

**CACHE COUNTY CONTRACT / AGREEMENT  
EXECUTIVE OFFICE EXECUTION CHECKLIST**

Contract Number: 24-40

Contracting Parties: Summit Mountain Holding Group LLC

Cache County

Description: **Development Agreement -- Installation and Operation of "Lightning Ridge" and "Raintree" Ski Lifts at Powder Mountain**

Department or Person Responsible for Contract or Agreement

Development Services

Signature STEPHEN NELSON Date 6/19/2024

County Attorney's Office has reviewed the contract and rendered a legal opinion

Signature [Signature] Date 24 June 24

Reviewed and Approved by the Personnel Management Director (INDEPENDENT CONTRACTORS ONLY)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Approval of the County Council **IS** required and has been given

Signature [Signature] Date 6-25-24

Resolution N/A

Approval of the County Council **IS NOT** required

Signature JANEEN ALLEN Date 6/26/24

Approved and Signed by the County Executive

Signature DAVID ZOOK Date 6/26/24

Agreement is complete with all attachments and ready to be executed

Signature JANEEN ALLEN Date 6/26/24

**Comment / Action:**

The duration needs to be outlined in this agreement before it can be executed. Also, please don't submit drafts through the pink sheet process. We need to have the original contract.

- new copy submitted w/ Dockets & original - AC - 24 June 24



## DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this 26<sup>TH</sup> day of June, 2024 ("Execution Date") by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company ("SMHG"), and Cache County, a body politic in the State of Utah ("County") (SMHG and County are collectively referred to as the "Parties").

### RECITALS

**WHEREAS**, SMHG is the owner of that certain real property in Cache County commonly known as Powder Mountain and more specifically described on Exhibit A which is attached and incorporated into this Agreement (the "Property"); and

**WHEREAS**, the Parties each have an interest in maintaining the ski lift construction schedule, which includes the installation and operation of two new ski lifts (Lightning Ridge and Raintree) in 2024, and have agreed that a development agreement is the appropriate tool by which to accomplish this goal; and

**WHEREAS**, Cache County is authorized pursuant to Utah Code Annotated section 17-27A-528 to enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this (Chapter 27A) chapter; and

**WHEREAS**, specific to Utah Code Annotated section 17-27A-528 (2)(a) this Agreement does not limit the County's authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future, further it does not allow the use or development of land that applicable land use regulations governing the area subject to this Agreement would otherwise *prohibit unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation* and therefore this Agreement is the appropriate tool to accomplish the goals and objectives of state law and the County as they relate to the ski lifts on Exhibit A; and

**WHEREAS**, the property is zoned Resort Recreation (RR), which requires prior to the development of any RR Zoned property compliance with the standards of RR Zone, including the creation and approval of a Master Plan and approval of a Conditional Use Permit; and

**WHEREAS**, the ski resort's general operation is a legal nonconforming use and further expansion of amenities and uses on the Property requires full compliance with RR Zone, namely lacking an updated Master Plan and other requirements within the RR Zone; and

**WHEREAS**, Ski lifts are specifically allowed in the County RR Zone, and the County desires to provide a means by which SMHG could do some limited expansion of current services

prior to full approval of an updated Master Plan, Conditional Use Permit, and other requirements within the RR Zone Standards within County Code 17.14.; and

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge the Parties agree to the following:

### **A G R E E M E N T**

1. **Property.** The Property covered by this Development Agreement is more specifically described in Exhibit A.
2. **Ski Lifts.** The ski lifts known as the Lightning Ridge Lift and Raintree Lift as described in Exhibit B (collectively, the "Lifts") are allowed uses in the RR zone and are by this Agreement, allowed to apply for development. SMHG shall apply for, obtain and comply with the Zoning Clearance and Building Permits issued by Cache County for the Lifts. The County shall issue such permits if these applications comply with the Cache County and International Building Code regardless of the Property's compliance with RR Zone and Conditional Use Permit update or restricted parcel status. SMHG shall submit all needed documentation to show compliance with adopted County development standards. The County shall also approve the Lifts to be placed on sensitive lands, including steep slopes, but shall require a geotechnical report and compliance with the recommendation contained within that report. Following completion, the Lifts may operate per the standards of the Utah State Tram Board.
3. **Capacity.** Each person signing on behalf of one of the Parties below has full authority, and the Parties have the sole and full right, power, authority and capacity to execute, deliver and perform this Agreement.
4. **Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a "successor" includes a party that succeeds to the rights and interests of the Developer as evidenced by, among other things, such party's submission of land use applications to the County relating to the Property or the Project.
5. **Agreement to Run With the Land.** This Agreement shall be recorded in the Office of the Cache County Recorder against the Property and is intended to and shall be deemed to run with the land, and shall be binding on and shall benefit all successors in the ownership of any portion of the Property.

**6. Duration.**

The term of this Agreement is from the date executed by the parties below but not to exceed two (2) years from the date of this Agreement. The Term may be extended by mutual agreement of the Parties.

**7. Termination.**

- a. Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the Lifts for the Property have not been issued a building permit within two (2) years from the date of this Agreement (the "Term"), or upon a default of this Agreement that is not cured, this Agreement shall terminate.
- b. Upon termination of this Agreement for the reasons set forth herein, the obligations of the County and the defaulting party to each other hereunder shall terminate, but none of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement shall be rescinded or limited in any manner.

**8. Amendment.** This Agreement may be amended only in writing, signed by the Parties hereto.

**9. Severability.** If any term or provision of this Agreement or the application thereof shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, will not be affected thereby and will be enforced to the extent permitted by law. To the extent permitted by applicable law, the Parties hereby waive any provision of law which would render any of the terms of this Agreement unenforceable.

**10.** This Agreement will be valid and enforceable only upon authorization of the Cache County Council pursuant to 17-27A-528(2).



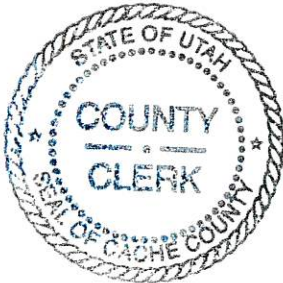
CACHE COUNTY

  
\_\_\_\_\_  
David Zook  
Cache County Executive

6/26/24  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
Cache County Clerk/Auditor



Summit Mountain Holding Group, L.L.C., a  
Utah limited liability company

By: Powder Parent LLC

  
\_\_\_\_\_  
Brooke Hontz  
Chief Development Officer

6/26/24  
\_\_\_\_\_  
Date

**Exhibit A**

Property Tax Parcels

**Lightning Ridge:**

16-007-0004

16-007-0006

**Raintree:**

16-017-0007

16-017-0011

16-017-0013

16-016-0004

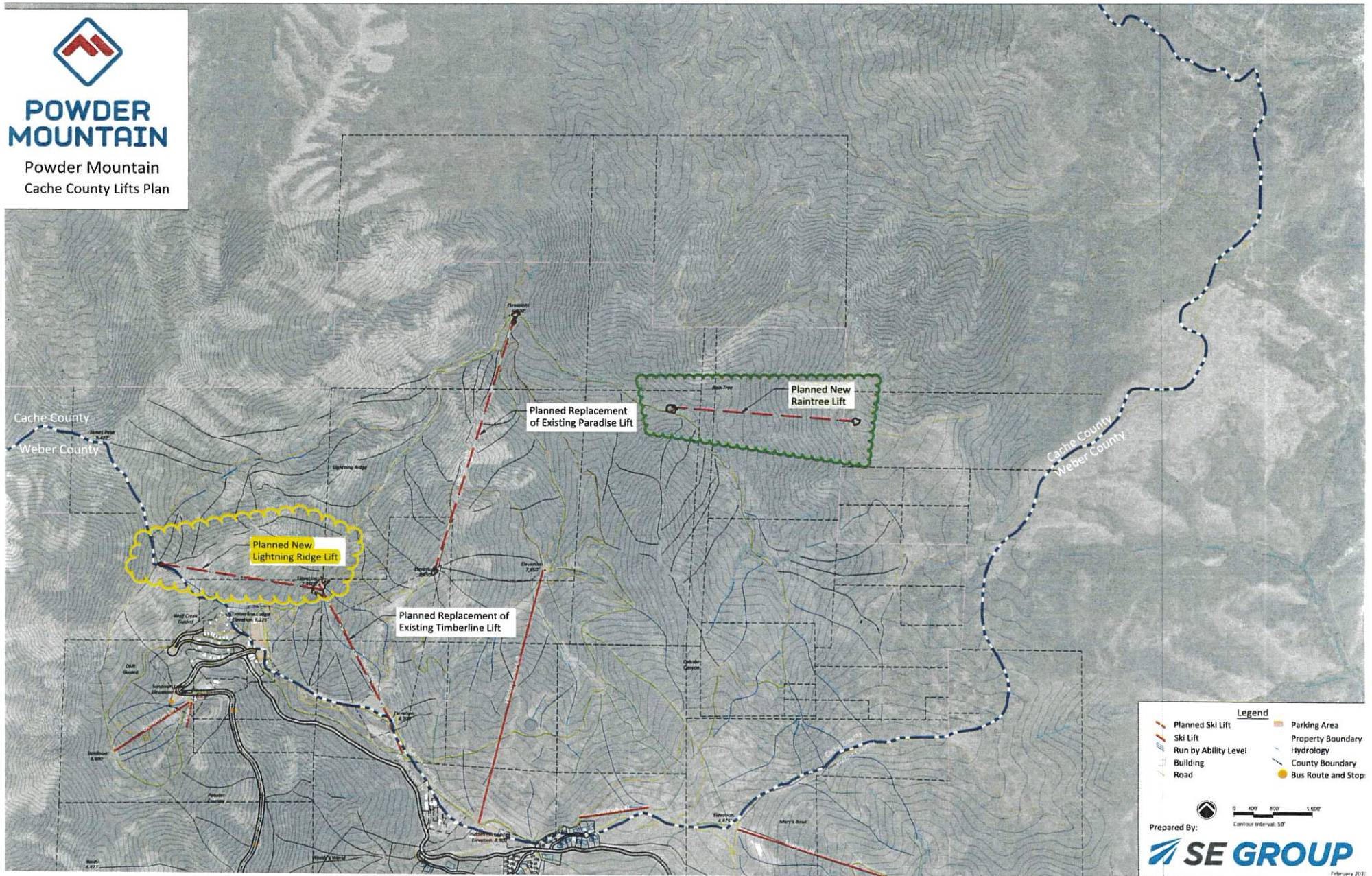


**Exhibit B**  
**Site Plan**



**POWDER  
MOUNTAIN**

Powder Mountain  
Cache County Lifts Plan





### Staff Report: Powder Mountain Development Agreement

6 June 2024

This staff report is an analysis of the application based on adopted county documents, standard county development practices, and available information. The report is to be used to review and consider the merits of the application. Additional information may be provided that supplements or amends this staff report.

**Agent:** Brooke Hontz

**Staff Recommendation:** None

**Type of Action:** Legislative

**Land Use Authority:** Cache County Council

**Parcel ID#:** 16-007-0004, -0016

16-017-0007, -0011, -0013, & 16-0161-0004

### Location

*Reviewed by Angie Zetterquist*

#### Project Address:

Powder Mountain Resort

Cache County/Weber County

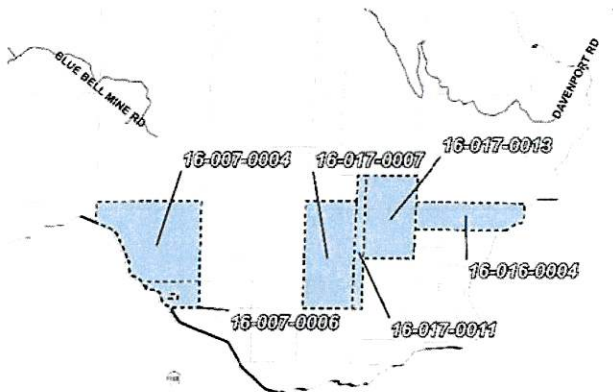
#### Surrounding Uses:

North – Forest Recreation

South – Forest Recreation/Weber County

East – Forest Recreation

West – Forest Recreation



### Findings of Fact

#### A. Request description

1. A request by the applicant to enter into a Development Agreement (Attachment A) with Cache County to construct two new ski lifts at the Powder Mountain Resort prior to submitting and getting approval of a Master Plan as required in the [Resort Recreation \(RR\) Zone](#) (Chapter 17.14).
2. Staff has identified general information as pertains to the proposed Development Agreement to assist the Planning Commission and County Council in arriving at a decision.
3. The Development Agreement is limited to the construction of two new ski lifts, Lighting Ridge and Raintree (Attachment B), in unincorporated Cache County and is not meant to resolve issues of restricted properties nor non-compliant structures or uses within the unincorporated Cache County areas of the resort, and it is not intended to be a substitute for the required Master Plan.

4. Staff has been working with the applicant for a number of months to identify a path forward to allow the construction of the two new ski lifts given the short building season in the higher elevations and the fact that preparing, submitting, and going through the approval process for the required Master Plan will take a significant amount of time.
5. After reviewing County Code and State Code, the Development Services Department and the County Attorneys Office provided the applicant with three options to move forward (Attachment C):
  - a. **Normal Approval Process:** Per [17.14.020 General Requirements](#) of the County Code, any development within the Powder Mountain Resort must submit a master plan as a conditional use permit (CUP) per [17.06.050](#) (see [17.14.030](#)). A master plan and CUP first must be approved by the Planning Commission. The applicant must then submit a Development Plan that meets the standards of [17.14.060](#), which would then be reviewed and approved by the Planning Commission. After these approvals, each building/structure will require a zoning clearance and building permit. Once all these conditions and requirements are met and the property owner has received the necessary permits, the application can proceed with development based on those approvals.
  - b. **Development by using a Development Agreement to allow special conditions:** Per State Code [17-27a-528 – Development Agreements](#), the County may enter into a development agreement allowing for a unique development process that falls outside the standard regulations. However, that development agreement must meet the same standards and requirements of a new land use code, which is a legislative process. Consequently, the Planning Commission must hold a public hearing and review and make recommendations to County Council on the proposed development agreement. Then the County Council, as the Land Use Authority for legislative actions, may approve the proposed development agreement, deny it, or make modifications to the terms of the agreement.

