



## OGDEN VALLEY PLANNING COMMISSION

### PLANNING MEETING AGENDA

**August 28, 2018  
5:00 p.m.**

*Pledge of Allegiance  
Roll Call*

1. Petitions, Applications and Public Hearings
  - 1.1. Administrative Items
    - a. New Business
      1. UVA050318: Consideration and action on a request for preliminary approval of Aspen Ridge at Powder Mountain Subdivision, consisting of 11 lots, in the Forest Residential (FR-3) Zone, located at approximately 6152 N Powder Ridge Rd, Eden. (Michael Moyal, Applicant)
  - 1.2. Legislative Items
    - a. New Business
      1. ZDA 2018-05: Consideration and action on a request for the First Amendment to the Zoning Development Agreement Ordinance #96-33 to reinstate the expired Zoning Development Agreement and allow for temporary park and ride lot, located in the Commercial Valley (CV-2) Zone at approximately 2620 N Hwy 162. (Terry Phillips Properties LLC, Applicant; Roger Terry, Agent)
2. Public Comment for Items not on the Agenda:
3. Remarks from Planning Commissioners:
4. Planning Director Report:
5. Remarks from Legal Counsel:
6. Adjournment:

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. to discuss agenda items  
No decisions are made in this meeting*



*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791*



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request for preliminary approval of Aspen Ridge at Powder Mountain Subdivision, consisting of 11 lots, located at approximately 6152 N Powder Ridge Rd, Eden.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, August 28, 2018
<b>Applicant:</b>	Michael Moyal
<b>File Number:</b>	UVA050318

### Property Information

<b>Approximate Address:</b>	6152 N Powder Ridge Rd, Eden
<b>Project Area:</b>	1.91 Acres
<b>Zoning:</b>	FR-3
<b>Existing Land Use:</b>	Vacant/Residential
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	23-012-0082, 0105, 0119
<b>Township, Range, Section:</b>	Township 7 North, Range 2 East, Section 6

### Adjacent Land Use

<b>North:</b>	Residential	<b>South:</b>	Vacant DRR-1
<b>East:</b>	Vacant DRR-1	<b>West:</b>	Vacant DRR-1

### Staff Information

<b>Report Presenter:</b>	<b>Steve Burton</b> sburton@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	RK

## Applicable Ordinances

- Title 104, Zones, Chapter 17, Forest Residential (FR-3) Zone
- Title 106, Subdivisions
- Title 108, Standards, Chapter 7, Supplementary and Qualifying Regulations

## Background & Summary

The applicant has submitted a request for preliminary approval of Aspen Ridge at Powder Mountain Subdivision, consisting of 11 lots. The proposal also includes a request for approval of an alternative access for a 36 ft wide private right of way. A feasibility letter has been provided by Powder Mountain Water and Sewer Improvement District for culinary water and sewage disposal.

The proposed subdivision, in compliance with the recommended conditions, conforms to both the zoning and preliminary subdivision requirements of the Uniform Land Use Code of Weber County, Utah (LUC). The application has been reviewed against certain standards of the Land Use Code and the following is staff's evaluation of the request.

## Analysis

**General Plan:** The proposal conforms to the residential and resort development trends outlined in the Ogden Valley General Plan.

**Zoning:** The subject property is located in the Forest Residential (FR-3) Zone. The purpose of the FR-3 zone is identified in the LUC §104-17-1 as:

*The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-*



*family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.*

The proposed development will be using a community wastewater disposal facility (PMWSID), as such, lots for single family dwellings are required to have 6,000 square feet of net developable area. The single family dwelling lots range in size from 6,175 square feet to 8,502 square feet of net developable area.

The LUC §104-17-5(a)(2)e defines net developable area as stated below:

*Net developable area or acre. The term "net developable area" or "net developable acre" is defined as a quantity of ground within a parcel or parcels of land with slopes of less than 30 percent and with soils of sufficient depth and suitable types to ensure against development being a detriment to surface water and groundwater quality.*

A slope analysis has been submitted showing each lot with the required net developable area. Four lots within the subdivision are affected by slopes that are 25% or greater. Each lot with 25% or greater slopes will be required to provide a buildable area that is not affected by 25% slopes.

The lot width requirement for the FR-3 zone is 60 feet. All lots within the proposed subdivision meet the width requirement of 60 ft as measured at the 25 ft front yard setback.

Culinary water and sanitary sewage disposal: A will serve letter regarding the availability of culinary water and sewage disposal has been provided by Powder Mountain Water and Sewer Improvement District. A capacity assessment letter is required prior to final approval from the planning commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.

Additional design standards and requirements: The property is located within a geologic hazards area and a geologic hazards assessment has been provided. The reports prepared by GeoStrata are identified as project numbers 1236-003 and 1236-001 and the recommendations of the reports must be followed.

