

MEMO

Date: April 19, 2024

To: Ogden Valley Planning Commission

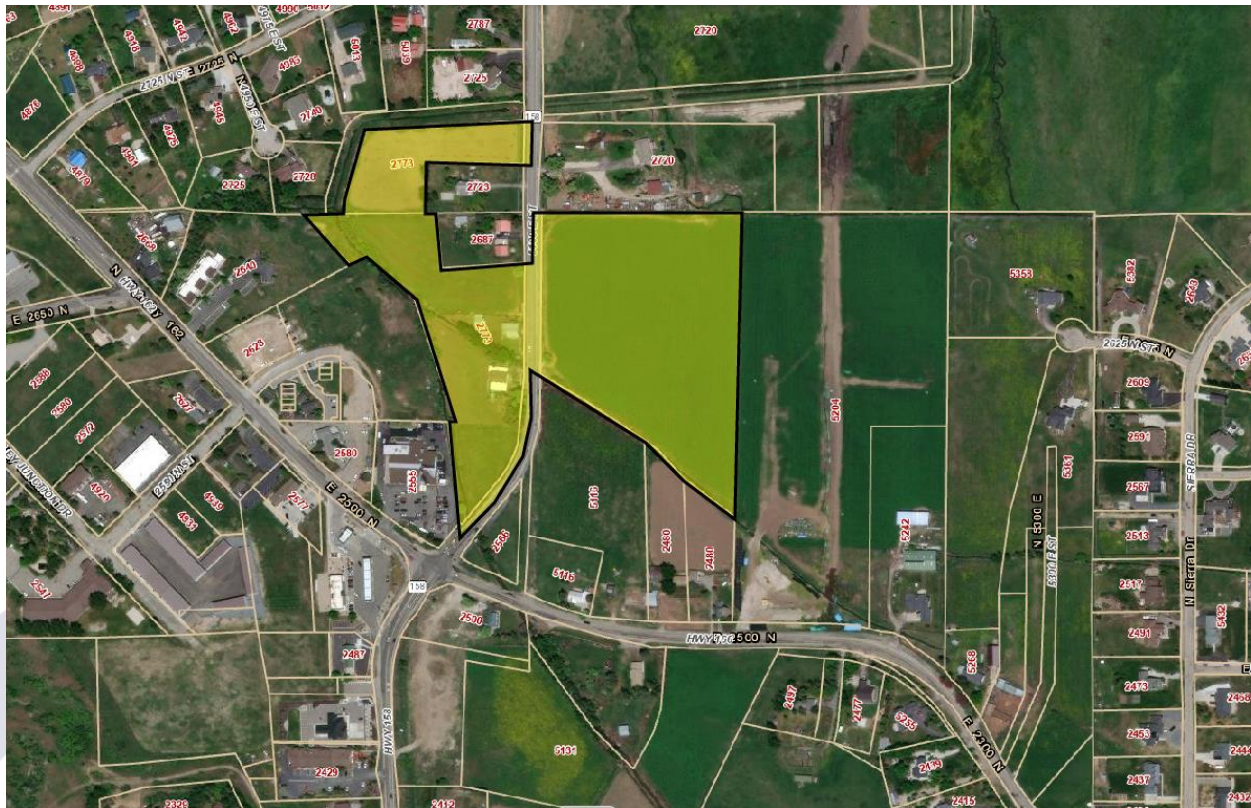
From: Charlie Ewert

Re: Zoning Map Amendment Application – Naylor Family Investments (Cowboy Partners)

