

FROERER & MILES
A Professional Corporation
Attorneys and Counselors at Law
2661 Washington Blvd., Suite 201
Ogden, Utah 84401

Robert L. Froerer
Kelly B. Miles
Bryce M. Froerer
Matthew B. Miles
Zane S. Froerer

Telephone
(801) 621-2690
1 (800) 301-2690
Fax (801) 621-2693

November 25th, 2025

SENT VIA CERTIFIED MAIL

Ogden Valley Planning Commission
Weber County Commissioners
2380 Washington Blvd.
Ogden, Utah 84401

File Number: ZMA2025-06

Applicant: Eden Landing, LLC; Dana Farmer

Property: 3362 N 5100 E, Unincorporated Ogden Valley

To Whom it may concern:

This firm has been retained by Eden Water Works Company to provide comment on the above referenced rezone proposal which was to be addressed by the Ogden Valley Planning Commission on November 24th, 2025 but has been rescheduled for the December 2nd, 2025 meeting.

The Application seeks the rezone of the Property to permit 110 multi-family dwelling units which density increase would be obtained through a proposed utilization of Transfer of Development Rights (TDRs). Ostensibly, this is to comply with the Ogden Valley General Plan's (OVGP) "no net new development rights".

However, this particular Property is not identified as part of any of the OVGP's "village centers" and is not included in the Wolf Creek Master Plan, even though it is within a mile of the Wolf Creek Village Center that is identified in the General Plan. These are important factors to consider when evaluating the application from my client's perspective. In particular, the village centers and the Wolf Creek Master Plan have anticipated sewage and water treatment capacity which has been planned for in a way that does not account for this property's significant increase in density.

Under Utah Code §17-27a-406, the County is prohibited from funding infrastructure, such as sewer systems, that are not consistent with the OVGP. As noted in the Planning Staff Report on page 3 of 67, one of the criteria for determining whether a rezone is merited is the adequacy of facilities and services intended to serve the property which include water supplies and wastewater disposal. The Planning Staff Report fails to adequately address this criterion at all.

On page 7 of 67, rather than apply this criterion to the substance of the Application, Staffs' consideration is limited to an insistence that "Capacity review will be required prior to subdivision, but proximity suggests potential service feasibility." This is hardly more than speculation and is a failure to evaluate whether the critical and necessary infrastructure exists or could possibly be made available to service the additional densities being sought.

This lack of proper review and the potential of the County both approving this Application concerns my client because this property is located within my client's service area for culinary water services. It appears that Staff has not contacted either the District or my client to discuss whether it has adequate resources to service a development of this scale and density. It is difficult

to imagine a more negligent evaluation of the applicable criterion than what has been demonstrated here.


My client has been made aware that Wolf Creek Water and Sewer Improvement District has submitted a comment on this Application as well. It appears that short of simply looking at a map and drawing an otherwise nearly baseless conclusion, County Planning Staff did no investigation or due diligence to evaluate the status of available water and wastewater services. It is my client's understanding that the District has notified the County that it has no capacity to service this Project.

The Staff Report fails to provide the Commission with any basis to conclude that "Facilities appear likely to be adequate..." and where this is a criterion that should be evaluated at this stage of the Application, it is entirely inappropriate to defer this question to a detailed analysis at a later stage. This is particularly applicable where the Staff is also recommending that simultaneous to approving the rezone, the County also enter into a Development Agreement which contradicts and introduces significant ambiguity into the status of later stages of the development. Specifically, findings that major utilities are essentially already deemed available to the property and that the infrastructure plan will not be detrimental to the County's health, safety, and welfare. Given the Staff Report's clear deferral on these very matters, approval would be clearly arbitrary and capricious.

Furthermore, this project is very close in proximity to my client's water sources and if the Applicant were to attempt to develop its own water sources there is a significant likelihood that it would impact those sources. Therefore, it would be reckless for the County to simply assume that

there are adequate water resources available to service potential subdivision and development which would be authorized by this rezone application.

Respectfully,



Zane S. Froerer
Attorney for Eden Water Works Company