area of any movie poster sign conforming to this section shall not count toward the total signage allowed by Section 32B-7, Allowable Signs by Zoning District.

[NOTE: Section “44-11” below will be moved to the *Petitioner Requirements – Rezoning Procedure and Development Agreement Ordinance, Chapter 35-9* at the time of adoption of this chapter.]

44-11 Destination and Recreation Resort Zone Supplementary Requirements.

- A. Petition Submittal Requirements. Due to the anticipated scale and potential impact of a Destination and Recreation Resort on Weber County and other surrounding areas, information in addition to that required by Section 35-3 and 35-4, of this ordinance, shall be required to accompany any petition submitted for consideration of a Destination and Recreation Resort Zone approval. The additional information shall consist of the following:
 - 1. Concept Development Plan showing sensitive land areas as described/mapped in Chapter 43, Ogden Valley Sensitive Lands Overlay Districts

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2. Traffic Impact Analysis
3. Cost Benefit Analysis
4. Recreation Facilities Plan
5. Seasonal Workforce Housing Plan
6. Emergency Services Plan including a Letter of Feasibility from the Weber Fire District and Weber County Sheriff's Office
7. Letter of Feasibility from the electrical power provider
8. Density calculation table showing proposed density calculations
9. Thematic renderings demonstrating the general vision and character of the proposed development

All documents submitted as part of the application/petition shall be accompanied by a corresponding PDF formatted file. All plans (including but not limited to, conceptual plans and architectural elevations/renderings etc.) submitted as part of the application/petition shall be accompanied by a corresponding PDF, DWF and JPEG formatted file.

- B. County Zoning Action. The Board of Weber County Commissioners, after receiving a recommendation from the Ogden Valley Township Planning Commission, may consider a Destination and Recreation Resort Zone for approval if the Board finds that the petition conforms to the policies/requirements described in this Chapter as well as the following:

1. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, *Ogden Valley Sensitive Lands Overlay District*, of the Weber County Zoning Ordinance.
2. A professional and empirical study has provided substantial evidence determining that the proposed Resort is viable and contributes to the surrounding community's economic well being.
3. A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Resort, from diminishing below an acceptable Level of Service.
4. The natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.
5. The proposed Resort's Seasonal Workforce Housing Plan will provide a socially, economically and environmentally responsible development.
6. The proposed Resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the County Commission.