17-27a-528. Development agreements.

- (1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter.
- (2) (a) A development agreement may not:
  - (i) limit a county's authority in the future to:
    - (A) enact a land use regulation; or
    - (B) take any action allowed under Section [17-53-223](#);
  - (ii) require a county to change the zoning designation of an area of land within the county in the future; or
  - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section [17-27a-502](#), including a review and recommendation from the planning commission and a public hearing.



- c. **Propose a code change through the County's code amendment process:** The applicant has the right to submit an application for an Ordinance Amendment to propose revisions to the Resort Recreation (RR) Zone to change the current requirements and processes. An ordinance amendment is a legislative action and the County Council as the Land Use Authority has a lot of discretion in coming to a decision.
- d. Based on the three options, the applicant has submitted this request for a Development Agreement.

#### **6. History:**

- i. According to a summary and timeline of County records (Attachment D) prepared by County staff in 2017, Powder Mountain opened initially in 1972 with scattered mention of the area mentioned in Planning Commission minutes beginning in 1971. Planning Commission response was positive, but no formal approvals were given and no permits were found prior to the Hidden Lake ski lift and lift shack permits that were approved in 1975.
- ii. Two lodges, the main lodge (Timberline) and Hidden Lake, were built on the Cache County side of the boundary between Weber County and Cache County. No permits or other records were found for the Timberline Lodge, which was likely built in 1972. A CUP was approved for a ski inn on the Hidden Lake parcel in 1978, but it was rescinded in 1980 and never reinstated. The Hidden Lake Lodge opened in 1985, but no CUP, building permits, or other files have been found for its construction.
- iii. Individual CUPs for a few ski lifts and small projects have been issued for the Powder Mountain area over the years. An Interlocal Agreement was drafted in 1998 regarding taxation and services between Weber and Cache Counties. The area was rezoned to the Resort Recreation (RR) Zone in 2002. Ownership of the properties has changed multiple times over the years.
- iv. At least five various master plans and subdivision have been proposed for the area in the last 40 years. However, no signed/valid CUP has been found in County records for any version of a master plan for the Powder Mountain Resort development to date. The most recent Master Plan CUP and Development Agreement attempt expired in October 2008.
- v. The timeline produced by staff ends in 2015. Since that time, members of the Powder Mountain development team have reached out to the County every year or so to try and resolve the unpermitted structures and/or uses. However, no applications have been submitted or approved during that time and a Master Plan has not been submitted.

#### **7. Development Agreement**

- a. The proposed Development Agreement, as revised, (Attachment E) will be between the property owner, Summit Mountain Holding Group, and the County, acknowledging that it is each party's best interest to agree to the installation and operation of the two new ski lifts recognizing that the development agreement is the appropriate tool outside of full compliance with the Resort Recreation (RR) Zone requirements (i.e., approved Master Plan and CUPs).
- b. The agreement further does not limit the County's authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future.
- c. Also, the agreement does not allow any development or expansion beyond the two new ski lifts until the facility is in compliance with Chapter 17.14 of the Code or unless the legislative body approves another development agreement in accordance with the same procedures for enacting a land use regulation.

- d. Finally, the Development Agreement allows the two ski lifts to be placed on sensitive lands, including steep slopes (>30%), but requires the applicant to submit a Geotechnical Report and comply with the recommendations within the report. The County will issue the required permits if the applications and all necessary supporting documentation comply with the Cache County and International Building Code regardless of the facility's compliance with the RR Zone and CUP processes or restricted parcel status.

**B. Ordinance—§12.02.010, §17.02.030**

- 8. As per §17.02.030, Establishment of Land Use Authority, the County Council is authorized to act as the Land Use Authority for this application.

**C. Public Notice and Comment—§17.02.040 Notice of Meetings**

- 9. Public notice was posted online to the Utah Public Notice Website on 24 May 2024.
- 10. Notices were posted in three public places on 24 May 2024.
- 11. Notices were mailed to all property owners within 300 feet on 24 May 2024.
- 12. At this time, no written public comment regarding this proposal has been received by the Development Services Office.

## **Conclusion**

---

The Powder Mountain Development Agreement, a request by the applicant to enter into a Development Agreement with Cache County to construct two new ski lifts at the Powder Mountain Resort prior to submitting and getting approval of a Master Plan as required in the [Resort Recreation \(RR\) Zone](#) (Chapter 17.14), has been reviewed in conformance with Title 17 of the Cache County Land Use Ordinance and State Code 17-27a-528.

Staff has not made a recommendation based on the findings of fact identified above nor any others identified at the public hearing. Although Staff has not made a recommendation for approval or denial, they can help Planning Commission draft a recommendation to County Council.



## Development Services Department

Building | GIS | Planning &amp; Zoning

**Application: Ordinance Amendment**

Date Received:	By:	Receipt #:	Amount:	Check #:
5/1/24	Aaron*	19768	600	credit card

1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
2. The items indicated in the attached checklist must accompany this application.
3. Incomplete applications are not accepted.
4. Late applications are held for the next meeting's agenda.
5. The application fee is not refundable.
6. Any information submitted with this application becomes public record and is posted online.

**Ordinance Information**Ordinance Section(s): Request for Development AgreementAffected Zones: RR (Lightning Ridge), RR and FR40 (Raintree)**Agent Contact Information**Agent Name: Brooke HontzEmail: bhontz@powdermountain.comPhone: 435-640-1941Mailing Address: PO Box 1119 Eden, UT 84310**Review Process**

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the request.
- 2) Complete applications are forwarded to the necessary county departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the county land use authority and is available to all interested parties and is posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted on Utah Public Notice. Agendas are posted online at [www.cachecounty.org](http://www.cachecounty.org) and at <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available council agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.



## Attachment A

2024 Meeting Dates and Application Deadlines			
Planning Commission (1 <sup>st</sup> Thursday of each month*)		County Council (2nd & 4th Tuesday*)	Land Use Hearing Officer (variances & appeals)
Application Deadline 3:00 PM	Meeting Date 5:30 PM	Meeting Date 5:00 PM	
6 Dec 23	4 Jan	9 Jan	Public meetings will be scheduled on an as needed basis.
		23 Jan	
3 Jan	1 Feb	13 Feb	
		27 Feb	
31 Jan	7 Mar	12 Mar	
		26 Mar	
28 Feb	4 Apr	9 Apr	
		23 Apr	
3 Apr	2 May	14 May	
		28 May	
1 May	6 Jun	11 Jun	All public meetings will be fully noticed per State and County Codes.
		25 Jun	
5 Jun	11 Jul*	9 Jul	
		23 Jul	
3 Jul	1 Aug	13 Aug	
		27 Aug	
31 Jul	5 Sep	10 Sep	
		24 Sep	
4 Sep	3 Oct	8 Oct	
		22 Oct	
2 Oct	7 Nov	12 Nov	
		26 Nov	
30 Oct	5 Dec	3 Dec*	
		10 Dec*	

### Ordinance Amendment

#### Application Checklist and Acknowledgment

A complete application must include the items noted below unless specified otherwise. Further information may be required by staff, other departments and agencies, and/or the authority that reviews the application based on the proposed amendment.

- 1) ☒ A completed Ordinance Amendment application form and non-refundable review fees: \$600
- 2) ☒ A copy of the proposed ordinance amendment and any supporting materials.

### Acknowledgment

I, Brooke Hontz the undersigned agent and/or owner of the property acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.

  
Signature

05/01/2024  
Date

## Attachment A

May 1, 2024

Stephen Nelsen, AICP  
Cache County Development Services Director  
179 North Main, Suite 305  
Logan, Utah 84321

*Re: Proposed Development Agreement*

Dear Stephen,

Thank you for your letter of April 26, 2024 responding to our request for assistance and thank you for the phone calls and discussions in the meantime. I appreciate the level of care you and your team have given to our issue, and we are grateful for your efforts.


To that end, after considering the three options you provided, we would like to proceed with the Development Agreement option #2.

However, as I looked for guidance in the State law section you referenced, in particular the section you highlight in yellow, I see that because ski lifts would not otherwise be *prohibited* *see* 17-27a-528(2)(a) we likely fall squarely under the domain of 17-27a-528(1) which clearly allows the County to enter into the development agreement for this purpose, and further allows you to do it administratively and not require a legislative body's approval under 17-27a-528(2)(b). Would you be willing to take another look at those sections in combination? I believe that this reading is not only possible but most accurately reflects the facts and was the intent of the legislation.

While we feel Section 17-27a-528(2)(b) applies, we are appreciative of the path you outlined under Section 17-27a-528. In a good faith effort to comply with these requirements, we have drafted a very simple, straightforward development agreement focused solely on the issue of the two ski lifts.

We have also included for good measure and due to the nature of our time sensitivities, the building permit application, to clearly identify the parameters of the lift improvements that are the subject of the Development Agreement.

Best regards,

Brooke Hontz 

Brooke Hontz  
Chief Development & Construction Officer  
Powder Mountain Resort



## Attachment A

### DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into this \_\_\_\_ day of May, 2024 ("Execution Date") by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company ("SMHG"), and Cache County, a body politic in the State of Utah ("County") (SMHG and County are collectively referred to as the "Parties").

### RECITALS

**WHEREAS**, SMHG is the owner of that certain real property in Cache County commonly known as Powder Mountain and more specifically described on Exhibit A which is attached and incorporated into this Agreement (the "Property"); and

**WHEREAS**, the Parties each have an interest in maintaining the ski lift construction schedule which includes the installation and operation of two new ski lifts (Lightning Ridge and Raintree) in 2024 and have agreed that a development agreement is the appropriate tool by which to accomplish this goal; and

**WHEREAS**, Cache County is authorized pursuant to Utah Code Annotated section 17-27A-528 to enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this (Chapter 27A) chapter; and

**WHEREAS**, specific to Utah Code Annotated section 17-27A-528 (2)(a) this Agreement does not limit the County's authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future, further it does not allow the use or development of land that applicable land use regulations governing the area subject to this Agreement would otherwise *prohibit* and is therefore this Agreement is the appropriate tool to accomplish the goals and objectives of state law and the County as they relate to the ski lifts on Exhibit A; and

**WHEREAS**, the implementation of the ski lifts are specifically allowed by administrative process in the County RR zone which zone is the applicable zone to the Property; and

**WHEREAS**, pursuant to 17-27A-528 (2)(b) a development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 17-27a-502 and this Agreement requires the implementation of an existing land use regulation as an administrative act therefore, the County legislative body is not required to approve; and

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge the Parties agree to the following:

## Attachment A

### A G R E E M E N T

1. **Property.** The Property covered by this Memorandum of Understanding is more specifically described in Exhibit A.
2. **Ski Lifts.** The ski lifts known as the Lightning Ridge Lift and Raintree Lift as described in Exhibit B (collectively, the "Lifts") are allowed uses in the RR zone and are by this Agreement approved. SMHG shall apply for, obtain and comply with the Building Permits issued by Cache County for the Lifts. Following completion, the Lifts may operate per the standards of the Utah State Tram Board.
3. **Capacity.** Each person signing on behalf of one of the Parties below has full authority, and the Parties have the sole and full right, power, authority and capacity to execute, deliver and perform this Agreement.

