

MEMO

Date: June 20, 2024

To: Ogden Valley Planning Commission

From: Charlie Ewert

Re: Cowboy Partners/Naylor Family Trust FB Rezone Considerations

The Cowboy Partner's rezone application will once again be on the June 25th planning commission agenda. If the planning commission is ready to make a recommendation on this application in this meeting, the planning commission should do so.

In the June 4th work session, the planning commission discussed the Cowboy Partner's proposed form-based rezone. In the meeting there was discussion both in favor of and against a recommendation for approval. Regardless of which recommendation is ultimately forwarded to the county commissioners, staff recommends that the planning commission formulate a complete set of development agreement considerations to forward with their recommendation. This way if the recommendation is for denial it will still be offered to the commissioners with a specific and comprehensive list of what they should focus on in the event they chose to approve.

Based on the planning commission's written and verbal communication with staff, attached (Exhibit A) is that specific and comprehensive list of considerations for this project. Staff used the initial staff recommendation for this project as the baseline, then added the underlined or stricken verbiage in accordance with the planning commission's past discussion(s). The planning commission should feel free to add, subtract, or modify the list to best suit the planning commission's desires.

To help the planning commission make a final recommendation to the county commission for this item, staff is also offering herein detailed model motions for both approval and denial. The motioner should feel free to modify each to suit the motioners desires. In addition to the following, if the planning commission is not ready to make a final recommendation for this proposal the planning commission may once again table the item pending further information from staff or the applicant.

Motion for approval:

I move we forward a positive recommendation to the County Commission for File #ZMA2024-05, an application to amend the Weber County Zoning Map, rezoning approximately 17 acres of land at approximately 2773 North, HWY 158, from the AV-3 and CV-2 zones to the FB zone, provided that the developer voluntarily enter into a development agreement with the county that provides for all of the considerations in Exhibit A of this memo. *(If changes or additions to Exhibit A are desired, specify those changes here.)*

I make this motion with the following findings:

1. The proposal substantially advances the vision, goals, and objectives of the Ogden Valley General Plan.
2. The proposal will provide residential development opportunities, through TDRs, that are “centered around villages and town centers” as prescribed by the general plan.
3. Considering the direct context of the plan, the benefits that the proposal offers to the execution of the plan and to the long-term desirable community outcomes as specified in the plan overwhelm the proposal’s conflict with Commercial Development Implementation Strategy 1.1.2.
4. The proposal will help contribute toward sewerage the Eden area, thereby creating further village and TDR opportunities for other landowners in the surrounding area in the future, further compounding the benefits of the proposal to the intended effects of the general plan.
5. The TDRs anticipated to be consumed by the development within the proposed rezone, or the TDRs that might be consumed by other properties in the area will help remove development rights from the other areas in the community that are intended to remain rural.
6. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Ogden Valley General Plan.
7. The requirements listed in Exhibit A are reasonable and necessary to help the project better fit for the circumstances of the area and the effect of the general plan.

Motion for denial:

I move we forward to the County Commission a recommendation for denial for File #ZMA2024-05, an application to amend the Weber County Zoning Map, rezoning approximately 17 acres of land at approximately 2773 North, HWY 158, from the AV-3 and CV zones to the FB zone. This recommendation is provided with the findings listed below. In the event the County Commission desires to approve the rezone despite this recommendation for denial, the Planning Commission recommends that the developer voluntarily enter into a development agreement with the county that provides for all of the considerations in Exhibit A of this memo. *(If changes or additions to Exhibit A are desired, specify those changes here.)*

I make this motion with the following findings:

1. The Ogden Valley General Plan calls for small villages that do not overwhelm or compete with the rural nature of the valley. Allowing this rezone will result in a large Old Town Eden village that may be more similar to a small city than a small village.
2. The Ogden Valley General Plan recommends commercial operations be established on properties currently zoned for commercial before rezoning new properties to commercial uses.
3. This proposed development and rezone is better suited for other area in Eden, such as on properties currently zoned CV-2.
4. The proposed rezone will surround two existing large-lot residential parcels with incompatible higher density land uses.
5. The proposed rezone will result in development that spans Highway 158, which will create a safety challenge for existing and future occupants.

