



\*W2607987\*

11-13

EH 2607987 PG 1 OF 5  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
29-NOV-12 1130 AM FEE \$1.00 DEP SGC  
REC FOR: WEBER COUNTY PLANNING

ORDINANCE NO. 2012-18

**An Ordinance of Weber County rezoning approximately 4,297 acres located at Powder Mountain Resort from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40).**

**WHEREAS**, Western America Holding, LLC seeks to rezone certain property located at Powder Mountain Resort, as described above, for the general purpose of developing a year round destination resort; 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 the General Plan as adopted for all or part of the County; and

**WHEREAS**, the Ogden Valley General Plan states that "Weber County supports the continued development of resort-related commercial areas"; and

**WHEREAS**, one of many goals, as outlined in the General Plan is to "enhance quality recreational opportunities" within the Ogden Valley and "encourage private businesses and entrepreneurs to meet the growing demand for recreational facilities"; and

**WHEREAS**, the County is desirous of rezoning the property for the purpose of developing it in the manner presented, but the County does not feel that the property should be rezoned unless the proposed development is commenced as soon as conditions allow and completion is pursued in good faith; and

**WHEREAS**, the Ogden Valley Township Planning Commission, after appropriate notice, held public meetings on August 1<sup>st</sup> and December 10<sup>th</sup> of 2007, and unanimously recommended that the County Commission approve the proposed rezone subject to certain conditions; and

**WHEREAS**, the Weber County Board of Commissioners, after appropriate notice, held public hearings on July 8, 2008, and June 1, 2010 to allow the general public to comment on the proposed rezone; and

**WHEREAS**, the County and Western America Holding, LLC entered into a binding Memorandum of Understanding (MOU) on June 1, 2010 to facilitate the completion of a Development Agreement; and

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WHEREAS, the County has imposed certain conditions that aid in administering future development of the Resort and promote public safety and health, through negotiation of a Zoning Development Agreement; and

WHEREAS, the County and Western America Holding, LLC are desirous that certain litigation (Appellate Case No.20090897) which is presently pending before the Utah Supreme Court relating to the incorporation of the Town of Powder Mountain be dismissed and the Incorporation Petition be withdrawn; and

WHEREAS, the Weber County Board of Commissioners finds that the proposed rezoning complies with the goals and objectives of the General Plan; and

NOW THEREFORE, the Weber County Board of Commissioners ordains that the attached legal description is hereby rezoned from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1), and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) as depicted on the attached map:

See Exhibit A for legal description and map.

Passed, adopted and a synopsis ordered published this 13 day of November 2012, by the Weber County Board of Commissioners.

WEBER COUNTY BOARD OF COMMISSIONERS

By: Craig L. Dearden  
Craig L. Dearden, Chair

Commissioner Dearden	Voting	<u>aye</u>
Commissioner Zogmaister	Voting	<u>aye</u>
Commissioner Gibson	Voting	<u>aye</u>

ATTEST:

Ricky D. Hatch  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor



## POWDER MOUNTAIN Re-Zone Legal Description

Beginning at a point on the Weber-Cache county line, said point being South 03°24'06" West 1083.29 feet along the section line from the monument marking the Northwest Corner of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian (basis of bearing is South 89°31'02" East 2271.58 feet from said Northwest Corner to the monumented North Quarter Corner of said Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian, basis of bearing was measured from Geodetic North at said Northwest corner of Section 6) and running thence along said Weber-Cache county line (as shown on the Weber/Cache County Line plat recorded in Book 40 at Page 21, plat bearing is South 68°01'08" East) South 67°49'02" East 996.28 feet, thence meandering along said Weber-Cache county line the following (2) courses 1) South 68°53'43" East 618.79 feet to the existing Weber County brass monument, 2) South 32°04'40" East 1432.61 feet; thence South 57°57'32" West 266.13 feet to a point of curvature of a 402.11 foot radius non-tangent curve to the right, the center of which bears South 57°54'04" West; thence southerly along the arc of said curve 161.07 feet through a central angle of 22°57'00"; thence South 09°08'56" East 310.95 feet to a point of curvature of a 1667.00 foot radius curve to the left, the center of which bears North 80°51'04" East; thence southerly along the arc of said curve 35.04 feet through a central angle of 01°12'16" to a point of curvature of a 1667.00 foot radius curve to the left, the center of which bears North 79°38'49" East; thence southerly along the arc of said curve 253.22 feet through a central angle of 08°42'12"; thence South 19°03'23" East 177.42 feet; thence North 30°19'57" East 59.89 feet; thence South 74°47'46" East 428.89 feet; thence North 42°56'09" East 501.23 feet to the Weber-Cache county line; thence South 47°03'40" East 477.42 feet along said County line; thence South 76°31'40" East 455.56 feet along said County Line to a point of curvature of a 130.00 foot radius curve to the right, the center of which bears South 37°52'07" West; thence southerly along the arc of said curve 148.28 feet through a central angle of 65°21'05"; thence South 13°11'46" West 60.72 feet to a point of curvature of a 20.00 foot radius curve to the left, the center of which bears South 76°50'14" East; thence southeasterly along the arc of said curve 40.57 feet through a central angle of 116°12'40" to a point of curvature of a 1049.43 foot radius curve to the right, the center of which bears South 12°50'47" East; thence easterly along the arc of said curve 546.24 feet through a central angle of 29°49'23"; thence North 20°08'22" East 90.12 feet to the Weber-Cache County meander line; thence along said County meander line the following (11) courses: 1) South 76°31'40" East 55.28 feet, 2) North 72°56'20" East 2236.46 feet to the existing Weber County brass monument, 3) South 83°59'38" East 300.00 feet, 4) South 44°11'33" East 390.61 feet, 5) South 85°40'38" East 1023.04 feet, 6) North 51°00'22" East 311.10 feet to the existing Weber County brass monument, 7) North 50°59'56" East 762.67 feet, 8) North 64°33'56" East 1678.18 feet, 9) North 68°06'56" East 1724.96 feet, 10) South 84°54'04" East 727.30 feet, 11) North 72°55'56" East 43.77 feet to the Quarter Section line of Section 4, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence along said Quarter Section line South 00°19'06" East 3595.99 feet to the North quarter corner of Section 9, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°03'35" West 5405.90 feet to the South quarter corner of said Section 9; thence South 86°20'47" East 2617.49 feet to the Southeast Corner of said Section 9; thence South 46°37'20" West 3639.90 feet to the Northeast Corner of the Southwest quarter of Section 16, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 00°43'08" West 2358.71 feet to the South quarter corner of said Section 16; thence South 86°47'40" West 2650.21 feet to the Southwest Corner of said Section 16; thence North 85°54'28" West 2614.70 feet to the South quarter corner of Section 17, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence South 87°20'03" West 2432.26 feet to the Southwest Corner of said Section 17; thence North 03°35'27" West 2575.97 feet to the West Quarter Corner of said Section 17; thence North 85°39'14" West 1270.03 feet to the Southwest Corner of the East Half of the Northeast Quarter of Section 18, Township 7 North, Range 2 East, Salt Lake Base and Meridian; thence North 04°19'32" West

1058 East 2100 South  
Salt Lake City UT 84106  
P 801.209.2152 F 801.487.6009

22-001-0006, 0008, 0017<sub>PT</sub>, 0003, 0011, 0004, 0002<sub>PT</sub>

23-044-0008, 0011

22-006-0018, 0020, 0007

23-012-0118, 0032, 0035, 0034, 0033, 0027, 0028, 0029,  
0052, 0054, 0109<sub>PT</sub>, 0068, 0030, 0082