CACHE COUNTY

\_\_\_\_\_  
David Zook, Cache County Administrator

ATTEST:

\_\_\_\_\_  
Cache County Clerk/Auditor

Summit Mountain Holding Group, L.L.C., a  
Utah limited liability company

By: Powder Parent LLC

By \_\_\_\_\_  
Brooke Hontz  
Chief Development Officer



# Attachment A

## Exhibit A

### Property Tax Parcels

#### **Lightning Ridge:**

16-007-0004

16-007-0006

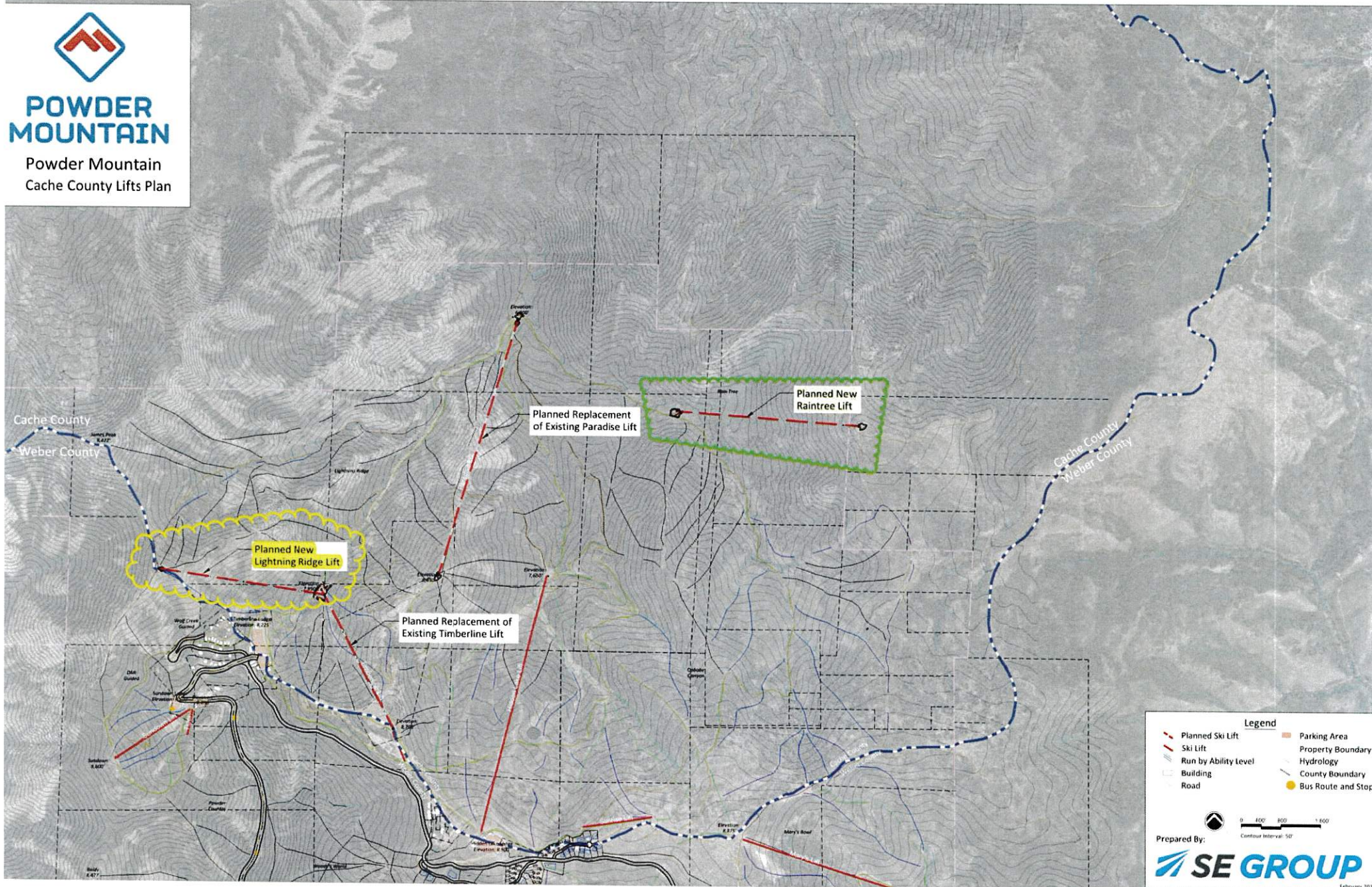
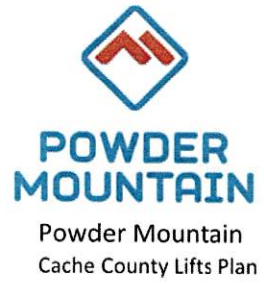
#### **Raintree:**

16-017-0007

16-017-0011

16-017-0013

16-016-0004







April 26, 2024

SMHG LANDCO LLC  
PO BOX 1119  
EDEN, UT 84310-1119

Sent Via Email: [bhontz@powdermountain.com](mailto:bhontz@powdermountain.com)

Re: Powder Mountain Development Agreement Request

To whom it may concern,

As the Director of Development Services, I have thoughtfully considered your request to find a method for Cache County, namely my department, to issue building permits for the two new proposed ski lifts at Powder Mountain. After thorough consideration, the following methods are the only options available to my department.

**Normal Approval Process**

As we have discussed in our meetings, Powder Mountain is located within the Resort Recreation (RR) Zone, which is established and mainly governed by [17.08](#), [17.09](#), [17.10](#), and [17.14](#) in Cache County Code (development in the County is governed by a variety of local, state, and federal laws and regulations, this list is summary of the primary sections). Cache County Code states the following:

**17.14.010 General Requirements**

*B. Development within the RR Zone shall adhere to the standards set forth in this land use ordinance and the Utah Condominium Ownership Act as set forth in Utah Code Annotated title 57, chapter 8, as amended.*

This means that any development within the Powder Mountain Development must adhere to the standards outlined in 17.14. Generally, there are numerous requirements within this chapter. Still, to summarize, a development would need to submit a master plan as a conditional use permit (CUP) issuance per 17.06.050 (see 17.14.030). The master plan and CUP need to be approved by the Planning Commission. The applicant must submit a Development Plan that meets the standards within 17.14.060, which would then be reviewed and approved by the Planning Commission. After these approvals, each building will require a zoning clearance and then a building permit (see 17.06.050). Once all these conditions and requirements are met and the property owner has received the necessary permits, the application can proceed with the development based on these approvals.

As noted in our meeting, 17.14.040 currently requires a development agreement. However, based on the updated state code, we no longer require that as a base condition unless the development meets the state's standards.

### **Development by using a development agreement to allow special conditions**

An agent of Powder Mountain Ski Resort has requested that the County enter into a contract with Powder Mountain to allow the County to issue a building permit without going through the full RR Zone Requirements. This would require a development agreement and need to comply with the following section of Utah code:

#### **17-27a-528. Development agreements.**

- (1) *Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter.*
- (2)
- (a) *A development agreement may not:*
- (i) *limit a county's authority in the future to:*
- (A) *enact a land use regulation; or*
- (B) *take any action allowed under Section 17-53-223;*
- (ii) *require a county to change the zoning designation of an area of land within the county in the future; or*
- (iii) *allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.*

As shown in the highlighted section, the County may enter into a development agreement allowing for a unique development process that falls outside the standard regulations. However, that development agreement must meet the same standards and requirements of a new land use code. Namely, the planning commission would need to hold a public hearing and review and make recommendations on the proposed development agreement. Afterward, the County Council would need to approve the terms of the agreement.

As the Director of Development Services, I do not have the power to enter into an agreement of this sort, and it needs to be approved by the County Council.





### **Approval as a Compliance Plan**

An agent of Powder Mountain Ski Resort has also asked the County for a document stating that the County would not prosecute or enforce current or future violations of county code for a given period while the property owner works on compliance. Allowing property owners additional time to comply is standard with our code enforcement as we work with property owners. Generally, our goal is to have property owners abide by the Cache County code without using enforcement procedures.

However, staff has never used this procedure to preauthorize noncompliant activity. Namely, it is standard practice to delay enforcement while property owners work in good faith to comply with current violations, not to begin new ones. Generally, if a property owner expands on their current violations, it would void any compliance plan as they expand the problem. In addition, a compliance plan or nonenforcement agreement could not authorize the Development Service Office to issue permits for development without the approval of the proper land use authority.

### **Summary**

As staff has reviewed your options within the code, Powder Mountain only has a few avenues to construct the two additional ski lifts legally.

1. Follow the process listed in 17.14 Resort Recreation Zone and other sections of the county code.
2. Propose a Development Agreement and follow the process in State Code 17-27a-528 Development Agreements.
3. Propose a code change through our code amendment process.

Outside of these options, I cannot authorize building permits for the two new proposed ski lifts.

Please let me know if you have any additional questions.

**Stephen Nelson, AICP**  
**Development Service Director**  
[stephen.nelson@cachecounty.gov](mailto:stephen.nelson@cachecounty.gov)  
Cell: (435) 720-3543

# Powder Mountain Timeline

**Summary:** Powder Mountain opened initially in 1972. Scattered mention of this area in Planning Commission minutes begin in 1971. Planning commission response was positive, but no formal approvals were given. No permits found prior to the Hidden Lake ski lift and lift shack permits approved in 1975.

Two lodges, the main lodge (Timberline) and Hidden Lake, were built on the Cache County side of the line. No permits or other records found for the Timberline lodge, which was probably built in 1972. A CUP was approved for a ski inn on the Hidden Lake parcel in 1978, but it was rescinded in 1980 and never reinstated. The Hidden Lake lodge opened in 1985, but no CUP, building permits, or other files have been found for its construction.

Individual CUPs for a few ski lifts and small projects have been issued for the Powder Mountain area over the years. In Interlocal Agreement was drafted in 1998 regarding taxation and services between Weber and Cache counties. The area was successfully rezoned to Resort Recreation in 2002. Ownership of the primary entities proposing development has changed at least 3 times. At least 5 various master plans and subdivisions have been proposed for the area in the last 40 years. No signed/valid CUP has been found in our records for any version of a master plan for Powder Mountain Resort development to date.

The most recent Master Plan CUP and Development Agreement attempt expired in Oct 2008.

## Early Records, 1970-1975

1972 – Main Lodge (Timberline) opens this year, according to the Powder Mountain website. No building permit or other files have been found for this building.

Sep 1972 – Maps and sketches of Powder Mountain plans presented to planning commission, but not described in the minutes. No file folder found containing these plans. Though response appears to be positive, no approvals were given in this meeting for any development based on those plans.

Aug 1975 – CUP with accompanying Building Permits 16-007-0006 Hidden Lake Ski lift & shack (BP #s 172 & 173) CUP also allows construction of a primitive overnight lodge/ski shelter (24x40 ft, 960 sq ft). Permit for the lift shack (69 sq ft) references a “master plan submitted to planning commission.” No files found containing a copy of this master plan.

## Attachment D

---

Dec 1978 – 16-007-0006 Ski Inn. This lodging planned with multiple rooms, significantly larger than the overnight lodge described in the 1975 CUP. This CUP was rescinded due to disagreement on whether Cache or Weber County would provide services to the area, and which side of the line the primary developments should be built.

July 1979 – 16-007-0006, PUD request - did not submit prelim. plat

Aug 1980 – 16-001-0006, granted allowance of sewer lagoons, pending approval of State and Weber County. No papers showing that those approvals were finalized. CUP page has Planning Commission approval, but does not have the applicant or notary signatures.

Sep 1980 – 16-007-0006, requested FR-40 to C-3 to allow hotel construction. Denied due to inability to reach agreement with Weber County about services to the area.

Sep 1980 – 16-007-0006, Requested variance for a lodge. Denied due to lack of clearance for services from Weber County.

---

1985 – Hidden Lake Lodge opened this year, according to the Powder Mountain website (parcel #16-001-0009). No building permit, CUP, or other files found in our records for this lodge. Unknown how close the plans for this lodge were to the lodge proposed in 1978. Searched by parcel numbers, known owner's names, and for any files covering this area, but found none.

---

Sep 1993 – CUP with accompanying Building Permit & ZC 16-001-0006, Ski Lift (Sunrise Lift)

1995 – REZONE (unresolved) Requested rezone of FR-40 Zone to be consistent with Weber County CR1, FR1, and FR3 zones. Discussion recommended, but no decision made.

May 1996 – CUP with accompanying Building Permit & ZC 16-007-0006, Maintenance Shop in the Hidden Lake area of the resort.

July 1997 – CUP with accompanying Building Permit & ZC 16-017-0006, Ski Lift (Paradise Lift) Approved, never built.



## Attachment D

Sep 1998 – **INTERLOCAL COOPERATION AGREEMENT** (Resolution 1998-029) Cache and Weber County approve an agreement regarding taxation and services in the Powder Mountain area. Resolution begins 1 Jan 1999 and expires 31 Dec 2002 with option to extend.

Apr 1999 – CUP with accompanying Building Permit & ZC 16-017-0006, 0009, 0005 Ski Lift (Paradise Lift) approved, to be much larger than the lift originally approved in 1997.

July 2000 – CUP with accompanying ZC. No building permit found. 16-001-0009, Nextell Communications put a multi-tenant telecommunication site to include a building addition and an 80 foot high monopole.

Dec 2000 – CUP with accompanying ZC No building permit found. 16-001-0009, Nextell Communications put antennas on top of the existing Hidden Lake Lodge. Equipment structure located under a proposed deck.

### **Successful Rezone to RR , Master Plan and Development Agreement Attempt– 2001-2002**

Nov 2001 – BUSINESS LICENSE CLEARANCE for Powder Mountain Inc. – 16-001-0010  
This document claims that “A 36 room Ski Inn was approved 14 Dec 1978,” and that “the Hidden Lake Lodge and Main Lodge were built in the 1970s.” It is true that the original CUP was approved on 14 Dec 1978. However, that CUP was the one rescinded on 10 Sep 1980 (see above). No record has been found of any re-instatement of that original 1978 CUP. The original main lodge was built in 1972, but the Hidden Lake Lodge was built in 1985, according to the Powder Mountain website. No papers found for the lodge built in 1985.

Nov 2001 – SUBDIVISION **VOID** Application for 86-lot clustered major subdivision, no specific parcel numbers given. Requested a 12 month extension. Was not continued after 12 months and indefinitely placed on hold in Nov 2002. The subdivision application was meant to be re-submitted after acceptance of the Master Plan. However, that master plan was never approved, and a subdivision plan was never re-submitted.

October 2002 – REZONE Multiple parcels rezoned from FR-40 to RR Zone

Nov 2002 –CUP **WITHDRAWN** - Master Plan and Development Agreement. This was placed on hold by the applicant due to a buyout option lapse on 11 November 2002.

## Attachment D

\_\_\_\_\_ 2 2 2 2 2 2 2 2 r 2

Jun 2006 – Master Plan CUP The CUP was approved and never officially revoked by a County Council motion/vote. However, the CUP is void since the Development Agreement was never approved and the stipulations were never met. It was never signed or formally issued on paper. There was a 6 month deadline to approve a Development Agreement. The Development Agreement was rejected and re-drafted several times. Extensions granted in Sep 2006 and again in Apr 2007.

Sep 2007 – Development Agreement approval requested under a separate CUP-like application. Extensions granted in Oct 2007, and Feb 2008.

Jan 2008 – Application filed to incorporate the Town of Powder Mountain.