6. The rezone is not sufficiently supported by the general public and is not beneficial to the overall health, safety, and welfare of the community.



Exhibit A: Cowboy Partners Development Agreement Stipulations

1. No more than 140 dwelling units are allowed in the project.
2. Workforce housing provisions:
 - a. At least 15 percent of the units shall be deed restricted for workforce households.
 - b. The project shall provide for specific pre-approved priorities for the allocation of the workforce housing that will at all times give every preference allowed by law to individuals who work in the Ogden Valley.
 - i. First priority shall be given to those who work on the valley floor and not for the ski resorts.
 - ii. Second priority shall be given to those who work in the Ogden Valley Planning Area generally.
 - iii. If these provisions conflict in any manner with the Americans with Disabilities Act or the Fair Housing Act, these provisions shall be modified to provide reasonable accommodation to those protected persons. The modification shall be as minimal as possible whilst still providing for the accommodation.
3. Park and recreation amenities:
 - a. The developer ~~should~~ shall provide a 60,000 square-foot public park between the VOC and SLR/MFR areas, as generally shown on the street regulating plan. Requirements:
 - i. ~~The park should include~~ 10-foot paved pathways that generally run along the existing canal/ditch; ~~;~~
 - ii. a landscaped public plaza with no less than 10 benches or picnic tables; ~~;~~
 - ~~ii.~~ iii. One pavilion with at least six tables, two separate toilet rooms connected to public sewer, and an equipment storage area;
 - ~~iii.~~ iv. The development agreement ~~should~~ shall include a concept park design acceptable to the county commission.
 - ~~iv.~~ v. Unless conveyed to the local park district (at the park district's option), the project's owner's association ~~should~~ shall be responsible for maintaining the park.
 - b. To reduce the frequency of children crossing Highway 158, developer shall provide equal amounts of recreational play amenities in the project on both side of Highway 158.
 - ~~b.~~ The developer ~~should~~ shall provide a public trailhead located next to Highway 158 and adjacent to the Weber Basin canal. The trailhead ~~should~~ shall have one public restroom building with two separate toilet rooms, connected to public sewer, and a public parking area with at least ten parking stalls.
 - c. The developer ~~should~~ shall work with Weber Basin Water Conservancy District to construct a trail adjacent to the conservancy canal. If the conservancy district will not allow it, the developer ~~should~~ shall be required to install the trail adjacent to the canal property. The trail ~~should~~ shall be at least 10-feet wide and asphalt, and meet the county's minimum engineering standards. The following are also required:

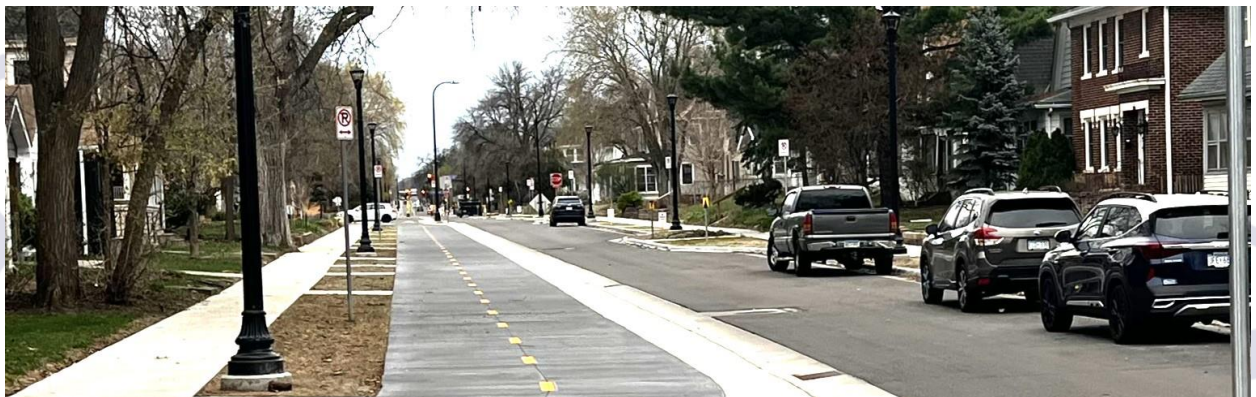
- i. Fences lining the trail, if any, ~~should~~ shall be no taller than four feet tall or if taller, setback from the trail at least five feet with a drip irrigation and landscaping installed in the five foot setback.
- ii. Sufficient area ~~should~~ shall be provided along the trail to allow for the installation of one bench every 150 feet, and trees planted along the trail of a species and at intervals such that the crowns of the average mature trees abut each other;:-
- iii. Unless conveyed to a local trail or park entity, the landscaping along the trail ~~should~~ shall be maintained by the project's owner's association.

