



OGDEN VALLEY PLANNING COMMISSION

AMENDED PLANNING MEETING AGENDA

**July 30, 2019
5:00 p.m.**

**Pledge of Allegiance
Roll Call**

- 1. Minutes: Approval of the June 25, 2019 Meeting Minutes**
- 2. Petitions, Applications and Public Hearings**
- 2.1. Legislative Items:**
 - a. New Business**
 - 1. ZTA 2019-05: Discussion and decision on ZTA 2019-05, a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's, and master planned developments.**
- 3. Public Comment for Items not on the Agenda:**
- 4. Remarks from Planning Commissioners:**
- 5. Planning Director Report:**
- 6. Remarks from Legal Counsel:**
- 7. Adjourn to a work session:**

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center,
1st 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***

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Testifying at Public Meetings and Public Hearings

Address the Decision Makers: When testifying please step to the podium and state your name and address.

- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All testimony must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when testimony is pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances. Don't repeat testimony that has already been given. If you agree with previous testimony then state that you agree with that testimony.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful. It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

¹ This is a subdivision located at approximately (address). It lies within the (Zone), covers (acres), consists of (# Lots), and consists of approximately 1,100 feet of public road improvements. Do you have questions about the outline...if so, I would be happy to answer them? If not, I will turn the time over to Mr. (applicant).

¹ Possibly include personal introduction/information and resume, introduction of other professional contributors, property ownership time or lease situation, visuals (photos, renderings), anticipated impacts and offered mitigation or rationale behind impacts being acceptable, and statement of code compliance.

Minutes of the Ogden Valley Planning Commission Regular meeting June 25, 2019 in the Snowcrest Junior High School (GYM), commencing at 5:00 p.m.

Present: John Lewis, Chair; Jami Taylor, John Howell, Chris Hogge, Shanna Francis, Bob Wood,

Absent/Excused: Steven Waldrip

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner III, Tammy Aydelotte, Planner I, Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

- **Pledge of Allegiance**
- **Roll Call:**

1. Petitions, Applications and Public Hearings

1.1. Legislative Items

a. New Business

1. ZMA 2019-04: A public hearing regarding an application to rezone approximately 14.15 acres located at approximately 4720 East 2650 North in Eden from the (Agricultural Valley Three Acre) AV-3 Zone to the (Gravel) G Zone for the purpose creating a gravel pit. Applicant: Robert Edwards.

Staff Presenter: Charlie Ewert

Chair Lewis said before we get on to introducing Director Grover and the application; I would like to say give respect to the applicants as they deserve. We will open up for public comment as some point, and we will start off with questions no more than an hour. Then we will evaluate after an hour. We have a clock tonight, and we ask that you make your point within three minutes, and I would ask that you not repeat yourself, just make your point so you're not repeating yourself. Obviously no outburst, no cheering, no booing, no fruit, and we'll all be okay. He introduced Director Grover to explain the application, the decision type, and the flow and presentation of how this is going to go.

Director Grover thanked everyone for coming out. About two or three times a year, we try to bring a Planning Commission meeting up here to the valley. On this item, this is not a county driven petition; this petition has been submitted by the applicant. When an application is submitted for a possible rezone, it becomes a legislative item. On a legislative item, the Planning Commission is an advisory board, and they are going to make a recommendation to the County Commission either for or against this request. The applicant has due process, and it's important as the chair indicated to show proper respect, whether you are for or against we want to make sure your voice is heard. We will have the applicant Rob Edwards, who will explain the project and what he is wanting to do. After that, we will have Mr. Charlie Ewert who will explain the project and how it does or does not meet the code and the General Plan.

Cody Holter, Applicant/Petitioner; and introduced Rob Edwards, Designated Agent who will handle most of the inerrancies related to engineering. He thanked all those who attended where everyone's opinions matter. Anytime you submit an application that applies to all residents, that it has to be proven that it is in the best interest of the community and the General Plan. I would like to stick strictly to the facts and hopefully devoid of any emotional exchanges that is being presented here. We have reviewed and done extensive research; and have determined as we have done this in multiple locations, that this truly is the best location to provide a vital resource that we all consume. We don't have the choice of choosing where these deposits have been placed. We hope to show you in our presentation, that by allowing this, it will directly result in a lower cost of living for the residents in the valley. We will also be reducing contaminants in the air, and hopefully provide better health for the residents and future residents of the county. Having this will provide the backbone for many of your vital industries of your valley. Just want to say that I am honored to be here; and we truly do believe that this is good for the community in the long term, and the growth that the General Plan calls for. It will truly be an asset and be mindful and respectful to all the residents in the valley.