Aug 2008 – Town of Powder Mountain granted incorporation, but the Weber County commissioners refuse to appoint a mayor and town council.

Oct 2008 – Development Agreement declared Extensions officially expired 31 Aug 2008, but the only official recognition of that expiration was on 28 Oct 2008, when Brian chambers stated in the County Council meeting that “Cache County is no longer involved” with Powder Mountain due to their litigation with Weber County.

\_\_\_\_\_ 2 2 2 2 2 r

Apr 2006 – ZC and accompanying Building Permit, upgrade\replace the ski lift at Hidden Lake.

Oct 2006 – ZC and attached CUP for Nextel/Sprint Antennas placed at the Hidden Lake Lodge. No separate Building Permits found for these.

Jun 2008 – BP for an interior remodel – bathroom, one lodge room, and ventilation hood in the kitchen. 16-001-0007, Note on the permit indicates “This work was all done before a permit was issued. Do not assume the work is compliant.”

Nov 2008 – ZC and accompanying BP for a *temporary* yurt. Building permit notes: “Owners say it will be used for one season only.” Parcel 16-001-0008. The yurt is still there today, apparently being used as their “adventure center” from which ski tours depart.

Jun 2013 – ZC and accompanying Building Permit. On parcel 16-001-0009, Replace the antennas that were originally installed in 2000.

Dec 2015 – REZONE On parcel 16-001-0009 for a .7 acre portion of property in the RR zone to include the PI Overlay Zone.



## Attachment E

### DEVELOPMENT AGREEMENT

This Development Agreement (“Agreement”) is entered into this \_\_\_\_ day of June, 2024 (“Execution Date”) by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company (“SMHG”), and Cache County, a body politic in the State of Utah (“County”) (SMHG and County are collectively referred to as the “Parties”).

### RECITALS

**WHEREAS**, SMHG is the owner of that certain real property in Cache County commonly known as Powder Mountain and more specifically described on Exhibit A which is attached and incorporated into this Agreement (the “Property”); and

**WHEREAS**, the Parties each have an interest in maintaining the ski lift construction schedule, which includes the installation and operation of two new ski lifts (Lightning Ridge and Raintree) in 2024, and have agreed that a development agreement is the appropriate tool by which to accomplish this goal; and

**WHEREAS**, Cache County is authorized pursuant to Utah Code Annotated section 17-27A-528 to enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this (Chapter 27A) chapter; and

**WHEREAS**, specific to Utah Code Annotated section 17-27A-528 (2)(a) this Agreement does not limit the County’s authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future, further it does not allow the use or development of land that applicable land use regulations governing the area subject to this Agreement would otherwise *prohibit unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation* and therefore this Agreement is the appropriate tool to accomplish the goals and objectives of state law and the County as they relate to the ski lifts on Exhibit A; and

**WHEREAS**, the property is zoned Resort Recreation (RR), which requires prior to the development of any RR Zoned property compliance with the standards of RR Zone, including the creation and approval of a Master Plan and approval of a Conditional Use Permit; and

**WHEREAS**, the ski resort’s general operation is a legal nonconforming use and further expansion of amenities and uses on the Property requires full compliance with RR Zone, namely lacking an updated Master Plan and other requirements within the RR Zone; and

**WHEREAS**, Ski lifts are specifically allowed in the County RR Zone, and the County desires to provide a means by which SMHG could do some limited expansion of current services prior to full approval of an updated Master Plan, Conditional Use Permit, and other requirements within the RR Zone Standards within County Code 17.14. ; and

## Attachment E

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge the Parties agree to the following:

### A G R E E M E N T

1. **Property.** The Property covered by this Development Agreement is more specifically described in Exhibit A.
2. **Ski Lifts.** The ski lifts known as the Lightning Ridge Lift and Raintree Lift as described in Exhibit B (collectively, the "Lifts") are allowed uses in the RR zone and are by this Agreement, allowed to apply for development. SMHG shall apply for, obtain and comply with the Zoning Clearance and Building Permits issued by Cache County for the Lifts. The County shall issue such permits if these applications comply with the Cache County and International Building Code regardless of the Property's compliance with RR Zone and Conditional Use Permit update or restricted parcel status. SMHG shall submit all needed documentation to show compliance with adopted County development standards. The County shall also approve the Lifts to be placed on sensitive lands, including steep slopes, but shall require a geotechnical report and compliance with the recommendation contained within that report. Following completion, the Lifts may operate per the standards of the Utah State Tram Board.
3. **Capacity.** Each person signing on behalf of one of the Parties below has full authority, and the Parties have the sole and full right, power, authority and capacity to execute, deliver and perform this Agreement.

CACHE COUNTY

---

David Erickson , Cache County Council  
Chair



## Attachment E

ATTEST:

---

Cache County Clerk/Auditor

Summit Mountain Holding Group, L.L.C., a  
Utah limited liability company

By: Powder Parent LLC

By \_\_\_\_\_  
Brooke Hontz  
Chief Development Officer

## Attachment E

### Exhibit A

#### Property Tax Parcels

##### **Lightning Ridge:**

16-007-0004

16-007-0006

##### **Raintree:**

16-017-0007

16-017-0011

16-017-0013

16-016-0004

**Attachment E**

**Exhibit B**  
**Site Plan**





## IMPORTANT NOTICE

### A PUBLIC MEETING REGARDING A PROJECT NEAR YOU

**What:** Planning Commission Meeting

**When:** June 6, 2024, 5:30 p.m.

**Where:** 199 North Main, Logan, UT  
Cache County Council Chambers  
Historic Courthouse

**Request:** A request by the applicant to enter into a Development Agreement with Cache County to construct two new ski lifts at the Powder Mountain Resort prior to submitting and getting approval of a Master Plan as required in the Resort Recreation (RR) Zone.

**Project Name:** Powder Mountain Development Agreement

**Project Location:** Parcel #'s 16-007-0004, 16-007-0006, 16-016-0004, 16-017-0007, 16-017-0011, 16-017-0013

**Applicant:** Brooke Hontz

May 24, 2024

This letter is to inform you that a land use application for a project near you has been submitted to the Cache County Development Services Department. This request will be heard at a public hearing at **5:45 PM** and you are invited to attend. The Planning Commission will be accepting comment from the general public at this meeting. If you cannot be at the meeting but desire to provide comment concerning this project to the Planning Commission, please provide your comment in writing to the Development Services Office prior to the meeting. The county will then provide copies of any written comments to the Planning Commission.

As they are completed, the meeting agenda, staff report, and any additional information specific to this request will be posted online at [www.cachecounty.gov/pz](http://www.cachecounty.gov/pz).

If you have questions or desire additional information about the proposed project, contact the Development Services Office, at 435-755-1640 or [devservices@cachecounty.gov](mailto:devservices@cachecounty.gov).

## THIS IS THE ONLY NOTICE YOU WILL RECEIVE

# **Powder Mtn Dev Agreement**

parcel_number	owner_name	owner_address1	owner_city_state_zip
16-001-0006	POWDER MOUNTAIN GROUP HOLDING LLC	PO BOX 2070	SALT LAKE CITY, UT 84110-2070
16-001-0007	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-001-0008	SUMMIT MOUNTAIN HOLDING GROUP LLC	PO BOX 1119	EDEN, UT 84310-1119
16-001-0018	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-001-0026	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-007-0001	REED C JENSEN & KARL A JENSEN LAND HOLDING CO	7055 N 6800 W	TREMONTON, UT 84337-8511
16-007-0002	REED C JENSEN & KARL A JENSEN LAND HOLDING CO	7055 N 6800 W	TREMONTON, UT 84337-8511
16-007-0003	BEQUIA INVESTMENTS LTD	PO BOX 832	EDEN, UT 84310-0832
16-007-0004	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-007-0005	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-007-0006	SUMMIT MOUNTAIN HOLDING GROUP LLC	PO BOX 1119	EDEN, UT 84310-1119
16-016-0001	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-016-0003	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-016-0004	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-016-0006	UTAH STATE DEPT OF NATURAL RESOURCES	PO BOX 145610	SALT LAKE CITY, UT 84114-5610
16-016-0007	UTAH STATE DEPT OF NATURAL RESOURCES	PO BOX 145610	SALT LAKE CITY, UT 84114-5610
16-016-0010	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-016-0011	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-016-0012	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-017-0001	MONUMENT HOLDINGS LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-017-0003	SUMMIT MOUNTAIN HOLDING GROUP LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0005	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0006	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0007	SUMMIT MOUNTAIN HOLDING GROUP LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0009	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0010	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0011	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0012	MONUMENT COBABE LLC	PO BOX 1119	EDEN, UT 84310-1119
16-017-0013	SMHG LANDCO LLC	11849 S HIDDEN BROOK BLVD	SANDY, UT 84092-7158
16-017-0014	SMHG LANDCO LLC	PO BOX 1119	EDEN, UT 84310-1119
	BROOKE HONTZ	PO BOX 1119	EDEN, UT 84310-1119



April 26, 2024

SMHG LANDCO LLC  
PO BOX 1119  
EDEN, UT 84310-1119

Sent Via Email: [bhontz@powdermountain.com](mailto:bhontz@powdermountain.com)

Re: Powder Mountain Development Agreement Request

To whom it may concern,

As the Director of Development Services, I have thoughtfully considered your request to find a method for Cache County, namely my department, to issue building permits for the two new proposed ski lifts at Powder Mountain. After thorough consideration, the following methods are the only options available to my department.

**Normal Approval Process**

As we have discussed in our meetings, Powder Mountain is located within the Resort Recreation (RR) Zone, which is established and mainly governed by [17.08](#), [17.09](#), [17.10](#), and [17.14](#) in Cache County Code (development in the County is governed by a variety of local, state, and federal laws and regulations, this list is summary of the primary sections). Cache County Code states the following:

**17.14.010 General Requirements**

*B. Development within the RR Zone shall adhere to the standards set forth in this land use ordinance and the Utah Condominium Ownership Act as set forth in Utah Code Annotated title 57, chapter 8, as amended.*

This means that any development within the Powder Mountain Development must adhere to the standards outlined in 17.14. Generally, there are numerous requirements within this chapter. Still, to summarize, a development would need to submit a master plan as a conditional use permit (CUP) issuance per 17.06.050 (see 17.14.030). The master plan and CUP need to be approved by the Planning Commission. The applicant must submit a Development Plan that meets the standards within 17.14.060, which would then be reviewed and approved by the Planning Commission. After these approvals, each building will require a zoning clearance and then a building permit (see 17.06.050). Once all these conditions and requirements are met and the property owner has received the necessary permits, the application can proceed with the development based on these approvals.



As noted in our meeting, 17.14.040 currently requires a development agreement. However, based on the updated state code, we no longer require that as a base condition unless the development meets the state's standards.

**Development by using a development agreement to allow special conditions**

An agent of Powder Mountain Ski Resort has requested that the County enter into a contract with Powder Mountain to allow the County to issue a building permit without going through the full RR Zone Requirements. This would require a development agreement and need to comply with the following section of Utah code:

**17-27a-528. Development agreements.**

- (1) Subject to Subsection (2), a county may enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this chapter.*
- (2)*
  - (a) A development agreement may not:*
    - (i) limit a county's authority in the future to:*
      - (A) enact a land use regulation; or*
      - (B) take any action allowed under Section 17-53-223;*
    - (ii) require a county to change the zoning designation of an area of land within the county in the future; or*
    - (iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.*

As shown in the highlighted section, the County may enter into a development agreement allowing for a unique development process that falls outside the standard regulations. However, that development agreement must meet the same standards and requirements of a new land use code. Namely, the planning commission would need to hold a public hearing and review and make recommendations on the proposed development agreement. Afterward, the County Council would need to approve the terms of the agreement.

As the Director of Development Services, I do not have the power to enter into an agreement of this sort, and it needs to be approved by the County Council.



### **Approval as a Compliance Plan**

An agent of Powder Mountain Ski Resort has also asked the County for a document stating that the County would not prosecute or enforce current or future violations of county code for a given period while the property owner works on compliance. Allowing property owners additional time to comply is standard with our code enforcement as we work with property owners. Generally, our goal is to have property owners abide by the Cache County code without using enforcement procedures.

However, staff has never used this procedure to preauthorize noncompliant activity. Namely, it is standard practice to delay enforcement while property owners work in good faith to comply with current violations, not to begin new ones. Generally, if a property owner expands on their current violations, it would void any compliance plan as they expand the problem. In addition, a compliance plan or nonenforcement agreement could not authorize the Development Service Office to issue permits for development without the approval of the proper land use authority.

### **Summary**

As staff has reviewed your options within the code, Powder Mountain only has a few avenues to construct the two additional ski lifts legally.

1. Follow the process listed in 17.14 Resort Recreation Zone and other sections of the county code.
2. Propose a Development Agreement and follow the process in State Code 17-27a-528 Development Agreements.
3. Propose a code change through our code amendment process.

Outside of these options, I cannot authorize building permits for the two new proposed ski lifts.

Please let me know if you have any additional questions.