# BASELINE SURVEYING

boundary subdivisions & l.h.e. pp.  
topographic construction staking

3520.00 feet along the West line of said East Half and the extension thereof to a point 866.76 feet northerly of the Northwest Corner of said East Half; thence West 2460.69 feet; thence South 02°20'05" East 659.64 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section 7, Township 8 North, Range 2 East, Salt Lake Base and Meridian; thence North 84°07'08" West 1197.28 feet to the Southwest Corner of said Section 7; thence North 89°39'48" West 1322.81 feet to the Southwest Corner of the East Half of the Southeast Quarter of Section 12, Township 7 North, Range 1 East, Salt Lake Base and Meridian; thence North 00°06'22" West 2681.08 feet along the West line of said East Half; thence North 89°50'14" West 1322.49 feet to the Southwest Corner of the Northeast Quarter of said Section 12; thence North 00°04'52" West 1344.10 feet to the Southwest Corner of the Northwest Quarter of the Northeast Quarter of said Section 12; thence South 89°45'43" East 1319.67 feet to the Southeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 00°12'08" West 1340.37 feet to the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence North 89°45'21" West 1317.72 feet to the North Quarter Corner of said Section 12; thence North 89°50'36" West 2635.43 feet to the Northwest Corner of said Section 12; thence North 02°14'17" East 5031.31 feet; thence North 01°49'08" East 2646.08 feet; thence North 01°49'08" East 1792.67 feet to the Weber-Cache County meander line; thence along said County meander line the following (5) courses: 1) South 70°19'23" East 5.76 feet, 2) South 62°14'34" East 719.20 feet to the existing Weber County brass monument, 3) South 24°23'46" East 2776.74 feet, 4) South 84°50'46" East 337.97 feet to the existing Weber County brass monument, 5) South 46°17'14" East 1274.89 feet; thence South 33°03'13" West 270.18 feet; thence South 84°03'13" West 206.88 feet; thence South 00°03'26" West 167.56 feet; thence South 84°03'13" West 12.63 feet to a point of curvature of a 197.62 foot radius curve to the left, the center of which bears South 05°56'53" East; thence westerly along the arc of said curve 64.31 feet through a central angle of 18°38'43" thence South 65°24'24" West 52.84 feet to a point of curvature of a 305.00 foot radius curve to the right, the center of which bears North 24°35'34" West; thence westerly along the arc of said curve 116.12 feet through a central angle of 21°48'49"; thence South 87°13'16" West 100.24 feet to a point of curvature of a 240.00 foot radius curve to the left, the center of which bears South 02°46'48" East; thence southwesterly along the arc of said curve 255.36 feet through a central angle of 60°57'46"; thence South 26°15'26" West 44.03 feet to a point of curvature of a 335.00 foot radius curve to the right, the center of which bears North 63°44'32" West; thence southwesterly along the arc of said curve 165.97 feet through a central angle of 28°23'10"; thence South 54°38'39" West 37.98 feet to a point of curvature of a 100.00 foot radius curve to the left, the center of which bears South 35°21'29" East; thence southeasterly along the arc of said curve 369.84 feet through a central angle of 211°54'10"; thence North 22°44'21" East 120.59 feet to a point of curvature of a 215.00 foot radius curve to the right, the center of which bears South 67°15'41" East; thence northeasterly along the arc of said curve 307.94 feet through a central angle of 82°03'52"; thence South 15°35'58" West 55.58 feet; thence South 39°45'07" East 136.97 feet; thence North 88°13'31" West 142.96 feet; thence South 47°06'24" West 72.31 feet; thence South 24°12'14" East 397.37 feet; thence North 28°10'49" East 36.38 feet; thence South 61°49'22" East 100.00 feet; thence North 29°09'07" East 4.49 feet; thence South 41°13'35" East 553.25 feet to a point of curvature of a 708.18 foot radius curve to the right, the center of which bears South 07°16'51" East; thence easterly along the arc of said curve 209.63 feet through a central angle of 16°57'37" to a point of curvature of a 215.91 foot radius curve to the right, the center of which bears South 09°40'48" West; thence southeasterly along the arc of said curve 158.63 feet through a central angle of 42°05'46"; thence North 65°04'53" East 316.92 feet; thence North 00°12'10" East 495.42 feet; thence North 61°15'10" East 66.00 feet; thence South 28°44'36" East 123.04 feet; thence North 64°47'59" East 163.00 feet; thence North 25°12'01" West 140.00 feet; thence North 22°21'29" West 100.99 feet; thence North 19°25'39" East 124.19 feet to the Weber-Cache County line (as shown on the Weber/Cache County Line plat recorded in Book 40 at Page 21); thence along said line the following (4) courses: 1) South 26°40'11" East 263.33 feet to the existing Weber County brass monument, 2) South 36°46'13" East 374.24 feet to the existing Weber County brass monument, 3) South 66°55'13" East 745.72 feet, 4) South 67°49'02" East 217.95 feet to the point of beginning.

Containing 4,297 acres.

1058 East 2100 South  
Salt Lake City UT 84106  
P 801.209.2152 F 801.487.6009



SCALE: 1" = 2,000'

ZONING LEGEND

-  Zone CRP-1
-  Zone F-4g
-  Zone RV-3

M/M



**JACK JOHNSON COMPANY**  
 Designing World Possibilities  
 Address: 1775 Park Boulevard, Suite 100, Park City, Utah 84098  
 Phone: 435-764-1100  
 Fax: 435-764-1101  
 Website: www.jackjohnson.com

NO.	DESCRIPTION
001	CRP-1
002	F-4g
003	RV-3
004	UNZONED
005	RESERVED
006	RESERVED
007	RESERVED
008	RESERVED
009	RESERVED
010	RESERVED
011	RESERVED
012	RESERVED
013	RESERVED
014	RESERVED
015	RESERVED
016	RESERVED
017	RESERVED
018	RESERVED
019	RESERVED
020	RESERVED

# Powder Mountain Resort

Proposed Zoning: 05

Project No. 2607987