Rob Edwards gave a brief history of residency, his qualifications in mining engineering, and areas where his has worked in Utah. I spent a great deal of time, and this is critical for me in understanding in commodities, and provided a list of commodities. In 1935, each person consumed 3.5 metric tons of sand and gravel; almost a 100 years later we all consume individually 22 thousand pounds a year. This is consumed in the buildings, the roadways, dams, schools; and all of those things come from sand and gravel. Concrete is the most used building product in the world; it's about 70%

of the structure, or made from reinforced concrete. I wanted to talk about the local community; and I understand that the census will be out next year, and we're looking to have 8,000 people in the valley, and over 250 thousand in Weber County. He read a few articles about air quality in Utah. He showed different pictures of batch plants throughout the area. He showed a map of the travel time from various batch plants to deliver their materials. The valley consumes 80,000 tons of material that have to come from somewhere. He read some information from Fox 13 the prior week about air quality in Utah. This project will reduce road congestion, air quality emissions, improved air quality, lower prices, allow for affordable housing, safety on roadways, availability of a viable building product, opportunity for local contractors and homeowners, opportunity for new improved public utilities and roadways, and protecting the lives of families. Our proposal would cut the travel time, we would have the stock piled here, load the material and weigh out, and then distribute in the valley. He read an article about shutting down the canyon to repair three bridges. I have Doug Clements with American Eagle, one of the larger ready mix suppliers in Utah. He will answer any questions that you might have on ready mix.

Charlie Ewert said this is a rezone request that is legislative; essentially with the rezone you are creating new law. When you change the zoning map, you do so by ordinance. There's a wide discretion in decision making on legislative action, with administrative you are required to approve, but with this one you are not required to approve. The two criteria that you will be looking at in determining whether or not to recommend approval to the County Commission; is whether or not it complies with the General Plan. Whether or not it enhances or promotes the health, safety, and welfare of the public. In the staff report, it's voluminous and in depth; I tried to hit as much information on community impacts, in the event that the Planning Commission wants to recommend approval. Or in the end if the County Commission decides to approve; I did a full analysis of the community impacts, and plan accordingly as we move forward. What I have in front of you is the subject site, and its right over the fence line where the tennis courts are. He indicated the various zones on the map of the valley, and how this would impact those zones if this was changed to the Gravel (G) Zone. The county has a sensitive lands ordinance; that suggests that development should not occur within 100 feet of the high watermark of this particular part of the river. He showed the geologic hazards map and indicated the Ogden Valley North Fork fault that runs right through as indicated in the purple and orange color on the map.

Charlie Ewert said I am going to focus primarily to the impacts to the community as outlined in the staff report. There is a concern by the County Engineers about what the road is currently made of, would it support the additional truck traffic, and what changes would be made so the road can handle the additional traffic here. If this does get approved, we will be asking a Geotechnical Report to verify that the road can handle the additional traffic here. The engineers would like to see is test material; they are considering putting in the asphalt; this is essentially fiberglass material that goes into the overlay, that goes into the subgrade, and it has a mesh that lines both the asphalt and the subgrade. One thing I have suggested if this gets approved, is the noise impacts from the rock crushing operation. A recommendation to ensure that at the property boundaries, that you're not hearing over the sound of 70 decibels, which would be the same as a vacuum cleaner. Future permits that the applicant would need in proximity of this use to the river would require more permits. Once the permit is in place, the applicants will need to go through the conditional use permit process. Once the zone is in place, it's going to be difficult to deny the conditional use permit; provided the applicant can mitigate the detrimental impacts. They will have to do a site-design review; that shows where the batching plant will go, the road layout will be, the stacking lanes for all the trucks waiting to be filled, and where the crushers will be. Any type of sound mitigation like berms, walls, and vegetation.