Stephen Nelson, AICP  
Development Service Director  
[stephen.nelson@cachecounty.gov](mailto:stephen.nelson@cachecounty.gov)  
Cell: (435) 720-3543



## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

**Parcel Number:** 16-007-0004

**Property Address:** (Not Available)

**Tax Roll Acreage:** 355.75

**Owner Name:** SMHG LANDCO LLC

**Owner Address:** PO BOX 1119  
EDEN, UT 84310-1119

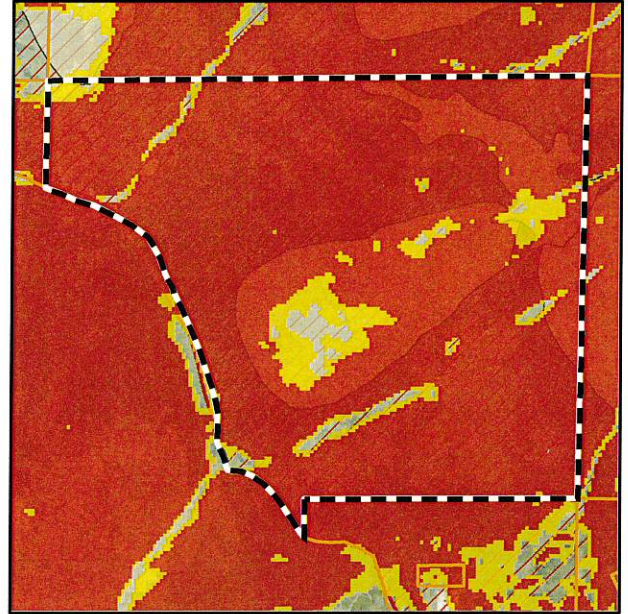
**Jurisdiction:** Cache County  
**Future**

**Annexation Area:** None Declared

**Base Zone:** RR

**Overlay Zone:** None

*Generated on 22 May, 2024 at 01:52 PM*



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a **legal** parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Moderate Slopes

Steep Slopes

Landslides

Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.





Cache County Corporation  
2024 - Tax Roll Information

16-007-0004

Owner's Name & Address

Owner(s) List (1/1/2024)

parcel **16-007-0004** Entry **1108708**  
Name **SMHG LANDCO LLC**  
C/O Name  
Address **PO BOX 1119**  
  
City, ST Zip **EDEN, UT 84310-1119**  
District **031 AVON CEMETERY w/o POWDE**  
Year **2024** Status **TX**

**1 SMHG LANDCO LLC,**  
**1108708 1812/1456**

Property Address

Address  
City  
Assr. Review **04/28/2020**

PARCEL HISTORY

BNDRY LN W/WEBER CO 5/95;

LEGAL DESCRIPTION FOR 2024

THAT PT OF THE N/2, THE N/2 OF THE SE/4, AND THE SW/4 OF SEC 36 T 8N R 1E LYING IN CACHE COUNTY NET 355.75 AC M/L

PROPERTY INFORMATION

LG	LAND GREENBELT	Acres	2023		Acres	2024	
			Market	Taxable		Market	Taxable
			1,245,125	2,150	355.75	1,270,028	2,200
TOTALS		355.75	1,245,125	2,150	355.75	1,270,028	2,200

GREENBELT INFORMATION

Class	Description	Acres	Market	Taxable
GZ	GRAZING III	53.00	189,210	690
GZ	GRAZING IV	302.75	1,080,818	1,515
Totals		355.75	1,270,028	2,205

BUILDING & TAX INFORMATION

	2023	(Final Tax Rate: 0.007202)	2024	(Proposed Tax Rate: 0.007202)
	Taxes:	15.48	Taxes:	15.84
	Special: +	0.00	Special: +	0.00
	Rollback: +	0.00	Rollback: +	0.00
	Penalty: +	0.00	Penalty: +	0.00
<i>The 2024 levied amounts (taxes) are APPROXIMATIONS based on tax rates that are subject to change.</i>	Abatements: -	0.00	Abatements: -	0.00
	Payments: -	15.48	Payments: -	0.00
	<b>Balance Due:</b>	<b>0.00</b>	<b>*DRAFT TOTAL:</b>	<b>15.84</b>
	<i>Last Payment Date:</i>	<i>11/20/2023</i>	<i>Last Payment Date:</i>	
			<i>*Estimate only. Tax rates not set.</i>	

The 2024 levied amounts (taxes) are APPROXIMATIONS based on tax rates that are subject to change.

BACK TAX SUMMARY

NO BACK TAXES

### GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

**Parcel Number:** 16-007-0006

**Property Address:** POWDER MTN UTILITY SHEDS

**Tax Roll Acreage:** 60.75

**Owner Name:** SUMMIT MOUNTAIN HOLDING GROUP LLC

**Owner Address:** PO BOX 1119  
EDEN, UT 84310-1119

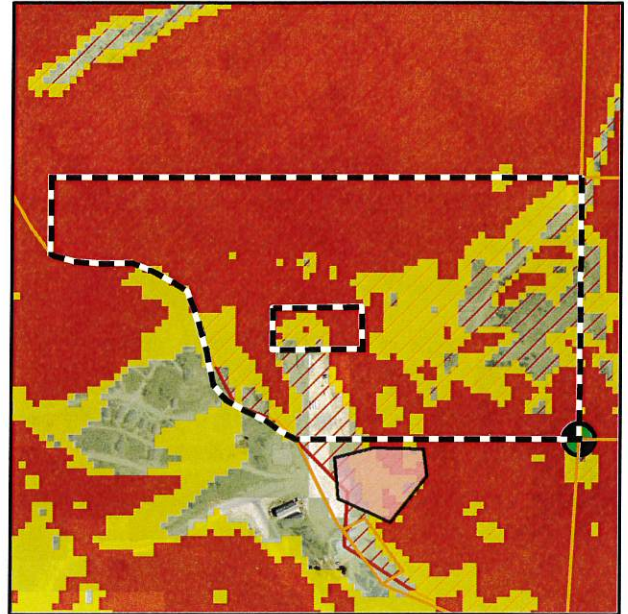
**Jurisdiction:** Cache County  
**Future**

**Annexation Area:** None Declared

**Base Zone:** RR

**Overlay Zone:** None

*Generated on 22 May, 2024 at 01:53 PM*



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a **legal** parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

### Areas That May Require Further Analysis

Section Corner	Moderate Slopes	Wildland-Urban Interface
Noxious Weeds	Steep Slopes	Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.



# Cache County Corporation 2024 - Tax Roll Information

16-007-0006

## Owner's Name & Address

parcel **16-007-0006** Entry **1085951**  
Name **SUMMIT MOUNTAIN HOLDING GROUP**  
C/O Name **SMHG MANAGEMENT**  
Address **PO BOX 1119**  
  
City, ST Zip **EDEN, UT 84310-1119**  
District **032 POWDER MTN WATER/SEWER**  
Year **2024** Status **TX**

## Owner(s) List (1/1/2024)

**1 SUMMIT MOUNTAIN HOLDING GROUP LLC,**  
**1085951 1764/1824**

## Property Address

Address **POWDER MTN UTILITY SHEDS**  
City  
Assr. Review **02/02/2024**

## PARCEL HISTORY

BNDRY LN W/WEBER CO 5/95;

## LEGAL DESCRIPTION FOR 2024

THAT PT OF THE FOLLOWING LYING IN CACHE COUNTY:

BEG AT SE COR SEC 36 T 8N R 1E & TH S 89°52'18" W 1380.95 FT TH N 46°28'33" W 255.8 FT TH S 43°31'27" W 14.99 FT TH N 46°28'33" W 94.2 FT TH N 43°31'27" E 15 FT TH N 46°28'33" W 836.8 FT TH N 48°31'27" W TO W LN OF SE/4 SD SEC TH N TO PT 1320 FT N OF SW COR SD SE/4 TH E 2640 FT TH S 1320 FT TO BEG LESS: BEG N 489.06 FT & W 1310.1 FT FROM SE COR SEC 36 T 8N R 1E & TH S 89°52'18" W 180 FT TH N 0°07'42" W 200 FT TH N 89°52'18" E 435.6 FT TH S 0°07'42" E 200 FT TH S 89°52'18" W 255.6 FT TO BEG CONT 2.0 AC NET 60.75 AC M/L

## PROPERTY INFORMATION

		2023		2024	
	Acres	Market	Taxable	Acres	Taxable
BC BUILDING COMMERCIAL		103,635	103,635		107,419
LC LAND COMMERCIAL		637,875	637,875	60.75	669,769
<b>TOTALS</b>	<b>60.75</b>	<b>741,510</b>	<b>741,510</b>	<b>60.75</b>	<b>777,188</b>

## BUILDING & TAX INFORMATION

The 2024 levied amounts (taxes) are APPROXIMATIONS based on tax rates that are subject to change.	Square Footage: <b>3,600</b>	2023	(Final Tax Rate: 0.007468)	2024	(Proposed Tax Rate: 0.007468)
	Year Built: <b>1996</b>				
	Building Type: <b>Comm</b>				
		Taxes:	5,537.60	Taxes:	5,804.05
		Special: +	0.00	Special: +	0.00
		Rollback: +	0.00	Rollback: +	0.00
		Penalty: +	0.00	Penalty: +	0.00
		Abatements: -	0.00	Abatements: -	0.00
		Payments: -	5,537.60	Payments: -	0.00
		<b>Balance Due:</b>	<b>0.00</b>	<b>*DRAFT TOTAL:</b>	<b>5,804.05</b>
		Last Payment Date:	11/20/2023	Last Payment Date:	

\*Estimate only. Tax rates not set.

## BACK TAX SUMMARY

**NO BACK TAXES**



### GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

**Parcel Number:** 16-017-0007

**Property Address:** (Not Available)

**Tax Roll Acreage:** 320.0

**Owner Name:** SUMMIT MOUNTAIN HOLDING GROUP LLC

**Owner Address:** PO BOX 1119  
EDEN, UT 84310-1119

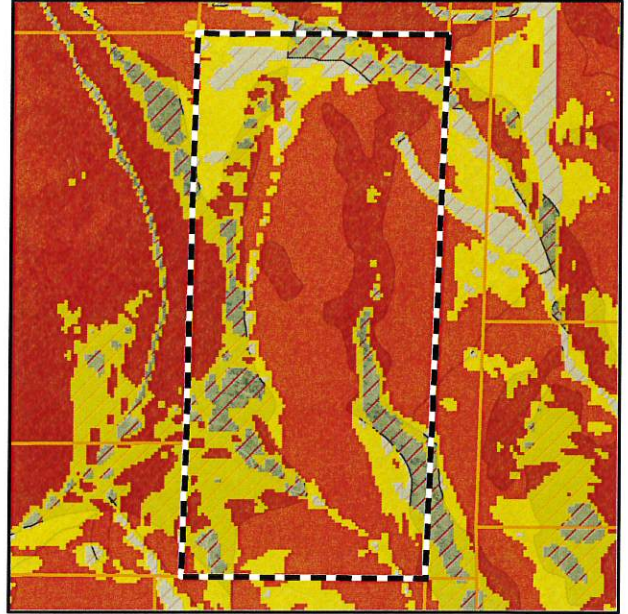
**Jurisdiction:** Cache County  
**Future**

**Annexation Area:** None Declared

**Base Zone:** RR

**Overlay Zone:** None

*Generated on 22 May, 2024 at 01:54 PM*



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a legal parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process. All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

### Areas That May Require Further Analysis

Moderate Slopes  
Steep Slopes

Landslides  
Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.



# Cache County Corporation 2024 - Tax Roll Information

16-017-0007

## Owner's Name & Address

parcel **16-017-0007** Entry **1085951**  
Name **SUMMIT MOUNTAIN HOLDING GROUP**  
C/O Name **SMHG MANAGEMENT**  
Address **PO BOX 1119**  
  
City, ST Zip **EDEN, UT 84310-1119**  
District **031 AVON CEMETERY w/o POWDE**  
Year **2024** Status **TX**

## Owner(s) List (1/1/2024)

**1 SUMMIT MOUNTAIN HOLDING GROUP LLC,**  
**1085951 1764/1824**

## Property Address

Address  
City  
Assr. Review **04/24/2020**

## PARCEL HISTORY

REM 6/04-0011;

## LEGAL DESCRIPTION FOR 2024

THE W/2 OF SEC 32 T 8N R 2E CONT 320 AC

## PROPERTY INFORMATION

		2023			2024		
		Acres	Market	Taxable	Acres	Market	Taxable
<b>LG</b>	LAND GREENBELT		3,200,000	5,245	320.00	3,264,000	5,765
<b>TOTALS</b>		<b>320.00</b>	<b>3,200,000</b>	<b>5,245</b>	<b>320.00</b>	<b>3,264,000</b>	<b>5,765</b>

## GREENBELT INFORMATION

Class	Description	Acres	Market	Taxable
GZ	GRAZING II	200.90	2,049,180	4,220
GZ	GRAZING III	119.10	1,214,820	1,550
<b>Totals</b>		<b>320.00</b>	<b>3,264,000</b>	<b>5,770</b>

## BUILDING & TAX INFORMATION

	2023	(Final Tax Rate: 0.007202)	2024	(Proposed Tax Rate: 0.007202)
	Taxes:	37.77	Taxes:	41.52
	Special: +	0.00	Special: +	0.00
	Rollback: +	0.00	Rollback: +	0.00
	Penalty: +	0.00	Penalty: +	0.00
	Abatements: -	0.00	Abatements: -	0.00
	Payments: -	37.77	Payments: -	0.00
	<b>Balance Due:</b>	<b>0.00</b>	<b>*DRAFT TOTAL:</b>	<b>41.52</b>
	Last Payment Date:	11/20/2023	Last Payment Date:	

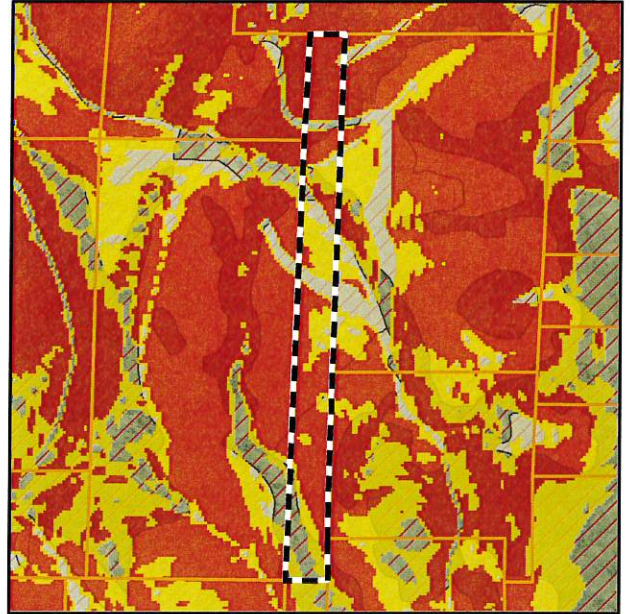
*The 2024 levied amounts (taxes) are APPROXIMATIONS based on tax rates that are subject to change.*

*\*Estimate only. Tax rates not set.*

## BACK TAX SUMMARY

**NO BACK TAXES**



**GIS PARCEL SUMMARY***Not Authoritative — For Preliminary Review Only***Parcel Number:** 16-017-0011**Property Address:** (Not Available)**Tax Roll Acreage:** 70.62**Owner Name:** SMHG LANDCO LLC**Owner Address:** PO BOX 1119  
EDEN, UT 84310-1119**Jurisdiction:** Cache County  
**Future****Annexation Area:** None Declared**Base Zone:** RR**Overlay Zone:** None*Generated on 22 May, 2024 at 01:55 PM**Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)***Initial Parcel** Potentially a **restricted** parcel**Legality Review:** Does not appear to match its August 8, 2006 configuration

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process.  
All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

**Areas That May Require Further Analysis**

Moderate Slopes

Steep Slopes

Landslides

Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.