The applicant is proposing alternative access approval of a 36 ft wide private right of way instead of the standard 66 ft right of way due to slopes along the west side of the subdivision. The improved travel surface must be a minimum width of 20 feet wide because it serves more than four dwellings. The private right of way must meet all design standards outlined in LUC§ 108-7-29.

Review Agencies: To date, the proposed subdivision has been reviewed by the Surveyor's Office, Engineering Division, and the Fire District. A condition of approval has been added to ensure that all conditions of the Review Agencies will be addressed prior to the final subdivision application.

Tax clearance: There are no outstanding tax payments currently related to these parcels.

Public Notice: A notice has been mailed not less than seven calendar days before preliminary approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6(b).

## **Staff Recommendation**

Staff recommends preliminary approval of Aspen Ridge at Powder Mountain, consisting of 11 lots, and including the alternative access for a private road. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A financial guarantee for improvements will be required as outlined in LUC § 106-4-1.
2. A geologic hazards note will be required to be added to the final plat, stating name of the company that compiled the report, date, and project number, and that the report is on file with Weber County.
3. A capacity assessment letter is required prior to final approval from the planning commission.
4. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.
5. All recommendations of the geologic hazards reports must be followed.
6. The private right of way must meet all design standards outlined in LUC§ 108-7-29.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

## Exhibits

- A. Subdivision Plat
- B. Culinary and Wastewater Will Serve Letters

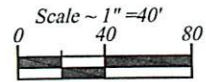
## Map 1



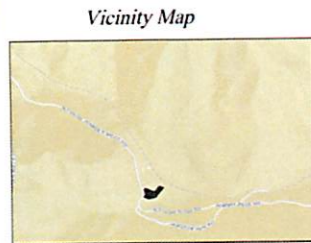


# ASPEN RIDGE AT POWDER MOUNTAIN

A PART OF SECTION 6 TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN  
UNINCORPORATED WEBER COUNTY, UTAH - JUNE 2018



- Legend**
- EXISTING FENCE
  - EASEMENTS
  - STREET CENTERLINE
  - ◆ FND SECTION CORNER
  - FND COUNTY LINE MONUMENT
  - FND PROPERTY NAIL
  - FND REBAR AND CAP
  - SET #5x24" REBAR AND CAP STAMPED LANDMARK
  - ELEVATION BENCHMARK



**PLAY NOTES:**

1. Due to the topography and the location of this subdivision, all owners will accept responsibility for any storm water runoff from the road adjacent to this property and curb and gutter is restored.



**OWNER'S DEDICATION**

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets (Private Streets, Private Rights-of-Way) as shown hereon and name said tract ASPEN RIDGE AT POWDER MOUNTAIN:

We hereby dedicate and reserve unto ourselves, our heirs, our grantees and/or assigns, an easement(s), and/or right(s)-of-way as shown hereon to be used in common with all others within said subdivision and those adjoining subdivisions that may be subdivided by the undersigned owners, successors, and/or assigns on, over and across all those portions or parts of said tract of land designated on said plat as Private Streets (Private Right(s)-of-Way) as access to the individual lot(s), common area(s), open spaces(s), agricultural parcel(s), park(s), or other property or uses granted for the ownership or use of said owner(s), heirs, grantees, and/or assigns, to be maintained by (name of HOA) Owners Association whose membership consists of said owners, their grantees, successors, or assigns.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable to the governing entity and as may be authorized by the governing entity, with no buildings or structures being erected within such easements.

We hereby grant and dedicate unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, a perpetual easement over such land drains for the purpose of maintenance and operation.

**Trust Acknowledgement**

IN WITNESS WHEREOF, said Michael Moyal Living Trust, dated, July 14, 2016 has caused this instrument to be executed by its trustee(s) hereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**MICHAEL MOYAL**  
STATE OF UTAH )  
COUNTY OF WEBER ) SS

On the date first above written personally appeared before me the above named signers, residing at [ addresses ], who, being by me duly sworn and affirmed, did say that [he/she/they is/are] the trustee(s) of said trust and that the within and foregoing instrument was signed in behalf of said trust by authority, and the said signer(s) acknowledged to me that [he/she/they] as trustee(s), executed the same in the name of the trust.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public \_\_\_\_\_ Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**BOUNDARY DESCRIPTION**

