



## MEMORANDUM

**To:** Eastern Summit County Planning Commission  
**From:** Amir Caus, County Planner  
**Date of Meeting:** March 21, 2019  
**Type of Item:** Promontory Development Agreement Employee Housing, Recommendation  
**Process:** Administrative

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### Project Description

**Project Name:** Promontory Development Agreement Employee Housing  
**Property Owner(s):** Promontory Investments LLC, Promontory Development LLC, Pivotal Promontory, and South Point Utah LLC  
**Location:** Promontory, Summit County, UT  
**Zone District:** Promontory SPA  
**Type of Process:** Administrative  
**Final Land Use Authority:** Summit County Manager

### Background

The Promontory Development Agreement was approved on January 2, 2001 and was subsequently amended in August 2005. It provided for 885 Estate Lots (lots 1 or more acres in size) as part of a base density, 716 Incentive Density lots (lots less than 1 acre in size), 300 Resort Cabin units (2,500 sq. ft. max. units), equestrian facility, up to five golf club houses, and other accessory uses on approximately 6,500 acres with no less than 3,900 acres remaining as passive open space. Of the 1,901 total units in the density pool, over 1,300 have been approved. As part of the Development Agreement, a certain number of Employee Housing is required.

Section 4.8.4.1.1 of the Promontory Development Agreement states; *4.8.4.1.1 The Developer shall provide for thirty-seven (37) employee households consisting of 82 bedroom suites of employee housing sited within the Resort, not outside of the Community gates. The employee housing shall be clustered together in such a way as to create a high quality sense of community. This employee housing community shall be integrated into the fabric of the Resort Community and shall be located within either the Resort Village, Resort Highlands, Middle Valley or South Pointe development areas at a location to be determined by Developer. In all*

*instances, employee housing should have easy access (walking, bicycling, and internal resort transit) to Resort employment generators and provide for reasonable access to South Summit School District bus stops at the Community gates (i.e.; shuttle transit bus). All employee housing shall be approved pursuant to the site plan review and approval process herein.*

Section 4.8.4.1.2 of the Promontory Development Agreement states; *4.8.4.1.2 All employee housing shall be produced by the Developer within a reasonable time schedule, to be approved by the County, which correlates to the construction of employment generators.*

Section 4.8.4.2 of the Promontory Development Agreement states; *4.8.4.2 Monitoring. Compliance with the foregoing standards shall be ascertained by the County upon periodic review.*

Section 4.8.4.3 of the Promontory Development Agreement states; *4.8.4.3 Enforcement. In the event the County asserts that Developer has failed to provide or bond for the completion of any required employee suites, the County may withhold approval of future Final Subdivision Plats and Final Site Plans until such time as these standards are met or the County agrees to an amendment to the standards of this Section.* As such, the County still retains the enforcement power to withhold Final Site Plan approvals under Section 4.8.4.3 of the Promontory Development Agreement. Further, employee housing requires in Section 4.8.4.1.2 that it be constructed on a “reasonable time schedule” which “correlates to the construction of employment generators.” Section 4.8.4.1.3 provides that the Developer must provide a “specific plan” for employee housing which is acceptable to the County.

On February 1, 2018, the Eastern Summit County Planning Commission requested that a joint session be held with the Planning Commission, County Council, and Promontory to discuss employee housing required by the Promontory Development Agreement. On March 1, 2018 a joint meeting was held and the County Council requested an employee housing plan from Promontory. During the March 1, 2018 joint meeting the Planning Commission and the County Council found that over 1,300 units have been platted (~68% of density) and several club facilities operating, and there was enough employment generation where it was within a reasonable time schedule to request that Promontory provide employee housing. Promontory responded by stating that they could get a plan to the County within 30-45 days. On May 25, 2018, Staff received an Employee Housing Plan (Exhibit A) from the Developer’s representative. That plan was subsequently reviewed by the Planning Commission and was found to be inadequate since it relied on the approval of the Promontory Development Agreement Amendment to add 735 residential units and 190,000 sq. ft. of commercial density beyond the 285 currently contemplated for South Point.

Since May 2018, the Developer has worked with the Attorney’s Office, the Department of Community Development, and the County Manager on an Employee Housing Plan which can be found at Exhibit A to this memo.

## **Analysis and Request**

The Employee Housing Plan contains a number of administrative changes to the Promontory Development Agreement.

1. It allows the Employee Housing Units to be constructed outside the Promontory SPA with the consent of the County. This is a feature that came as a result of discussions with the County Council.
2. It requires that Employee Housing Units be constructed with “reasonable access” to public transit and school bus stops. The existing Promontory Development Agreement indicates that the units “should have easy access” to public transit and school bus stops.
3. It defines “reasonable time schedule” for the construction of all Employee Housing Units to be the earlier of five (5) years from the approval of the first subdivision plat in South Point or seven (7) years from the effective date of the Employee Housing Plan. It also defines what is meant by “employment generators,” tying that to a certificate of occupancy for a new golf clubhouse.

Staff requests a discussion on the proposed Promontory Employee Housing Plan. Staff further requests that the Eastern Summit County Planning Commission make a recommendation to the Summit County Manager on whether the proposed Employee Housing Plan should be approved.

## **Attachments:**

Exhibit A – Employee Housing Plan