**Cache County Corporation**  
**2024 - Tax Roll Information**  
16-017-0011

Owner's Name & Address

Owner(s) List (1/1/2024)

parcel	16-017-0011	Entry	1327914
Name	SMHG LANDCO LLC		
C/O Name			
Address	PO BOX 1119		
City, ST Zip	EDEN, UT 84310-1119		
District	031 AVON CEMETERY w/o POWDE		
Year	2024	Status	TX

1	SMHG LANDCO LLC,
1327914	2358/1687

Property Address

Address	
City	
Assr. Review	04/24/2020

PARCEL HISTORY

PT 16-017-0003 & 0007 6/04; REM 10/04-0012; REM 11/04-0013; REM 11/04-0014; CHG DESC 8/09;

LEGAL DESCRIPTION FOR 2024

BEG 2173.92 FT W FROM NE COR ALG N LN OF S/2 SE/4 SEC 29 T 8N R 2E & TH W 466.08 FT M/L TO NW COR S/2 SE/4 SD SEC TH S ALG CL LINES OF SEC 29 & 32, 6600 FT M/L TO SW COR SE/4 SEC 32 TH E 466.08 FT TH N 6600 FT M/L TO BEG CONT 70.62 AC M/L  
WITH R/W 45 FT WIDE ACROSS THE FOLL: BE 1553.04 FT E, S 5280 FT TO S LN OF SEC 32 & E 1087.06 FT FROM SW COR SEC 29 TO TRUE POB TH S 2640 FT TH E 467.08 FT TH N 2640 FT TH W 467.08 FT TO TRUE POB  
ALSO ACROSS THE FOLL: THAT PT OF SW COR SEC 5 T 7N R 2E LYING N OF CACHE COUNTY LINE  
& TOGETHER WITH THE RIGHT OF INGRESS & EGRESS AS PER...ENT 864242 BK 1303 PG 1083

PROPERTY INFORMATION

		2023			2024		
		Acres	Market	Taxable	Acres	Market	Taxable
LV	LAND VACANT		247,170	247,170	70.62	252,113	252,115
TOTALS		70.62	247,170	247,170	70.62	252,113	252,115

BUILDING & TAX INFORMATION

	2023		(Final Tax Rate: 0.007202)		2024		(Proposed Tax Rate: 0.007202)	
The 2024 levied amounts (taxes) are APPROXIMATIONS based on tax rates that are subject to change.	Taxes:		1,780.12		Taxes:		1,815.73	
	Special: +		0.00		Special: +		0.00	
	Rollback: +		0.00		Rollback: +		0.00	
	Penalty: +		0.00		Penalty: +		0.00	
	Abatements: -		0.00		Abatements: -		0.00	
	Payments: -		1,780.12		Payments: -		0.00	
	Balance Due:		0.00		*DRAFT TOTAL:		1,815.73	
	Last Payment Date:		11/20/2023		Last Payment Date:			
*Estimate only. Tax rates not set.								

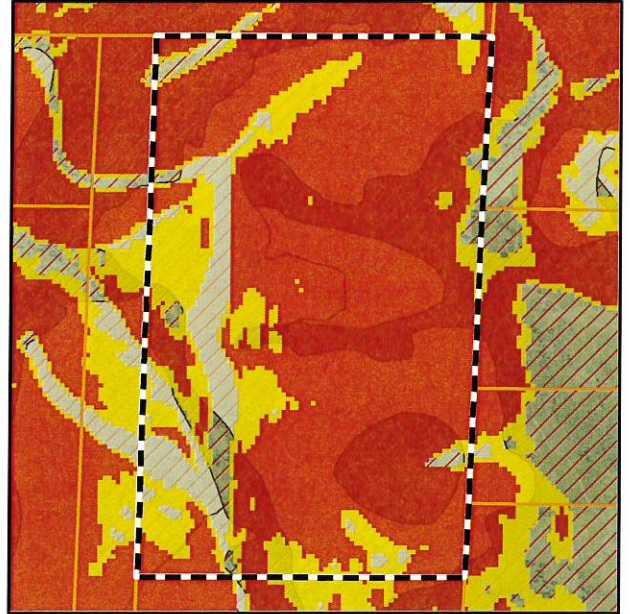


**Cache County Corporation**  
**2024 - Tax Roll Information**  
16-017-0011

**BACK TAX SUMMARY**

**NO BACK TAXES**

---

**GIS PARCEL SUMMARY***Not Authoritative — For Preliminary Review Only***Parcel Number:** 16-017-0013**Property Address:** (Not Available)**Tax Roll Acreage:** 200.0**Owner Name:** SMHG LANDCO LLC**Owner Address:** PO BOX 1119  
EDEN, UT 84310-1119**Jurisdiction:** Cache County  
**Future****Annexation Area:** None Declared**Base Zone:** RR**Overlay Zone:** None*Generated on 22 May, 2024 at 01:56 PM**Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)***Initial Parcel** Potentially a **legal** parcel**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process.  
All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

---

**Areas That May Require Further Analysis**

Moderate Slopes

Steep Slopes

Landslides

Wildland-Urban Interface

Wildfire Hazard Areas

---

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.





Cache County Corporation  
2024 - Tax Roll Information  
16-017-0013

Owner's Name & Address

parcel	16-017-0013	Entry	1327914
Name	SMHG LANDCO LLC		
C/O Name			
Address	PO BOX 1119		
City, ST Zip	EDEN, UT 84310-1119		
District	031 AVON CEMETERY w/o POWDE		
Year	2024	Status	TX

Owner(s) List (1/1/2024)

1	SMHG LANDCO LLC,
1327914	2358/1687

Property Address

Address	
City	
Assr. Review	04/24/2020

PARCEL HISTORY

PT 16-017-0011 11/04;

LEGAL DESCRIPTION FOR 2024

BEG AT NE COR S/2 S/2 SEC 29 T 8N R 2E & TH S 4007.5072 FT TH N 89\*48'52" W 2173.92 FT TH N 4007.5072 FT TO PT N 89\*48'52" W OF BEG TH S 89\*48'52" E 2173.92 FT M/L TO BEG CONT 200 AC  
WITH R/W OVER ROADS AND TRAILS AS PER BK 1303 PG 1083  
SUBJ TO THE RIGHT OF POWDER MOUNTAIN SKI RESORT FOR SKIING AND SNOWMOBILING (ENT 1108708)

PROPERTY INFORMATION

LG	LAND GREENBELT	Acres	2023		Acres	2024	
			Market	Taxable		Market	Taxable
			700,000	3,630	200.00	700,000	4,005
TOTALS		200.00	700,000	3,630	200.00	700,000	4,005

GREENBELT INFORMATION

Class	Description	Acres	Market	Taxable
GZ	GRAZING II	175.82	615,370	3,690
GZ	GRAZING III	24.18	84,630	315
Totals		200.00	700,000	4,005

BUILDING & TAX INFORMATION

	2023		2024	
	(Final Tax Rate: 0.007202)		(Proposed Tax Rate: 0.007202)	
	Taxes:	26.14	Taxes:	28.84
	Special: +	0.00	Special: +	0.00
	Rollback: +	0.00	Rollback: +	0.00
	Penalty: +	0.00	Penalty: +	0.00
	Abatements: -	0.00	Abatements: -	0.00
	Payments: -	26.14	Payments: -	0.00
	Balance Due:	0.00	*DRAFT TOTAL:	28.84
	Last Payment Date:	11/20/2023	Last Payment Date:	

The 2024 levied amounts (taxes) are  
APPROXIMATIONS based on tax rates that  
are subject to change.

\*Estimate only. Tax rates not set.



**Cache County Corporation**  
**2024 - Tax Roll Information**  
16-017-0013

**BACK TAX SUMMARY**

**NO BACK TAXES**

## GIS PARCEL SUMMARY

*Not Authoritative — For Preliminary Review Only*

**Parcel Number:** 16-016-0004

**Property Address:** (Not Available)

**Tax Roll Acreage:** 155.18

**Owner Name:** MONUMENT HOLDINGS LLC

**Owner Address:** 11849 S HIDDEN BROOK BLVD  
SANDY, UT 84092-7158

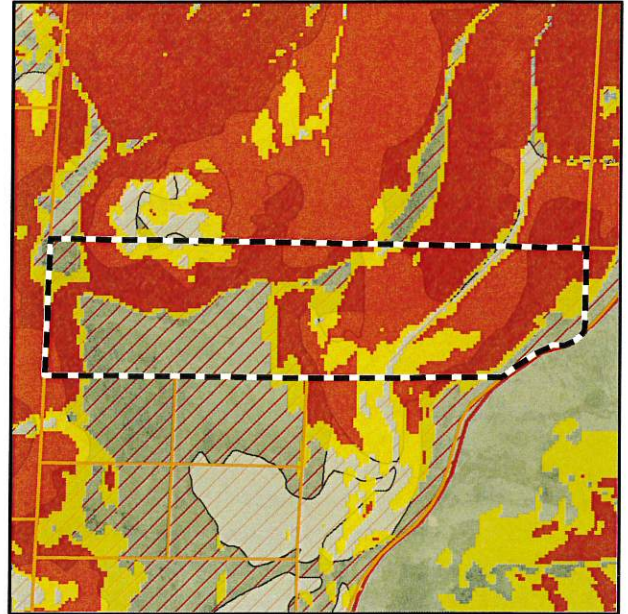
**Jurisdiction:** Cache County  
**Future**

**Annexation Area:** None Declared

**Base Zone:** FR40

**Overlay Zone:** None

*Generated on 22 May, 2024 at 01:57 PM*



*Comprehensive maps can be found  
at [www.cachecounty.org/gis](http://www.cachecounty.org/gis)*

**Initial Parcel** Potentially a legal parcel

**Legality Review:** Appears to have the same configuration as on August 8, 2006

**NOTE:** Parcel legality does **NOT** guarantee that a parcel or lot is buildable; it is only one step in the development process.  
All other requirements must still be met. Parcel legality should be verified before submitting a land use application.

## Areas That May Require Further Analysis

Moderate Slopes

Steep Slopes

Landslides

Wildland-Urban Interface

Wildfire Hazard Areas

This overview is based on the information in the Cache County GIS databases. Please verify the potential presence of areas requiring further analysis with the County's webmaps. Sections 17.10, 17.17, and 17.18 of the Cache County Land Use Ordinance contain the development standards and requirements associated with these areas. The definition of "Parcel/Lot" in Section 17.07.040 outlines parcel legality.

Cache County assumes no liability for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. All datasets may contain errors. The information shown here is not intended to replace evaluation by a competent, licensed professional. In particular, the parcel boundaries are representational only and are not legal definitions of real property, nor are they intended to replace a land survey by a licensed surveyor.