A part of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian: Beginning at a point located North 47°15'00" West 476.87 feet and South 42°45'00" West 193.20 feet from a Brass Cap Monument marking an angle point in the Weber-Cache County line; thence South 42°45'00" West 501.79 feet; thence South 77°01'52" West 71.54 feet; thence North 12°58'08" East 86.24 feet; thence right along the arc of a 78.00 foot radius curve a distance of 127.29 feet (chord bears North 52°28'21" West 113.63 feet); thence North 5°43'14" West 92.38 feet to the South line of Powder Ridge Condominiums Phase 1 Amended according to the official plat thereof; thence along said South line South 75°00'00" East 38.49 feet; thence South 5°43'14" East 78.77 feet; thence left along the arc of a 42.00 foot radius curve a distance of 96.41 feet (chord bears South 71°29'02" East 76.60 feet); thence North 42°45'00" East 180.89 feet; thence North 32°15'05" West 72.52 feet; thence right along the arc of a 54.00 foot radius curve a distance of 14.21 feet (chord bears North 24°42'53" West 14.17 feet); thence North 16°58'35" West 19.54 feet; thence North 42°45'00" East 128.37 feet; thence North 23°42'08" East 66.16 feet; thence South 47°15'00" East 111.60 feet; thence North 42°45'00" East 45.75 feet; thence South 66°39'51" East 38.17 feet; thence South 47°15'00" East 105.00 feet to the point of beginning.

Contains 98,277 s.f. or 2.256 acres

**WEBER-MORGAN HEALTH DEPARTMENT**

I hereby certify that the soils, percolation rates, and site conditions for this subdivision have been investigated by this office and approved for on site wastewater disposal systems. Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director, Weber-Morgan Health Department

**WEBER COUNTY PLANNING COMMISSION APPROVAL**

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman, Weber County Planning Commission

**WEBER COUNTY ATTORNEY**

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect. Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature \_\_\_\_\_

**WEBER COUNTY SURVEYOR**

I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who executed this plat from the responsibilities and/or liabilities associated therewith. Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Weber County Surveyor

**WEBER COUNTY COMMISSION ACCEPTANCE**

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairman, Weber County Commission

Altest: \_\_\_\_\_  
Title: Weber County Clerk

**SURVEYOR'S CERTIFICATE**

I, Tyler D. Knight do hereby certify that I am a professional land surveyor in the State of Utah and hold license no. 9008384-2201 in accordance with Title 58, Chapter 22 known as the Professional Engineers and Professional Land Surveyor's Licensing Act, have made a survey of the property(s) shown hereon in accordance with UCA 17-23-17, verifying measurements, and placing monuments as represented. That this plat was prepared from the field notes of this survey and from documents and records as noted hereon. I further certify that, to the best of my knowledge and belief, all lots meet the current requirements of the Land Use Ordinance of Weber County.

**WEBER COUNTY ENGINEER**

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements. Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature \_\_\_\_\_



**NARRATIVE**

This survey was requested by Michael Moyal to subdivide his property as shown on this plat.

Documents used to aide in this survey:

- Weber County Tax Plat 23-012-1,
- Deeds of record as found in the Weber County Records Office for parcels 23-012-0082, 23-012-0105, 23-012-0106, 23-012-0119, 23-012-0136.
- Plats of Record: Powder Ridge Condominiums Phase 1 and amendments, Summit Eden Phases 1A to 1C and amendments,
- Record of Survey's: #2354, #3857, a Survey performed by Ensign Engineering for Deer Crest Property, dated June 3, 2015.

Boundary is a part of parcels created by Warranty Deed Entry's #2919763, #2405608 and #2551203 as found in the Weber County Recorder's office.

Basis of bearing is state plane grid from monument as shown.

 <b>Landmark Surveying, Inc.</b> A Complete Land Surveying Service www.LandmarkSurveyUtah.com 4646 South 3500 West - #A-3 West Haven, UT 84401 801-731-4075	Weber County Recorder Entry no. _____ Fee paid _____ Filed for record and recorded ____ day of _____, 2018. at _____ in book _____ of official records, on page _____ County Recorder: Leann H Kitz By Deputy: _____
	DEVELOPER: <b>Michael Moyal</b> Address: 1825 Washington Blvd. Ogden UT, 84404
A part of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian.	DRAWN BY: TDK CHECKED BY: TDK DATE: FILE: 3731





April 30, 2018

Mike Moyal  
18255 Washington Blvd.  
Ogden, Utah 84401

Ogden Valley Township Planning Commission  
2380 Washington Blvd., Suite 240  
Ogden, Utah 84401

Re: **Mike Moyal Parcel # 23-012-0082**

### FEASIBILITY LETTER

This feasibility letter is issued by the Powder Mountain Water and Sewer Improvement District (the "District"), in connection to a certain real estate project proposed, 11 ERU's to be developed by Mike Moyal, "The Project".

In responding to Developer's request, the District will adhere to the following developmental procedures for the Project:

1. Developer shall schedule and attend a pre-application meeting with Weber County Planning Division.
2. Developer shall submit a new subdivision application which includes a copy of this feasibility letter, along with a copy of the Utah Division of Drinking Water Project Notification form.
3. Developer shall request water and sewer review from the District and pay any applicable feasibility fees under the Development Agreement and/or the District's Rules and Regulations and shall receive approval or denial for service.
4. Following approval of preliminary plans by Weber County:
  - a. Developer shall schedule a water and sewer improvement design meeting and pay any applicable design review fees.