Charlie Ewert said they will need get a flood-plain activity permit, and obtain an excavation permit if they work on a right-of-way. They will need to put together a Storm Water Pollution Prevention Plan for industrial. A stream alteration permit will need to be amended, they will need a 404 Permit from the Corp of Engineers. Air Quality compliance, Water Quality compliance, Animal Protection, and Drinking Water Protection from the Division of Drinking Water. This is in zone two of one of the drinking wells in the area. Eden Waterworks has a 60 ft. well just adjacent to where the extraction will be. It's really important that the county, as well as any other agencies verify that whatever is happening onsite, is not causing material derogation of water quality of the drinking water. As for the General Plan, I tried to list the pros and cons. What are the cons for having it here, can those cons be minimized or mitigated, what are the pros having that here, and is there any drawbacks having that here. He went through the staff report concerning the vision of the General Plan. He talked about the trees, removal and replacement. He talked about the peace and quiet, with truck traffic and the crusher. He talked about clean air and water, and are there ways to mitigate that. He talked

about abundance of wildlife, how that would affect that. He talked about views, being the most ideal location in the valley. He talked about Ogden Canyon, by reducing the amount of truck traffic, enhancing air quality. Staff's recommendation is denial of the rezone as listed in the staff report, and based on the findings listed in the staff report.

Chair Lewis thanked Commissioner Froerer for taking time to attend the meeting. We all recognize that growth is coming, and we need something like this, but whether this is the right place or the right time is questionable. If we don't recommend approval tonight, we need think about when and where something like this might be in the future.

Chair Lewis asked Mr. Edwards indicated that they would be producing about 30,000 cubic yards of concrete, and the other meeting we had he stated 50,000 cubic feet; so by my calculation that would be 3,000 to 5,000 trucks going past the junior high, pre-school, and old folk homes everyday. I know you've said either way this turns out, you've set lots of rules as how to contain that, and my experience has been because of lack of resources, so how reasonable is that to be able to put those kinds of restrictions to be upheld. Mr. Ewert replied that is one of the findings for denial that I am recommending; it's going to a hard thing to ensure enforcement. There are a lot of parts and a lot of agencies that were listed there, and they will all have to come together. I don't think it's impossible to mitigate the detrimental effects, it would require a little more enforcement capabilities, a little more administrative attention which requires times in order to verify that we can keep a handle on this on a regular basis.

Commissioner Wood said when we went on that field trip we were pretty close behind that tennis court, and I realize that a vacuum cleaner doesn't really make a lot of noise, but to have it there all day long when you're trying to explain and teach concerns me. The second thing that concerns me is the dust; when they are out there playing. Can you address the my concerns of the dust and the noise. Mr. Ewert replied the question about sound is going to be hard to avoid sound, and from what I've studied a typical rock crusher will produce 70 decibels at 300 feet away. What we are going to recommend 70 decibels at 600 feet away. We're not going to know until we get the rock crusher up here how loud that actually is. As far as dust goes; if this is approved, there needs to be a recommendation for dust mitigation and it has be on a daily basis.

Commissioner Francis asked the applicant we can expect noises from the rock crusher, but what are some of the other noises that come to my mind, would be the backing of trucks, beeping, lowering of equipment, possibly air brakes, conveyor belts, squeaks and noises, machinery, excavation noises with backhoes. What other noises can we expect? Mr. Edwards replied everything you mentioned is going to create sound. There is a quantifiable measure that we have scientifically arrived at; I've measured sound and thankfully in our community we have strict ordinances, they have to be complied with. We wouldn't be able to conduct business, we would be shut down if we were in violation of those ordinances; they would carry that out with enforcement for those city ordinances. We are confident that we can operate within those ordinances, or we wouldn't have made the application and waste everybody's time.

Chair Lewis asked Legal Counsel, with their current stream restoration permit that they seem to have, does that give them the right gravel out of the river and take it away, or just restore it on the banks of the river? Mr. Ewert replied I can give you a planning point of view. I did read through the permits, and I don't see anything there that it can be exported from the site. Oftentimes we are looking at stream alterations, when we're talking about moving material around onsite. That's one of the reasons why I mentioned before that we need to ask the applicant to give an updated stream alteration permit, so we can verify with the state engineers that there's going to be import/export materials out on the site.