# Cache County Corporation 2024 - Tax Roll Information

16-016-0004

## Owner's Name & Address

parcel **16-016-0004** Entry **1348840**  
Name **MONUMENT HOLDINGS LLC**  
C/O Name  
Address **11849 S HIDDEN BROOK BLVD**  
  
City, ST Zip **SANDY, UT 84092-7158**  
District **031 AVON CEMETERY w/o POWDE**  
Year **2024** Status **TX**

## Owner(s) List (1/1/2024)

**1 MONUMENT HOLDINGS LLC,**  
**1348840 2411/8**

## Property Address

Address  
City  
Assr. Review **04/24/2020**

## PARCEL HISTORY

BNDRY W/WEBER CO 5/95;

## LEGAL DESCRIPTION FOR 2024

THAT PT OF FOLLOWING IN CACHE COUNTY:  
ALL THE N/2 OF THE N/2 SEC 33 T 8N R 2E NET 155.18 AC

## PROPERTY INFORMATION

LG	LAND GREENBELT	Acres	2023		2024	
			Market	Taxable	Market	Taxable
			357,535	1,995	393,289	2,170
		<b>TOTALS</b>	<b>155.18</b>	<b>357,535</b>	<b>155.18</b>	<b>393,289</b>

## GREENBELT INFORMATION

Class	Description	Acres	Market	Taxable
GZ	GRAZING II	19.00	48,154	400
GZ	GRAZING III	136.18	345,135	1,770
<b>Totals</b>		<b>155.18</b>	<b>393,289</b>	<b>2,170</b>

## BUILDING & TAX INFORMATION

	2023	(Final Tax Rate: 0.007202)	2024	(Proposed Tax Rate: 0.007202)
	Taxes:	14.37	Taxes:	15.63
	Special: +	0.00	Special: +	0.00
	Rollback: +	0.00	Rollback: +	0.00
	Penalty: +	0.00	Penalty: +	0.00
	Abatements: -	0.00	Abatements: -	0.00
	Payments: -	14.37	Payments: -	0.00
	<b>Balance Due:</b>	<b>0.00</b>	<b>*DRAFT TOTAL:</b>	<b>15.63</b>
	Last Payment Date:	11/20/2023	Last Payment Date:	

*The 2024 levied amounts (taxes) are APPROXIMATIONS based on tax rates that are subject to change.*

*\*Estimate only. Tax rates not set.*

## BACK TAX SUMMARY

**NO BACK TAXES**

---

## Development Review Packet

---

Jake Forsgren &lt;jake.forsgren@cachecounty.gov&gt;

Mon, May 13, 2024 at 10:23 AM

To: Conner Smith &lt;conner.smith@cachecounty.gov&gt;, Angie Zetterquist &lt;angie.zetterquist@cachecounty.gov&gt;

### 1. Hunz-Acres Small Subdivision, 3rd Amendment

What: A request to amend the subdivision to merge a parcel, that was created illegally (11-046-0202), into an existing parcel (11-046-0201) on 5.00-35.30 acres in the Agricultural (A10) Zone.

Where: 2865 S. 5125 W., Mendon (11-046-0202, -0201, -022)

**No Noxious Weed Issues detected**

### 2. Sadies Farm Subdivision

What: A request to create a one lot subdivision with an agricultural remainder on 7.43 acres in the Agricultural (A10) Zone.

Where: 5400 W. 2400 S., Mendon (11-035-0003).

**No Noxious Weed Issues detected**

### 3. Cub River Estates Phase 1 Subdivision

What: A request to create a new 8-lot subdivision on 44.46 acres in the Rural 5 (RU5) Zone.

Where: 500 E. Cannibal Rd., Lewiston (09-025-0016).

**We have been working with the landowner for multiple years helping to manage Leafy Spurge on the property. They will need to get a Noxious Weed Control Management Plan in place for this parcel. Where they are going to be disturbing the soil surface.**

### 4. Nautica Subdivision, 1st Amendment

What: A request to turn the agricultural remainder into a buildable lot on 43.92 acres in the Agricultural (A10) Zone. Applicant has provided a revised plat.

Where: 6600 S. 1600 W., Hyrum (01-081-0017).

**No Noxious Weed Issues detected**

### 5. Stratford Ranch Subdivision

What: A request to create a new 2-lot subdivision with an agricultural remainder on 3.81-156.41 acres in the Agricultural (A10) Zone. Applicant has provided a revised plat.

Where: ~12800 S. 800 E., Cove (16-060-0001).

**No Noxious Weed Issues detected**

### 6. Valley View Boarding CUP

What: A request for a horse boarding and recreation facility (Use Type 4100, 6200) on 18.55 acres in the Agricultural (A10) Zone.

Where: 6770 W. 400 S., Mendon (11-014-0034).

**No Noxious Weed Issues detected**

### 7. Powder Mountain Development Agreement

What: A request to create a Development Agreement between Powder Mountain and Cache County.

Where: 6965 E. Powder Mountain Rd., Eden UT (16-007-0004, -0006, 16-016-0004, 16-017-0007, -0011, -0013).

**Powder Mountain is informed of Noxious Weeds they have on their parcels and have been controlling them annually.**

On Mon, May 6, 2024 at 2:07 PM Conner Smith <conner.smith@cachecounty.gov> wrote:

[Quoted text hidden]

--

Jake Forsgren

Noxious Weed Supervisor

*Cache County Public Works  
Vegetation Management Division*

1020 East 600 North

Hyrum, Utah 84319

**435-755-1562**

[jake.forsgren@cachecounty.gov](mailto:jake.forsgren@cachecounty.gov)



**PLEASE NOTE:** Cache County has moved to a .gov email and in the near future a .gov website domain and all emails intended for me should be sent to the address in my signature above.



---

## Development Review Packet

---

**Seneca Francis** <seneca.francis@cachecounty.gov>

Tue, May 7, 2024 at 4:36 PM

To: Conner Smith <conner.smith@cachecounty.gov>, Angie Zetterquist <angie.zetterquist@cachecounty.gov>

Hunz-Acres Small Subdivision 3rd amendment addresses look good.

Sadies Farm Subdivision addresses work for the grid.

Cub River Estates Phase 1 surveyor needs to assign the lots addresses. I will verify them after they are added to the plat.

Nautica Subdivision 1st amendment if they are adding a building lot it needs to say lot #. We will assign an address at the zoning clearance since what looks like the proposed lot is so big.

Stratford Ranch Subdivision Lots now have frontage but the private road will serve 3 houses. Addresses on lots look good. 16-060-0006 address will be affected for the private road.

Valley View Boarding CUP address works for entrance from 400 S.

Powder Mountain Development Agreement no comment.

Thanks!



**Seneca Francis**

GIS Specialist

Cache County Development Services

[seneca.francis@cachecounty.gov](mailto:seneca.francis@cachecounty.gov)

[Quoted text hidden]



Angie Zetterquist <angie.zetterquist@cachecounty.gov>

---

## Development Review Packet

---

Logan Evans <logan.evans@cachecounty.gov>  
To: Conner Smith <conner.smith@cachecounty.gov>  
Cc: Angie Zetterquist <angie.zetterquist@cachecounty.gov>

Thu, May 9, 2024 at 3:08 PM

Hello,

We just finished up our reviews on the subdivisions in this packet. I attached a copy of the checklist for all of these. It looks like the following are all good on our end

Hunz-Acres Small Subdivision third amendment

Nautica Subdivision 1<sup>st</sup> Amendment

Stratford Ranch Subdivision

Sadies Farm subdivision has a typo between lots 1 and the Ag remainder there is a bearing labeled as N88°33'26"E for these lots to match their acreage and other dimensions this bearing should be S88°33'26"E.

Cub River Estates Phase 1 has issues with ownership. The plat is currently set up to be signed by Dry Canyon Development Inc when by record we are showing Sunspot Properties LLC. They would need to either do a deed to Dry Canyon Development Inc before recording the plat or we would need to change the owner of the plat to Sunspot Properties LLC. Also the road on this plat is missing dimensions it would be nice if before recording they could take off some of the elevation/ topographical information that is cluttering the mylar that won't be needed when they bring it in to record. Lastly these lots all need addresses assigned on the plat before we are ready to record.

I hope this is helpful and If you have any questions about these comments or the notes on our checklists please feel free to send them my way.

Have a Great One,

Logan Evans

Mapping Manager

Cache County Records Office



**From:** Conner Smith

**Sent:** Monday, May 6, 2024 2:07 PM

**To:** April Stocker; Brian Abbott; Camden Gillins; Dixie Page; dstrong@jub.com; Grant Koford; Jack Charlesworth; Jake Forsgren; Jason Winn; Jesse Mott; Karina Brown; Landis Wenger; Logan Evans; Matt Phillips; Richard Worley; Seneca Francis; Stephen Nelson; Troy Fredrickson; Angie Zetterquist

**Subject:** Development Review Packet

Hey all,

Please find information for the current development review requests in unincorporated Cache County for your review.

I would appreciate responses by Friday, May 17th.

Responses should be sent to Angie and I.



Best,

--

**Conner Smith**

Planner 1

Development Services

O: (435) 755-1651



---

**5 attachments**

 **Cub River Estates Phase 1 (09-025).pdf**  
455K

 **Hunz-acres Small Subdivision 3rd Amendment (11-046-1).pdf**  
452K

 **Nautica Subdivision 1st Amendment (01-081).pdf**  
398K

 **Sadies Farm Subdivision (11-035).pdf**  
459K

 **Stratford Ranch 16-080.pdf**  
457K



# Powder Mountain Timeline

**Summary:** Powder Mountain opened initially in 1972. Scattered mention of this area in Planning Commission minutes begin in 1971. Planning commission response was positive, but no formal approvals were given. No permits found prior to the Hidden Lake ski lift and lift shack permits approved in 1975.

Two lodges, the main lodge (Timberline) and Hidden Lake, were built on the Cache County side of the line. No permits or other records found for the Timberline lodge, which was probably built in 1972. A CUP was approved for a ski inn on the Hidden Lake parcel in 1978, but it was rescinded in 1980 and never reinstated. The Hidden Lake lodge opened in 1985, but no CUP, building permits, or other files have been found for its construction.

Individual CUPs for a few ski lifts and small projects have been issued for the Powder Mountain area over the years. In Interlocal Agreement was drafted in 1998 regarding taxation and services between Weber and Cache counties. The area was successfully rezoned to Resort Recreation in 2002. Ownership of the primary entities proposing development has changed at least 3 times. At least 5 various master plans and subdivisions have been proposed for the area in the last 40 years. No signed/valid CUP has been found in our records for any version of a master plan for Powder Mountain Resort development to date.

The most recent Master Plan CUP and Development Agreement attempt expired in Oct 2008.

## **Early Records, 1970-1975**

1972 – Main Lodge (Timberline) opens this year, according to the Powder Mountain website. No building permit or other files have been found for this building.

Sep 1972 – Maps and sketches of Powder Mountain plans presented to planning commission, but not described in the minutes. No file folder found containing these plans. Though response appears to be positive, no approvals were given in this meeting for any development based on those plans.

Aug 1975 – CUP with accompanying Building Permits 16-007-0006 Hidden Lake Ski lift & shack (BP #s 172 & 173) CUP also allows construction of a primitive overnight lodge/ski shelter (24x40 ft, 960 sq ft). Permit for the lift shack (69 sq ft) references a “master plan submitted to planning commission.” No files found containing a copy of this master plan.

### **CUP Granted, then Rescinded – other files, 1978-1980**

Dec 1978 – **CUP RESCINDED on 10 Sep 1980** 16-007-0006 Ski Inn. This lodging planned with multiple rooms, significantly larger than the overnight lodge described in the 1975 CUP. This CUP was rescinded due to disagreement on whether Cache or Weber County would provide services to the area, and which side of the line the primary developments should be built.

July 1979 – **SUBDIVISION VOID** 16-007-0006, PUD request - did not submit prelim. plat

Aug 1980 – **CUP VOID** 16-001-0006, granted allowance of sewer lagoons, pending approval of State and Weber County. No papers showing that those approvals were finalized. CUP page has Planning Commission approval, but does not have the applicant or notary signatures.

Sep 1980 – **REZONE DENIED** 16-007-0006, requested FR-40 to C-3 to allow hotel construction. Denied due to inability to reach agreement with Weber County about services to the area.

Sep 1980 – **BOA DENIED** 16-007-0006, Requested variance for a lodge. Denied due to lack of clearance for services from Weber County.

### **1980-1993 Found no building/zoning records for Powder Mountain during these years**

1985 – Hidden Lake Lodge opened this year, according to the Powder Mountain website (parcel #16-001-0009). No building permit, CUP, or other files found in our records for this lodge. Unknown how close the plans for this lodge were to the lodge proposed in 1978. Searched by parcel numbers, known owner's names, and for any files covering this area, but found none.

### **Attempted Rezone, Interlocal Agreement, Small Projects (Ski lifts, etc) 1993-2000**

Sep 1993 – CUP with accompanying Building Permit & ZC 16-001-0006, Ski Lift (Sunrise Lift)

1995 – **REZONE VOID** (unresolved) Requested rezone of FR-40 Zone to be consistent with Weber County CR1, FR1, and FR3 zones. Discussion recommended, but no decision made.

May 1996 – CUP with accompanying Building Permit & ZC 16-007-0006, Maintenance Shop in the Hidden Lake area of the resort.

July 1997 – CUP with accompanying Building Permit & ZC 16-017-0006, Ski Lift (Paradise Lift) Approved, never built.

Sep 1998 – **INTERLOCAL COOPERATION AGREEMENT** (Resolution 1998-029) Cache and Weber County approve an agreement regarding taxation and services in the Powder Mountain area. Resolution begins 1 Jan 1999 and expires 31 Dec 2002 with option to extend.

Apr 1999 – CUP with accompanying Building Permit & ZC 16-017-0006, 0009, 0005 Ski Lift (Paradise Lift) approved, to be much larger than the lift originally approved in 1997.

July 2000 – CUP with accompanying ZC. No building permit found. 16-001-0009, Nextell Communications put a multi-tenant telecommunication site to include a building addition and an 80 foot high monopole.

Dec 2000 – CUP with accompanying ZC No building permit found. 16-001-0009, Nextell Communications put antennas on top of the existing Hidden Lake Lodge. Equipment structure located under a proposed deck.

#### **Successful Rezone to RR , Master Plan and Development Agreement Attempt– 2001-2002**

Nov 2001 – BUSINESS LICENSE CLEARANCE for Powder Mountain Inc. – 16-001-0010  
This document claims that “A 36 room Ski Inn was approved 14 Dec 1978,” and that “the Hidden Lake Lodge and Main Lodge were built in the 1970s.” It is true that the original CUP was approved on 14 Dec 1978. However, that CUP was the one rescinded on 10 Sep 1980 (see above). No record has been found of any re-instatement of that original 1978 CUP. The original main lodge was built in 1972, but the Hidden Lake Lodge was built in 1985, according to the Powder Mountain website. No papers found for the lodge built in 1985.