- b. Developer shall complete water and sewer improvement drawings and submit to the District for review.
  - c. Developer shall receive and address review comments and resubmit for final approval.
  - d. **Before the District will issue a *will-serve letter*, the following District infrastructure upgrades and reviews must be completed:**
    - **The rehabilitation of the Cobabe Well**
    - **The trunk line to the reservoirs**
    - **Approval from Division of Drinking.**
    - **Capacity evaluations**
  - e. The District will then submit a project notification form and approved drawings to the State Division of Drinking Water for approval.
  - f. Upon receipt of a State construction permit, a pre-construction meeting will be scheduled, and Developer will provide a 110% construction guarantee bond.
  - g. The District will then provide to Weber County approval to issue a permit prior to County Commission approval and recording.
5. Upon completion of improvements, the District will conduct the following with regard to inspection and acceptance:
- a. The District will inspect all water and sewer improvements.
  - b. Address substantial completion with a punch list provided by District.
  - c. The District will conduct a final inspection to verify punch list items and accept the improvements.
  - d. Release of construction guarantee bond will be made following acceptance of water and sewer improvements and submitted of as-constructed drawings. 10% the construction bond guarantee will be with-held for the 1-year warrantee period.

In addition to above-mentioned procedures, Developer shall, prior to acceptance of improvements and receiving any final will-serve letter, address the following matters:

- At the time of the issuance of this feasibility letter, specific water sources have not been identified and proven to fulfill the water requirements.
- Capacity evaluation and safe yield verification of additional water source(s) for the District.
- Adherence to all applicable rules and regulations of the District.

This feasibility letter will be modified in the future as the District and Developer continue to address a number of issues, which include, but are not limited to: development costs, mitigation, fees, source capacity and development, storage, access easements, and sewer services. The District retains, in its sole discretion, the ability to modify this feasibility letter as these issues are addressed and more information about the Project becomes available.

**The District confirms that it is feasible to provide water and sewer services at the “Project” in connection with 11 ERU’s as requested by Mike Moyal.**