Commissioner Taylor said you mentioned that this doesn't necessarily comply and your recommendation is denial, and you talked a little bit about the villages, was largely on that it's not furthering the General Plan. I would like for you to explain how this does not comply. Mr. Ewert replied from my estimation of the General Plan; what we are going through here is a rural community that has recreational resources that don't overwhelm the people that live here with property rights here. The Villages in the General Plan, there are eight different villages that are planned out that will come to flourish at some point in the future without a timeline. The idea that the General Plan puts forth; is a pedestrian oriented walkable streetscape, that has shopping opportunities, recreation opportunities, and maybe included housing opportunities when we figure out that elusive TDR. Having that right next door with heavy equipment and heavy trucks on a regular basis; is not the kind of traffic that I would anticipate seeing in a resort oriented mainstream and that would be a challenge. As far as the sound goes; I would anticipate if you've got buildings lining

the street, and you've got walkable community, you may not hear sounds above and beyond what that street is doing, but I believe it would be the traffic that would be the challenge.

MOTION: Commissioner Wood moved to open for public comment. Commissioner Hogge seconded. A vote was taken with Commissioners Taylor, Howell, Hogge, Francis, Wood, and Chair Lewis voted aye. Motion Carried (6-0).

There were over 320 residents who attended to the meeting. There were 25 residents who voiced their opinion to deny this rezone application to the County Commission. There were 4 people who voiced their opinion to approve this petition to the County Commission, and two of them were the applicants.

MOTION: Commission Hogge moved to close for public comments. Commissioner Francis seconded. A vote was taken with Commissioners Taylor, Howell, Hogge, Francis, Wood, and Chair Lewis voted aye. Motion Carried (6-0).

Cody Holter indicated that they have anticipated a lot of the comments that were made and they have made contingencies for those items that were made by the County Planner. What I viewed as a positive that the community would embrace and there are many regulatory agencies that would be involved. Some of you would view that as an obstacle, I would view that as a check and balance that would be appropriate. I welcome all the comments, and I would treat of you with courtesy as you would like to be treated. Just want you know that I love this place and would not do anything to hurt it. There are views that this is not the appropriate place and yet it is appropriate for some and not appropriate for me. I hold no disrespect for the people who voiced their opinion, nor do I hold any disrespect for this commission upon their decision of this application.

Rob Edwards stated that on the consumption; these are materials that we are consuming, and they do have to come from somewhere. I do understanding that the community has been since 2002, trying to locate a source here in the valley. Everybody that's in this building knows that it's not okay that we have a source that is close, to haul 45 miles away and pollute the air of everybody else in Weber County. There is 250,000 people that live in this county, those people rights are important as well. Those emissions affect those children in the lower valley and the people that live in the canyon. We have to be responsible to find local resources, keep it at local market, and that's how we eliminate emissions.

Chair Lewis read a letter written by Commissioner Waldrip's opinion and recommendation.

MOTION: Commissioner Taylor said this application is to request to rezone approximately 14.15 acres in the Agricultural Valley Three Acre Zones located at approximately 4720 East 2650 North to a Gravel Zone for the purpose of gravel excavation and cement batching plant. Before I give my recommendation, the staff summary states, *"It may be more appropriate and significantly simpler for the Planning Commission to focus on the policy merits and community impacts of allowing a gravel pit on the subject property rather than questioning whether the science or other agencies, over which the county has no control, will support the use."* So with the rezone we're asked to consider the following questions:

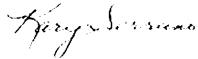
1. How does this rezone apply to the General Plan.
 2. Is this rezone enhance the overall intent of the Health, Safety, and General Welfare of the Community.
- With all this in consideration; I move to forward our recommendation to the Weber County Commissioners, a denial of the application ZMA 2019-04. This denial is based on the five following findings:
1. This application is not in line with the vision of Ogden Valley General Plan and does not advance the overall intent of this plan. Specifically, this gravel pit proximity to the valleys most prominent Village Area, could hamper the county's ultimate goals in regards to this area. This application could create potential transportation and noise impacts.
 2. This rezone does not advance or protect the overall health, safety, and general welfare of the community. Specifically, the county lacks sufficient administrative capability to ensure adequate oversight compliance of a gravel pit in this proposed location. The potential health and safety to the nearby school, homes, and businesses. The potential of water and fire impact.
 3. This is based on the emails sent by the public and the public hearing; that it's just clear that the residents overwhelming don't support it.
 4. Based on the findings of the research findings as indicated in the staff report during this meeting.
 5. The general constantly out-weight the pro's.