Nov 2001 – SUBDIVISION **VOID** Application for 86-lot clustered major subdivision, no specific parcel numbers given. Requested a 12 month extension. Was not continued after 12 months and indefinitely placed on hold in Nov 2002. The subdivision application was meant to be re-submitted after acceptance of the Master Plan. However, that master plan was never approved, and a subdivision plan was never re-submitted.

October 2002 – REZONE Multiple parcels rezoned from FR-40 to RR Zone

Nov 2002 –CUP **WITHDRAWN** - Master Plan and Development Agreement. This was placed on hold by the applicant due to a buyout option lapse on 11 November 2002.



### **Master Plan and Development Agreement Attempt, Small Projects 2006-2007**

Jun 2006 – Master Plan CUP **VOID** The CUP was approved and never officially revoked by a County Council motion/vote. However, the CUP is void since the Development Agreement was never approved and the stipulations were never met. It was never signed or formally issued on paper. There was a 6 month deadline to approve a Development Agreement. The Development Agreement was rejected and re-drafted several times. Extensions granted in Sep 2006 and again in Apr 2007.

Sep 2007 – Development Agreement approval requested under a separate CUP-like application. Extensions granted in Oct 2007, and Feb 2008.

Jan 2008 – Application filed to incorporate the Town of Powder Mountain.

Aug 2008 – Town of Powder Mountain granted incorporation, but the Weber County commissioners refuse to appoint a mayor and town council.

Oct 2008 – Development Agreement declared **VOID** Extensions officially expired 31 Aug 2008, but the only official recognition of that expiration was on 28 Oct 2008, when Brian chambers stated in the County Council meeting that “Cache County is no longer involved” with Powder Mountain due to their litigation with Weber County.

### **Small Projects, Recent Activity – 2006-Present**

Apr 2006 – ZC and accompanying Building Permit, upgrade\replace the ski lift at Hidden Lake.

Oct 2006 – ZC and attached CUP for Nextel/Sprint Antennas placed at the Hidden Lake Lodge. No separate Building Permits found for these.

Jun 2008 – BP for an interior remodel – bathroom, one lodge room, and ventilation hood in the kitchen. 16-001-0007, Note on the permit indicates “This work was all done before a permit was issued. Do not assume the work is compliant.”

Nov 2008 – ZC and accompanying BP for a temporary yurt. Building permit notes: “Owners say it will be used for one season only.” Parcel 16-001-0008. The yurt is still there today, apparently being used as their “adventure center” from which ski tours depart.

Jun 2013 – ZC and accompanying Building Permit. On parcel 16-001-0009, Replace the antennas that were originally installed in 2000.

Dec 2015 – REZONE On parcel 16-001-0009 for a .7 acre portion of property in the RR zone to include the PI Overlay Zone.

May 1, 2024

Stephen Nelsen, AICP  
Cache County Development Services Director  
179 North Main, Suite 305  
Logan, Utah 84321

*Re: Proposed Development Agreement*

Dear Stephen,

Thank you for your letter of April 26, 2024 responding to our request for assistance and thank you for the phone calls and discussions in the meantime. I appreciate the level of care you and your team have given to our issue, and we are grateful for your efforts.

To that end, after considering the three options you provided, we would like to proceed with the Development Agreement option #2.

However, as I looked for guidance in the State law section you referenced, in particular the section you highlight in yellow, I see that because ski lifts would not otherwise be *prohibited* see 17-27a-528(2)(a) we likely fall squarely under the domain of 17-27a-528(1) which clearly allows the County to enter into the development agreement for this purpose, and further allows you to do it administratively and not require a legislative body's approval under 17-27a-528(2)(b). Would you be willing to take another look at those sections in combination? I believe that this reading is not only possible but most accurately reflects the facts and was the intent of the legislation.

While we feel Section 17-27a-528(2)(b) applies, we are appreciative of the path you outlined under Section 17-27a-528. In a good faith effort to comply with these requirements, we have drafted a very simple, straightforward development agreement focused solely on the issue of the two ski lifts.

We have also included for good measure and due to the nature of our time sensitivities, the building permit application, to clearly identify the parameters of the lift improvements that are the subject of the Development Agreement.

Best regards,

Brooke Hontz 

Brooke Hontz  
Chief Development & Construction Officer  
Powder Mountain Resort



## Development Services Department

Building | GIS | Planning & Zoning

### Application: Ordinance Amendment

Date Received:	By:	Receipt #:	Amount:	Check #:
5/1/24	Aaron*	19768	600	credit card

1. Applications are accepted by appointment only. Call (435) 755-1640 to set an appointment.
2. The items indicated in the attached checklist must accompany this application.
3. Incomplete applications are not accepted.
4. Late applications are held for the next meeting's agenda.
5. The application fee is not refundable.
6. Any information submitted with this application becomes public record and is posted online.

### Ordinance Information

Ordinance Section(s): Request for Development Agreement

Affected Zones: RR (Lightning Ridge), RR and FR40 (Raintree)

### Agent Contact Information

Agent Name: Brooke Hontz

Email: bhontz@powdermountain.com

Phone: 435-640-1941

Mailing Address: PO Box 1119 Eden, UT 84310

### Review Process

- 1) Staff will review the application with the applicant to ensure that the information submitted is sufficient to completely review the request.
- 2) Complete applications are forwarded to the necessary county departments for review and comment. The application, site visits, and department reviews are used in the preparation of the staff report that is presented to the county land use authority and is available to all interested parties and is posted online at <http://www.cachecounty.org/pz/>.
- 3) Notices are posted on Utah Public Notice. Agendas are posted online at [www.cachecounty.org](http://www.cachecounty.org) and at <http://www.utah.gov/pmn/index.html>.
- 4) Projects requiring County Council approval are placed on the next available council agenda once the Planning Commission has made a recommendation. Staff forwards the staff report, the Planning Commission's recommendation, and any other pertinent information for County Council's review.



2024 Meeting Dates and Application Deadlines			
Planning Commission (1 <sup>st</sup> Thursday of each month*)		County Council (2nd & 4th Tuesday*)	Land Use Hearing Officer (variances & appeals)
Application Deadline 3:00 PM	Meeting Date 5:30 PM	Meeting Date 5:00 PM	
6 Dec 23	4 Jan	9 Jan 23 Jan	Public meetings will be scheduled on an as needed basis.
3 Jan	1 Feb	13 Feb 27 Feb	
31 Jan	7 Mar	12 Mar 26 Mar	
28 Feb	4 Apr	9 Apr 23 Apr	
3 Apr	2 May	14 May 28 May	
1 May	6 Jun	11 Jun 25 Jun	All public meetings will be fully noticed per State and County Codes.
5 Jun	11 Jul*	9 Jul 23 Jul	
3 Jul	1 Aug	13 Aug 27 Aug	
31 Jul	5 Sep	10 Sep 24 Sep	
4 Sep	3 Oct	8 Oct 22 Oct	
2 Oct	7 Nov	12 Nov 26 Nov	
30 Oct	5 Dec	3 Dec* 10 Dec*	

## Ordinance Amendment

### Application Checklist and Acknowledgment

A complete application must include the items noted below unless specified otherwise. Further information may be required by staff, other departments and agencies, and/or the authority that reviews the application based on the proposed amendment.

- 1) ☒ A completed Ordinance Amendment application form and non-refundable review fees: \$600
- 2) ☒ A copy of the proposed ordinance amendment and any supporting materials.

## Acknowledgment

I, Brooke Hontz the undersigned agent and/or owner of the property acknowledge that I have read and understand the information and requirements presented in this application, and that the information I have provided is accurate and complete.

  
Signature

05/01/2024  
Date

May 1, 2024

Stephen Nelsen, AICP  
Cache County Development Services Director  
179 North Main, Suite 305  
Logan, Utah 84321

*Re: Proposed Development Agreement*

Dear Stephen,

Thank you for your letter of April 26, 2024 responding to our request for assistance and thank you for the phone calls and discussions in the meantime. I appreciate the level of care you and your team have given to our issue, and we are grateful for your efforts.

To that end, after considering the three options you provided, we would like to proceed with the Development Agreement option #2.

However, as I looked for guidance in the State law section you referenced, in particular the section you highlight in yellow, I see that because ski lifts would not otherwise be *prohibited* see 17-27a-528(2)(a) we likely fall squarely under the domain of 17-27a-528(1) which clearly allows the County to enter into the development agreement for this purpose, and further allows you to do it administratively and not require a legislative body's approval under 17-27a-528(2)(b). Would you be willing to take another look at those sections in combination? I believe that this reading is not only possible but most accurately reflects the facts and was the intent of the legislation.

While we feel Section 17-27a-528(2)(b) applies, we are appreciative of the path you outlined under Section 17-27a-528. In a good faith effort to comply with these requirements, we have drafted a very simple, straightforward development agreement focused solely on the issue of the two ski lifts.

We have also included for good measure and due to the nature of our time sensitivities, the building permit application, to clearly identify the parameters of the lift improvements that are the subject of the Development Agreement.

Best regards,

Brooke Hontz 

Brooke Hontz  
Chief Development & Construction Officer  
Powder Mountain Resort

## **DEVELOPMENT AGREEMENT**

This Development Agreement ("Agreement") is entered into this \_\_\_\_ day of May, 2024 ("Execution Date") by and between Summit Mountain Holding Group, L.L.C., a Utah limited liability company ("SMHG"), and Cache County, a body politic in the State of Utah ("County") (SMHG and County are collectively referred to as the "Parties").

### **R E C I T A L S**

**WHEREAS**, SMHG is the owner of that certain real property in Cache County commonly known as Powder Mountain and more specifically described on Exhibit A which is attached and incorporated into this Agreement (the "Property"); and

**WHEREAS**, the Parties each have an interest in maintaining the ski lift construction schedule which includes the installation and operation of two new ski lifts (Lightning Ridge and Raintree) in 2024 and have agreed that a development agreement is the appropriate tool by which to accomplish this goal; and

**WHEREAS**, Cache County is authorized pursuant to Utah Code Annotated section 17-27A-528 to enter into a development agreement containing any term that the county considers necessary or appropriate to accomplish the purposes of this (Chapter 27A) chapter; and

**WHEREAS**, specific to Utah Code Annotated section 17-27A-528 (2)(a) this Agreement does not limit the County's authority to pass future land use regulations or ordinances, nor does it require the County to change any zoning designation in the future, further it does not allow the use or development of land that applicable land use regulations governing the area subject to this Agreement would otherwise *prohibit* and is therefore this Agreement is the appropriate tool to accomplish the goals and objectives of state law and the County as they relate to the ski lifts on Exhibit A; and

**WHEREAS**, the implementation of the ski lifts are specifically allowed by administrative process in the County RR zone which zone is the applicable zone to the Property; and

**WHEREAS**, pursuant to 17-27A-528 (2)(b) a development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 17-27a-502 and this Agreement requires the implementation of an existing land use regulation as an administrative act therefore, the County legislative body is not required to approve; and

**NOW THEREFORE**, in consideration of the premises and of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge the Parties agree to the following:



## A G R E E M E N T

1. **Property.** The Property covered by this Memorandum of Understanding is more specifically described in Exhibit A.
2. **Ski Lifts.** The ski lifts known as the Lightning Ridge Lift and Raintree Lift as described in Exhibit B (collectively, the "Lifts") are allowed uses in the RR zone and are by this Agreement approved. SMHG shall apply for, obtain and comply with the Building Permits issued by Cache County for the Lifts. Following completion, the Lifts may operate per the standards of the Utah State Tram Board.
3. **Capacity.** Each person signing on behalf of one of the Parties below has full authority, and the Parties have the sole and full right, power, authority and capacity to execute, deliver and perform this Agreement.

CACHE COUNTY

\_\_\_\_\_  
David Zook, Cache County Administrator

ATTEST:

\_\_\_\_\_  
Cache County Clerk/Auditor

Summit Mountain Holding Group, L.L.C., a  
Utah limited liability company

By: Powder Parent LLC

By \_\_\_\_\_  
Brooke Hontz  
Chief Development Officer

**Exhibit A**

Property Tax Parcels

**Lightning Ridge:**

16-007-0004

16-007-0006

**Raintree:**

16-017-0007

16-017-0011

16-017-0013

16-016-0004

CACHE COUNTY GOVERNMENT  
179 NORTH MAIN  
LOGAN UT 84321

435-755-1700

Receipt No: 5.019768

May 1, 2024

BROOKE HONTZ

Previous Balance:	.00
CHARGES FOR SERVICES - ZONING & SUBDIVISION FEES	600.00
200-32-13000 ZONING & SUBDIVISION	
<hr/>	
Total:	600.00
<hr/>	
CREDIT CARD - ZIONS      Check No: 1921	600.00
Payor: BROOKE HONTZ	
Total Applied:	600.00
<hr/>	
Change Tendered:	.00
<hr/>	

05/01/2024 11:06 AM



## Cache County Development Services

Development Services

\$600.00

**Processing Fee**

\$15.00

**TOTAL**

\$615.00

05/1/2024 11:05 am

V\*1921

AuthCode: 572234-573361

Ref: 66327747-SIP-46260

Transaction ID: Event-3389

Account: Hontz-V\*1921

Name: Brooke Hontz

X

Brooke Hontz

Merchant Copy

Cache County Development Services  
179 North Main St. Suite 305  
Logan, UT 84321  
435-755-1640

Thank-you.

Your statement will describe your payment as 'CBT\*CACHE COUNTY UT' and the service fee transaction as 'CBT\*SVC FEE CACHE CNT'.





# POWDER MOUNTAIN

Powder Mountain  
Cache County Lifts Plan