**POWDER MOUNTAIN WATER AND SEWER IMPROVEMENT DISTRICT**



Roy Watts  
District Manager

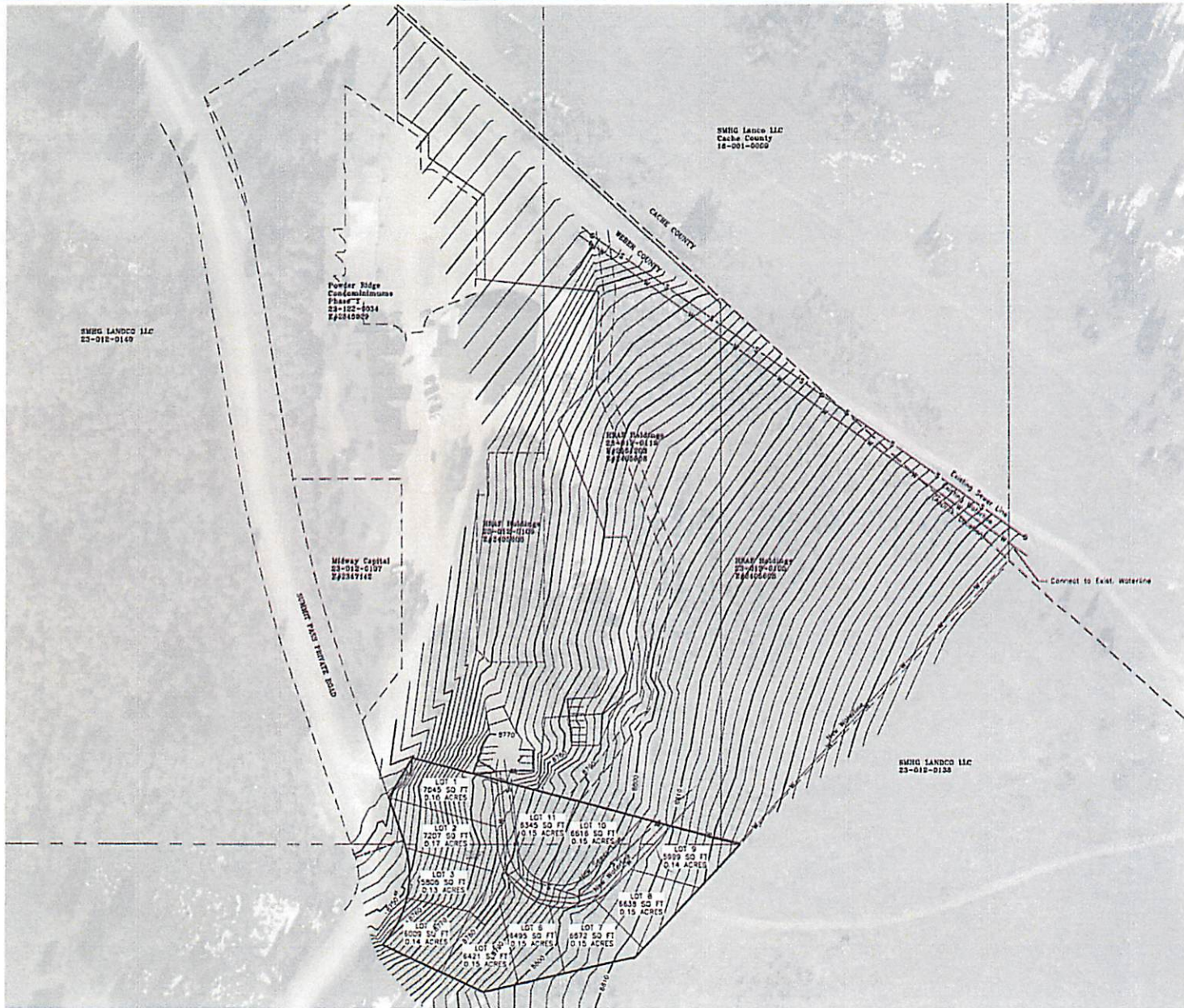




Scale - 1" = 70'

Legend

- - - - - EXISTING FENCE
- - - - - EASEMENTS
- - - - - STREET CENTERLINE
- ◆ FND SECTION CORNER
- ⊕ FND STREET MONUMENT
- FND CURB NAIL
- FND REBAR AND CAP
- SEE #54247 REBAR AND CAP STAMPED LANDMARK



**Concept Plan**  
 Landmark Surveying, Inc.  
 A Complete Land Surveying Service  
 www.LandmarkSurveying.com

CLIENT: **Michael Moyal**  
 Address: Aker Ridge Property

A part of Section 6,  
 Township 7 North, Range 2 East, Salt Lake Base and M.

Revised:	21
	21
	21
	21

Exhibit B





# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a request for the First Amendment to the Zoning Development Agreement Ordinance #96-33 to reinstate the expired zoning development agreement and allow for a temporary park and ride lot.
<b>Application Type:</b>	Legislative
<b>Agenda Date:</b>	Tuesday, August 28, 2018
<b>Applicant:</b>	Terry Phillips Properties LLC
<b>Authorized Agent:</b>	Roger Terry
<b>File Number:</b>	ZDA 2018-05

### Property Information

<b>Approximate Address:</b>	2620 North Hwy 162 Eden
<b>Project Area:</b>	4.99 Acres
<b>Zoning:</b>	CV-2
<b>Existing Land Use:</b>	Temporary Park and Ride (Lot 2), Vacant (Lot 1)
<b>Proposed Land Use:</b>	Temporary Park and Ride-current use
<b>Parcel ID:</b>	22-154-0001 and 22-154-0002
<b>Township, Range, Section:</b>	T7N, R1E, NW ¼ Section 34

### Adjacent Land Use

<b>North:</b>	Commercial	<b>South:</b>	Commercial
<b>East:</b>	Commercial	<b>West:</b>	Commercial

### Adjacent Land Use

<b>Report Presenter:</b>	Ronda Kippen <a href="mailto:rkippen@co.weber.ut.us">rkippen@co.weber.ut.us</a> 801-399-8768
<b>Report Reviewer:</b>	RG

## Development History

- The subject property was purchased by the original petitioner in November 1995.
- Weber County Planning Division received a request to rezone the subject property on August 1, 1996 from Agricultural A-1 Zone to Commercial (C-2) Zone.
- The rezone petition was forwarded to the Planning Commission on August 27, 1996 with a positive recommendation from Staff.
- The rezone petition was forwarded to the Board of County Commissioners with an unanimously positive recommendation from the Planning Commission on October 9, 1996.
- Zoning Development Agreement Ordinance# 96-33 was recorded on January 13, 1997 successfully rezoning the property from Agricultural (A-1) to Commercial (C-2) Zone.
- The subject property was subdivided into three lots known as the "Little Bear Subdivision" July 21, 1999.
- Property purchased by Terry Phillips Property, LLC on May 12, 2005.
- A conditional use permit request was received by the Weber Planning Division on October 3, 2008.
- Conditional Use Permit #16-08 and #01-11 were approved by the Ogden Valley Planning Commission for the temporary parking use of the park and ride lot.

## Summary

The petitioner is requesting a positive recommendation to amend the Zoning Development Agreement Ordinance #96-33 to reinstate the expired zoning development agreement and to allow for a temporary park and ride lot to be added to the agreement and the conceptual map (See Exhibit C). Temporary or seasonal park and ride lots are a conditional use in the CV-2 zone. Since 2008 the petitioner has received temporary conditional use permits for the park and ride located in Eden. This site provides free parking for visitors and residents of the valley to gain access to the free shuttle service to Powder Mountain



Ski Resort. Access to the park and ride lot will be gained from Highway 162. The proposed temporary park and ride lot is located on Lot 2 of the Little Bear Subdivision (See Exhibit B).