With that being said; should the Weber County Commissioners choose to approve the rezone; we would recommend you do so with the 21 recommendations, that the staff indicated in the staff report starting on Page 17. In conclusion, I would agree with Commissioner Lewis, that growth is inevitable and I am not against growth. I do believe that our community has natural incredible scenery, and I know that we have a planning staff and County Commissioners that are capable of continuing to enable our sceneries to match it residents, and I just don't think this would be able to do it. Commissioner Wood seconded. A vote was taken to recommend denial of this application to the County Commission with Commissioners Taylor, Howell, Hogge, Francis, Wood, and Chair Lewis voted aye.

Motion Carried (6-0).

2. **Public Comment for Items not on the Agenda:** A member of the audience asked what this commission was going to do if they continued to pursue with the application. Would there be any enforcement on that issue.
3. **Remarks from Planning Commissioners:** Chair Lewis stated that it is up to the County Commission to decide if they approve this or deny this application. We recommended to deny to the county Commission. I would suggest that you attend that meeting and voice your opinion to them. Director Grover can speak to you on the enforcement issue.
4. **Planning Director Report:** Director Grover said part of our staff looks at code enforcement and we will keep an eye on it and monitor possible violations and take care of it.
5. **Remarks from Legal Counsel:** None.
6. **Adjournment:** The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,



**Kary Serrano, Secretary;
Weber County Planning Commission**



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-05, a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments.

Agenda Date: Tuesday, ~~May 28, 2019~~ **JULY 30, 2019**

Staff Report Date: Tuesday, May 22, 2019

Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe

File Number: ZTA 2019-05

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §106-1: Subdivision General Provisions
 §106-2: Subdivision Standards

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

When the cluster subdivision code was amended in early 2018 the county amended the method of density calculations. Formerly, density calculations, in part, excluded area with certain slopes. In contrast, a traditional subdivision in most zones had no such reduction. This de-incentivized the use of the cluster code, hence the 2018 policy shift.

In making those changes, we missed a section of code buried in the subdivision title of the land use code. This proposal is intended to correct the oversight.

Policy Analysis

Policy Considerations:

General Plan: For a complete review of the general plan analysis for the cluster code revisions, please review the planning commission and county commission staff reports and memos on Miradi. They can be found here: <https://miradi.co.weber.ut.us/projects/view/3504>

Ordinance: The attached changes are a simple deletion of antiquated language in the subdivision code. It also addresses the definition of "net developable acreage" to be more reflective of real-world street area constraints as opposed to an estimated average, as requested by the Ogden Valley Planning Commission in the May 7, 2019 work session.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes are more reflective of the purpose of adopting the cluster subdivision ordinance amendments on May 8, 2018.
2. The changes reduce conflict in the ordinance.
3. The changes will strengthen the administration of the ordinance.
4. The changes are not detrimental to the health, safety, and general welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.
- C. Application.

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. – Reserved .

...

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. ~~ten percent of the total acreage within a project area shall be reduced to account for potential street rights of way. The portions of an existing street right of way located within the project boundaries may be included as part of the ten percent.~~ The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. - Reserved ~~General land development.~~

~~Cluster subdivision, master plan communities, or plan residential unit developments with slopes of 40 percent or more in the FR 1, FV 3, F 5, F 10, F 20 and F 40 zones and 30 percent or more in all other zones, shall not be classified as developable land. All other subdivisions shall meet the restricted lot requirement table, or show a buildable area as required by the Land Use Code.~~