4. Water and sewer:

- a. Septic systems ~~should~~ shall not be allowed in the development.
- e. The project shall be served with both culinary and secondary water from systems intended and designed to serve the greater Eden area and not one created solely for this project.

5. Street improvements:

- a. Prior to any development occurring adjacent to Highway 158, the developer ~~should~~ shall cooperatively work with both UDOT and the county to agree on a street cross section for Highway 158 that supports the intent of the general plan and generally complies with the FB zone's street cross sections. All Highway 158 street intersections shall have turn lanes, both left and right as may be applicable for the intersection, and for both existing and entering Highway 158.
- b. All Highway 158 pedestrian crossings shall have user-activate rapid flashing beacons and appropriate crossing signage.
- c. The developer ~~should~~ shall ~~be required to~~ pay the county their proportionate share of the intersection improvements that the county and UDOT have planned for the intersection of Highway 158 and Highway 162/166.
- d. Developer shall install all streets shown on the street regulating plan that serves the project. Each street shall be installed on the project property and not deferred to a later time by adjoining landowners.
- e. Each street in the project shall provide dedicated street-separated bike lanes as well as separated sidewalks. For the SLR (residential) streets, the following is an example of the intended separations:



- f. Unless more strictly or specifically governed by the Form-Based zone, street intersections for SLR (residential) streets shall be designed with traffic calming measures such as curb bulb-outs. The following is an example of one method of doing this:



6. Parking requirements in addition to those already in the code:

- a. All parking for commercial buildings shall be hidden behind proposed buildings or underground and shall not front a public street.
- b. All residential parking, including garage parking, shall be no less than 21 feet deep to accommodate a large pickup truck.
- c. Each private residential garage shall be prewired to support at least a level 2 electric vehicle charger.
- d. The overall project shall contain no less than six publicly accessible level 2 or level 3 outdoor electric vehicle chargers. These chargers may be pay-per-use.

7. Building design and use standards:

- a. Developer shall comply with the existing Form-Based code standards and shall not seek amendments thereto that are specific to this project.
- b. Buildings in the development shall be no taller than 40 feet even if the Form-Based zone allows a greater height at a later time.
- c. In except when more restrictively or specifically governed in the Form-Based zone, wall planes of building facades shall be broken vertically at least every 20 feet and horizontally at least every 40 feet. The breaks shall provide at least a six-inch shift in the plane of adjacent walls on the same plane.
- d. All buildings adjacent to Highway 158 shall face Highway 158.
- e. Unless rejected in writing from the parcel owners, the developer shall provide an eight-foot tall solid masonry wall around parcels 22-021-0101 and 22-046-0078 to provide screening and security for those residents. Developer may work with those

parcel owners to provide alternative screening that is mutually agreeable by the developer and the owners, as evidenced in writing from each.

- f. Each building in the project, including single and two-family dwellings, shall comply with the architectural design requirements of the Form-Based code.
- g. Short-term rentals shall not be allowed anywhere in the project area.