The petitioner has requested that the zoning development agreement be reinstated for a The Uniform Land Use Code of Weber County (LUC) does allow a parking lot as a conditional use in the CV-2 Zone (LUC §104-21-5). The LUC generally requires that parking lots be screened and paved with concrete or asphalt, but an exception is provided for “for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride lots (LUC 108-8-7(b)). Due to the park and ride location being part of the center of the commercial hub in Eden, staff recommends that the petitioner shall install eight drought resistant street trees along the front property line of Lot 2 running along of Highway 162 as shown on the concept drawings as part of reinstating the zoning development agreement. These improvements will offer some softening of the area by providing some buffering and it can be done by the owner or by the lessee. A condition of approval will be added to staff’s recommendation giving the petitioner until June 1, 2019 for the street trees to be installed.

### Summary of Planning Commission Considerations

The following questions may be considered by the Planning Commission regarding the request to amend the “Conceptual Development Plan” as part of amending the Zoning Development Agreement approved as Contract# 96-33

- Does the proposed amendment coincide with the vision of the area?
- Is the proposed amendment harmonious with the Ogden Valley General Plan?
- Does the proposed “Conceptual Development Plan” meet the current goals and objectives as outlined in the Ogden Valley General Plan?
- Does the proposal enhance the public health, safety and welfare over the type of development that could otherwise occur?
- Does the proposal to amend the conceptual development plan negatively impact the surrounding properties and uses?

### Staff Recommendation

The Planning Division forwards this petition with a positive recommendation to amend the Zoning Development Agreement Ordinance #96-33 to reinstate the expired zoning development agreement and to allow for a temporary park and ride lot to be added to the agreement and the conceptual map in the Zoning Development Agreement:

1. Prior to being forwarded to the County Commission, the owners will need to sign two agreements.
2. The petitioner shall install eight drought resistant street trees along the front property line of Lot 2 running along of Highway 162 as shown on the concept drawings prior to June 1, 2019.
3. A new conditional use permit for a temporary park and ride lot on Lot 2 must be obtained.

This recommendation is based on the following findings:

1. A request to amend the “Concept Development Plan” is allowed per the previously approved Zoning Development Agreement.
2. It is in the best interests of both the applicant and the County to have a “Concept Development Plan” that is viable and harmonious with the Ogden Valley General Plan.
3. The amendment to the conceptual design will facilitate the required site improvements in a manner that will coincide with the vision of the area and will be more desirable for future residents.
4. The amendment is not detrimental to the public health, safety, or welfare.
5. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

### Exhibits

- A. Ordinance#96-33.
- B. Little Bear Subdivision
- C. Proposed ZDA Amendment 1





WEBER COUNTY  
ZONING DEVELOPMENT AGREEMENT

PARTIES: The parties to this Zoning Development Agreement (Agreement) are <sup>ORIGINATOR TRUST OR ASSOCIATE</sup> Gabriel Klodian ("the petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement will be the date that rezoning approval is granted as outlined below by the Weber County Commission ("the Commission").

RECITALS: Whereas, the petitioner seeks to rezone property generally located at 2620 N. Hwy. 162 within the unincorporated area of Weber County, Utah from an Agricultural A-1 Zone to a Commercial C-2 Zone for the purpose of: Retail shops, office, motel/cottage use, etc. which property consists of .627 acres and is more particularly described on EXHIBIT A attached hereto and incorporated herein by this reference ("the property"); and,

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing adopted Land Use Master Plans of all or part of the County; and

WHEREAS, petitioner has requested that certain property be rezoned for purposes of allowing him or his designees to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the petitioner considers it to his advantage and benefit for the County to review his petition for rezoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's master plan and for the area and the existing land use surrounding the property to be rezoned as outlined in Exhibit A.

WHEREAS, the County is desirous of rezoning the property for the purpose of developing the property in the manner outlined to the county but does not feel that the property should be rezoned unless the development that the petitioner contemplates is commenced and completed on the property within an agreed upon reasonable time; and

WHEREAS, it is in the best interests of both the petitioner and the County that in the event the petitioners project is not commenced, constructed and completed within a reasonable time that the zoning of the parcel described in Exhibit A be rezoned back to the zoning that existed prior to granting petitioners Initial rezoning request.

NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will rezone the property described in Exhibit A from an Agricultural A-1 zone to a Commercial C-2 zone for the purpose of allowing the petitioner to construct his pre-design project on the subject property.
2. The petitioner will develop the subject property based on the concept development plan attached hereto and marked as Exhibit B. The attached plan may be refined and modified by the general concept of the plan will not be changed without prior formal approval of the County. The petitioner will begin construction on the designated project described in Exhibit B within 18 months of the date on which final approval of the rezoning petition is granted and will complete the project within 5 years of rezoning approval.