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Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) <i>Steven Fenton Both Investment properties / Kevin Duppe</i>		Mailing Address of Property Owner(s) <i>110 W. 1700 N. Centerville, UT 84014</i>
Phone	Fax	
Email Address <i>Crimson Ridge Utah. Steven@gmail.com Crimson Ridge Utah. Kevin@gmail.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) <i>Chris Cave, Reeve + Assoc.</i>		Mailing Address of Authorized Person <i>5160 S. 1500 W. Riverdale, UT 84405</i>
Phone <i>(801) 621-3100</i>	Fax	
Email Address <i>CCave@reeve-assoc.com</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name <i>Crimson Ridge Phase 2</i>	Current Zoning <i>FV-3</i>	Proposed Zoning <i>FV-3</i>
Approximate Address	Land Serial Number(s) <i>20-005-0021</i>	
Total Acreage <i>135</i>	Current Use <i>Agriculture</i>	Proposed Use <i>Cluster Subdivision</i>

Project Narrative

Describing the project vision.

Project Narrative

Crimson Ridge is a mountain luxury subdivision along the south western bench of Pineview Reservoir. It has been carefully designed to cluster the development away from Highway 158 and off of the highly visible hillside slope. Phase 1 had 35 lots and has already been completed. Phase 2 is designed to have approximately 45 lots on 135 acres. Since phase 1 was completed there has been a substantial revision to the cluster subdivision ordinance including a new definition for what constitutes developable land for the purpose of the open space calculation. This new definition renders the original Crimson Ridge cluster plan obsolete and discourages use of the cluster ordinance. Under this definition the number of lots possible is reduced from approximately 45 to 33. Under the standard subdivision ordinance we estimate that we would be able to plat nearly all of the 45 lots but with a much higher visual impact.

Specifically, the section of the new cluster subdivision ordinance which defines what land can be counted towards open space is in conflict with the definition of developable land used in the standard subdivision ordinance. For cluster subdivisions, section 106-2-8 defines undevelopable acreage as anything with a slope of 40% or greater. In contrast, the definition for the standard subdivision ordinance in section 101-7-7 provides that the developer must be able to prove that the property is developable under county, state and federal laws. This conflict creates a situation where it is more desirable to use the standard subdivision ordinance in the varied terrain of Ogden Valley to maximize the number of lots available rather than using the new ordinance clustering development.

We would propose deleting section 106-2-8 and allow the developer to count as open space anything that is not undevelopable under section 101-1-7, thus requiring the developer to show that under existing county, state and federal law the proposed open space would be developable. This would put the cluster subdivision ordinance and standard ordinance on equal footing and not tip the scales toward the standard subdivision ordinance thus fulfilling one of the main objectives of the General Plan.

This change is in compliance with the General Plan because one of the main objectives of the General Plan is to preserve open space by clustering development to reduce the development foot print and preserve natural green belts and minimize visual impacts. It would also keep control of those areas out of the hands of lot owners who could do damage to the hillsides which would be part of their lots and what would otherwise be open space.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Property Owner Affidavit

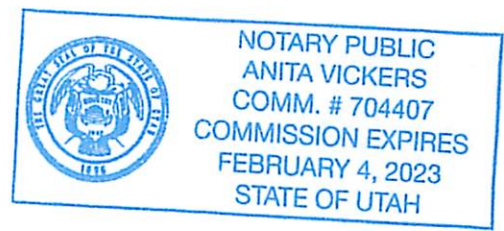
I (We), B+H Investment Properties LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]
(Property Owner)

(Property Owner)

B+H INVESTMENT PROPERTIES
Subscribed and sworn to me this 18th day of April, 20 19

Anita Vickers
(Notary)





Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Planning Commission Staff Report -- Cluster/PRUD/Master Plan Subdivision Slopes
Exhibit C: Application and Narrative

Customer Receipt	
Receipt Number	105780

Receipt Date
04/25/19

Received From:
B & H Investment Pro

Time: 16:30
Clerk: amorby

Description	Comment	Amount
ZONING FEES	Text Amendment	\$1,052.00

Payment Type	Quantity	Ref	Amount
CHECK		210	

AMT TENDERED:	\$1,052.00
AMT APPLIED:	\$1,052.00
CHANGE:	\$0.00