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REC FOR: WEBER COUNTY CLERK

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3. Petitioner acknowledges that if the project has not begun or has not been completed within the time frames outlined above that he will request that the property be rezoned from a Commercial C-2 zone to an Agricultural A-1 zone and this document will serve as his request that the property be rezoned by the County. Petitioner understands that the County's granting of his rezoning petition is contingent upon him completing the project substantially as outlined in Exhibit B and within the time frame outlined in this agreement.
4. The petitioner agrees that only uses which fall within the general use types included in the approved Concept Development Plan and which comply with the Zoning Ordinance provisions, will be approved on the petitioned for property as part of a more specific and more detailed version of the approved Concept Development Plan. No other uses will be approved until or unless this Agreement and the approved Concept Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner his assignees and successors in interest and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue land use permits for only those uses determined to be within the general land use types listed on the Concept Development Plan and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner, his assigns or successors in interest:
  - a. failure to present a detailed development plan including proposed uses for the project, or a major phase thereof, gain County approval and obtain land use and building permits and complete construction within the time periods specified in this Agreement.
  - b. disposing of the property for any other purpose than that approved by this Agreement, the concept development plan and general uses and any subsequent more detailed plans and uses approved by the County.
  - c. a written petition by the petitioner, his assigns or successors in interest, filed with the County seeking to void or materially alter any of the provisions of this Agreement.
9. In the event that any of the conditions constituting default by the petitioner, his assigns or successors in interest, occur, the County finds that the public benefits to accrue from rezoning as outlined in this Agreement will not be realized.  
  
In such a case, the County shall examine the reasons for the default and lack of progress or proposed major change of plans, and either approve an extension of time or major change or the concept plan or initiate steps to revert the zoning designation to its former zone.
10. The parties may amend or modify the provisions of this Agreement, the concept development plan and list of use types only by written instrument and after considering the recommendation of the County Planning Commission which may hold a public hearing to determine public feeling on the proposed amendment or modification if deemed warranted.

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## EXHIBIT A

Serial No. 22-046-0051 ✓

## Description

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT WHICH IS WEST 394.00 FEET; SOUTH 42050' EAST 414.00 FEET, AND SOUTH 13029' EAST 47.74 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 34, RUNNING THENCE SOUTH 13029' EAST 307.04 FEET, THENCE NORTH 88000' WEST 536.40 FEET, MORE OR LESS, TO THE EAST LINE OF THE STATE ROAD, THENCE NORTH 44033'09" WEST 168.65 FEET ALONG SAID EAST LINE TO A POINT SOUTH 75042' WEST OF BEGINNING, THENCE NORTH 75042' EAST 641.50 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION THEREOF CONVEYED TO MAYLOR FAMILY INVESTMENT COMPANY BY DEED RECORDED IN BOOK 1455 OF RECORDS, PAGE 1128.

ALSO EXCEPT THAT PORTION THEREOF IN CONFLICT WITH PROPERTY OF RANDY S SHEPHERD AND WIFE ON THE NORTH AS CONVEYED BY DEED IN BOOK 1455 OF RECORDS PAGE 1134.

Serial No. 22-046-0023 ✓

## Description

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT ON AN EXISTING FENCE CORNER WHICH IS WEST 394.00 FEET ALONG THE SECTION LINE, SOUTH 42050' EAST 189.00 FEET, SOUTH 66033'06" WEST 16.30 FEET; AND SOUTH 47004' EAST 5.00 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 34; RUNNING THENCE TWO COURSES ALONG AN EXISTING FENCE AS FOLLOWS; SOUTH 47004' EAST 214.07 FEET, AND SOUTH 14007' EAST 68.67 FEET; THENCE SOUTH 74027'30" WEST 622.67 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE STATE ROAD; THENCE NORTH 44033'09" WEST 174.10 FEET ALONG SAID LINE TO A FENCE CORNER; THENCE NORTH 63029'15" EAST 607.02 FEET ALONG SAID FENCE TO THE POINT OF BEGINNING.

E# 1449609 BK1843 P61003

Serial No. 22-046-0023 ✓

PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT 394 FEET WEST AND 189 FEET SOUTH 42050' EAST AND 16.30 FEET SOUTH 66033'06" WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE SOUTH 47004' EAST 5.0 FEET, THENCE SOUTH 63029'15" WEST 607.02 FEET TO THE EAST LINE OF COUNTY ROAD, THENCE NORTHWESTERLY ALONG THE EAST LINE OF THE COUNTY ROAD TO A POINT SOUTH 66033'06" WEST 601.46 FEET FROM THE POINT OF BEGINNING, THENCE NORTH 66033'06" EAST 601.46 FEET TO THE POINT OF BEGINNING.









WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT AMENDMENT ONE

PARTIES: The parties to this Zoning Development Agreement (Agreement) are Terry Phillins Properties LLC and/or assigns ("the Petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement will be the date upon which the Weber County Commission ("the Commission") signs the Agreement.

RECITALS: Whereas, the Petitioner has previously rezoned property generally located at 2620 North Highway 162 within the unincorporated area of Weber County, Utah from the Agricultural Valley-3 (AV-3) to the Commercial Valley-2 (CV-2) Zone for the general purpose of: Retail shops, office, motel/cottage use, etc... and a temporary park and ride lot on Lot 2 of the Little Bear Subdivision (See Exhibit C) which consists of 4.99 undeveloped acres and is more particularly described in Exhibit A attached hereto and incorporated herein by this reference ("the Property"); and

WHEREAS, the County seeks to promote the health, safety, welfare, convenience, and economic prosperity of the residents of the County through the establishment and administration of zoning regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing the adopted General Plan; and

WHEREAS, the Petitioner has requested that the Property continue to be zoned CV-2 for the purpose of allowing the Petitioner, or a designee, to develop the property in the manner that has been illustrated as Exhibit B; and

WHEREAS, the Petitioner considers it to his advantage and benefit for the County to review his petition, to maintain the existing CV-2 zoning, and amend the Agreement to allow for a temporary park and ride lot on Lot 2 during the interim during the interim the as shown in Exhibit B; and

WHEREAS, the County desires to maintain the CV-2 zoning on the Property for the purpose of developing the Property in the manner illustrated and described, but the County does not feel that the property should maintain its zoning unless development of the Property is consistent with the terms of the Agreement and project completion is pursued in good faith; and

WHEREAS, the County Commission, after receiving a recommendation from the Ogden Valley Planning Commission, has determined that the proposed development continues to conform to the goals and objectives of the Ogden Valley General Plan and continues to be a benefit to the parties involved; and

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged and accepted, both parties mutually agree and covenant as follows:

1. The County will maintain, barring any default by the Petitioner, the zoning of the property described in Exhibit A which was rezoned from Agricultural Valley-3 (AV-3) to Commercial Valley-2 (CV-2) for the purpose of allowing the Petitioner to utilize Lot 2 of the Little Bear Subdivision as a temporary park and ride lot and to construct his pre-designed project on the Property.
2. The Petitioner will develop the Property based on the concept development plan attached hereto and marked as Exhibit B. The attached plan may be refined and minimally modified but the general concept of the plan shall not change without prior formal approval of the County. Lot 3 of Little Bear Subdivision has been developed. Per the previous agreement, construction would begin as shown in Exhibit B within 18 months from the date on which final approval of the rezoning petition was granted and was to be complete within five years from that date. The

agreement has now expired and it is the desire of both parties to reinstate the agreement for a period of five years.

4. The Petitioner acknowledges and agrees that, if project completion is not pursued in good faith, he will request that the Property be rezoned from Commercial Valley-2 (CV-2) to Agricultural Valley-3 (AV-3) and this document will serve as his request that the Property be rezoned by the County.
6. The responsibilities and commitments of the Petitioner and the County, as detailed in this Agreement when executed, shall constitute a covenant and restriction running with the land and shall be binding upon the Petitioner and his assignees and successors in interest.
7. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests of both parties; therefore, the parties acknowledge that the Agreement will be recorded in the Office of the Weber County Recorder.
8. The following conditions, occurrences, or actions constitute a default by the Petitioner:
  - a. Failure to comply with the terms of this Agreement.
  - b. Disposing of the property for any other purpose than that approved by this Agreement.
  - c. A written request, submitted to the County, seeking to void, alter, or amend any of the provisions of this Agreement.
9. In the event of Petitioner default, the County may examine the reasons for the default and either approve an amendment to the Agreement or initiate steps to revert the zoning designation to a zone preferred by the County.
10. The parties may amend or modify the provisions of this Agreement only by written instrument and after considering the recommendation of the Ogden Valley Planning Commission which may hold a public meeting to obtain public input regarding the proposed amendment or modification.
11. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
12. This Agreement, which constitutes the entire agreement between the parties, shall supersede all previously executed zoning development agreements and be in full force and effect until the parties appropriately amend the Agreement or until the Property has been rezoned to another zone due to Petitioner default.

Documents Attached:

- Exhibit A (Legal Description)
- Exhibit B (Conceptual Development Plan)
- Exhibit C (Recorded Subdivision)





**Exhibit A**

All of Lot 1 and Lot 2 in the Little Bear Subdivision as recorded in the office of the Weber County Recorder's Office.

Parcel# 22-154-0001 and 22-154-0002



**Exhibit B**