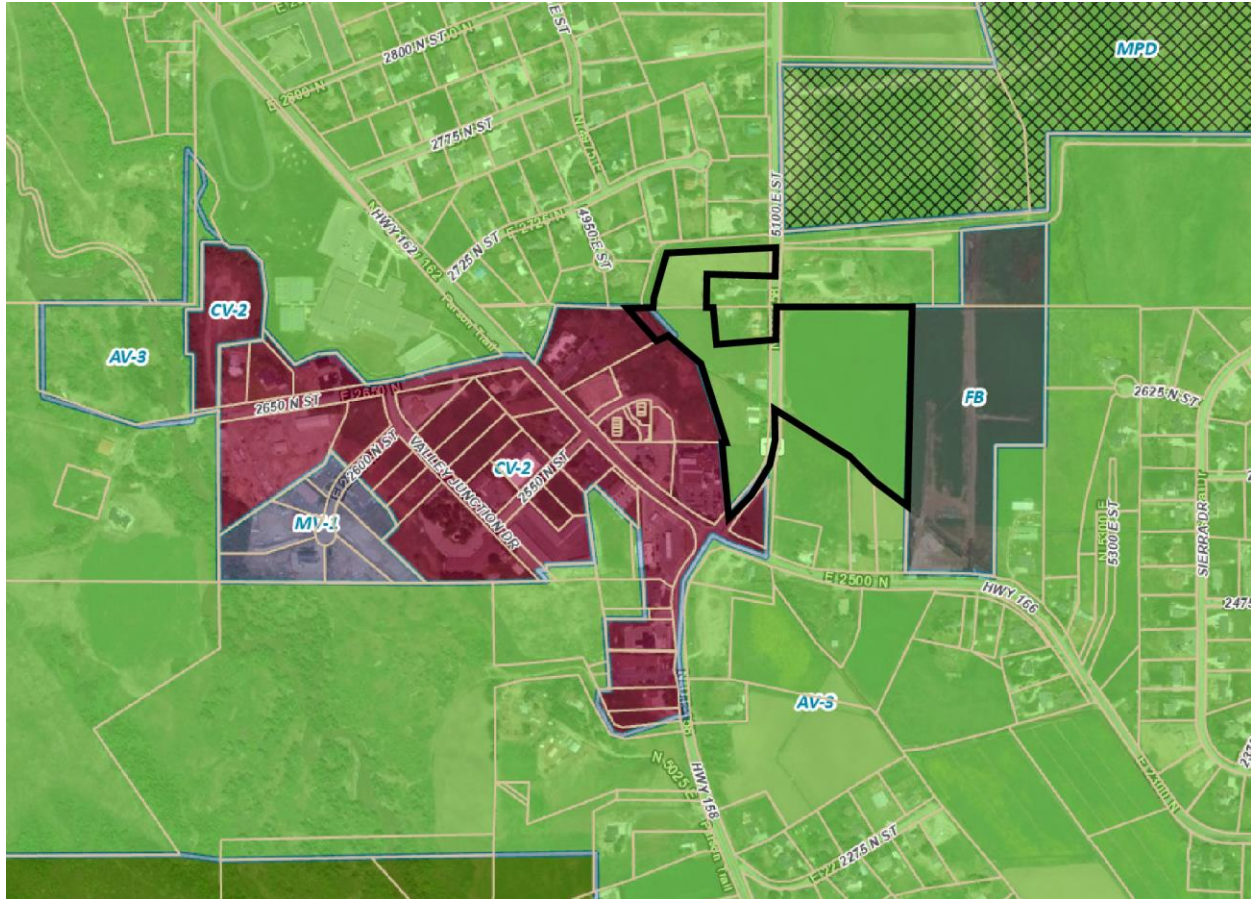
In the planning commission's April 23rd meeting you will be discussing a rezone of property from the AV-3 (agricultural) zone to the FB (form-based) zone. The property is located on both sides of Highway 158 just north of Eden's four-way stop.

Staff has yet to conduct a formal analysis of the application, but this memo is intended to help the planning commission address the proposal using information found in the general plan as well as information from the Form-Based Zone.

Here is a graphic depiction of the property overlaying an aerial image:



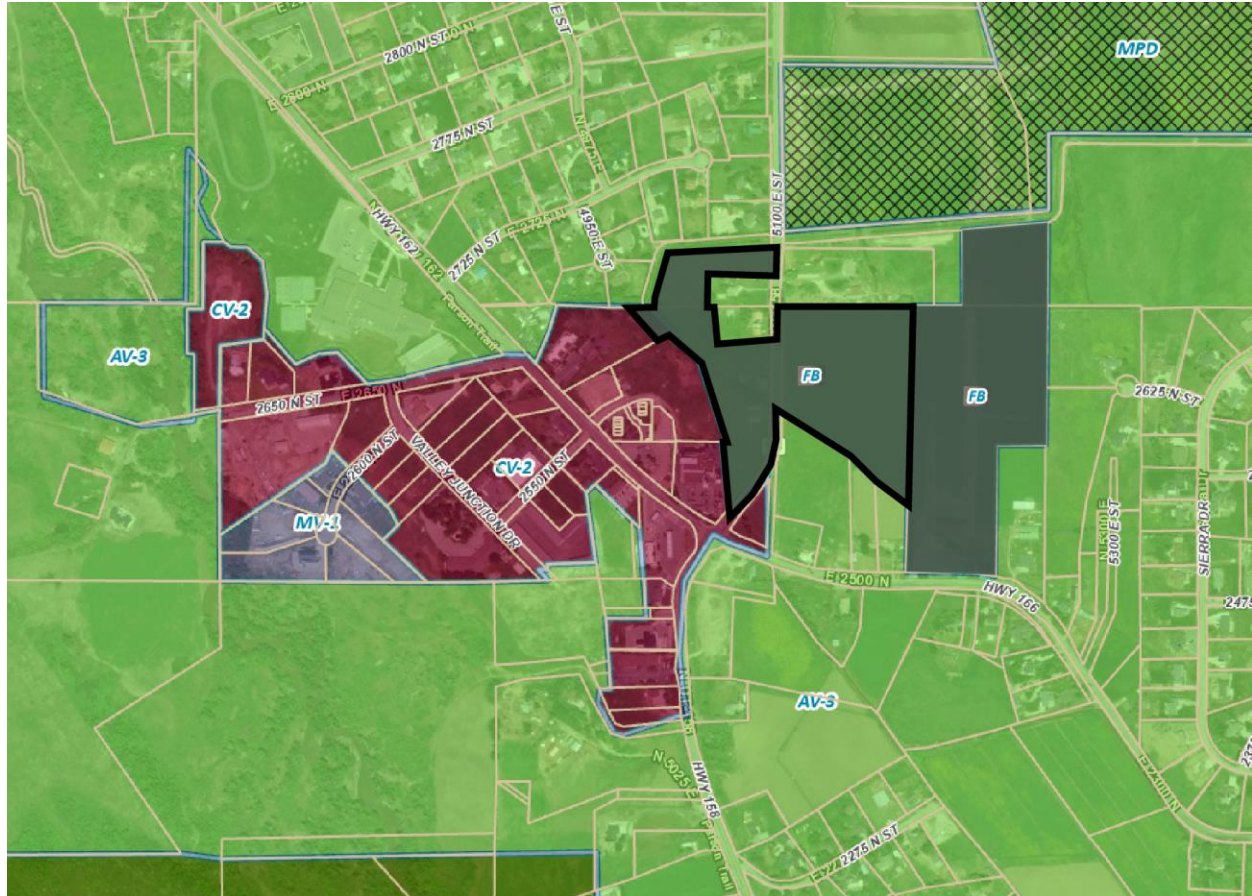
Here is a graphic depiction of the area's current zoning map:



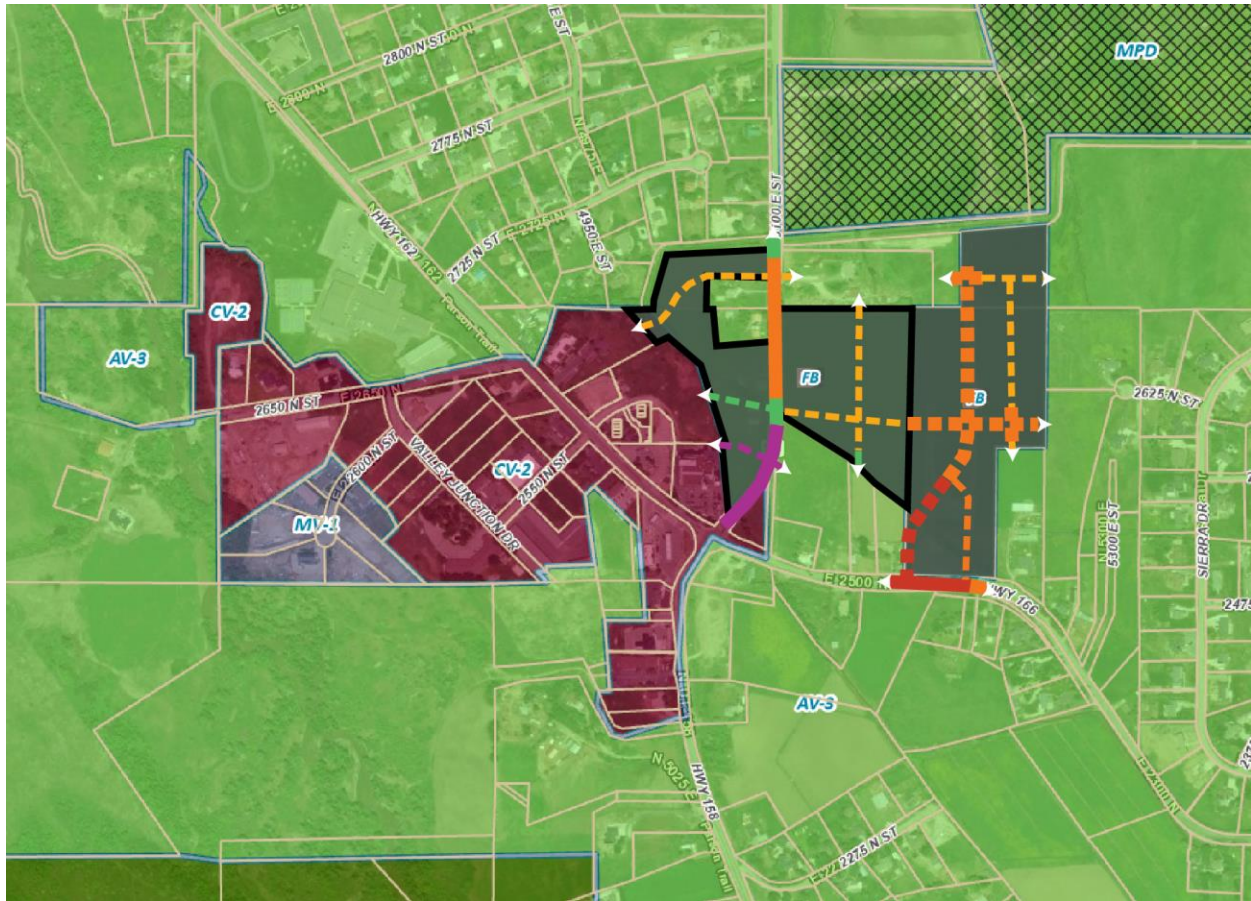
You can see from this image that the proposed property is directly between an existing CV-2 (commercial) zone and the recently adopted Eden Crossing FB (form-based) zone.



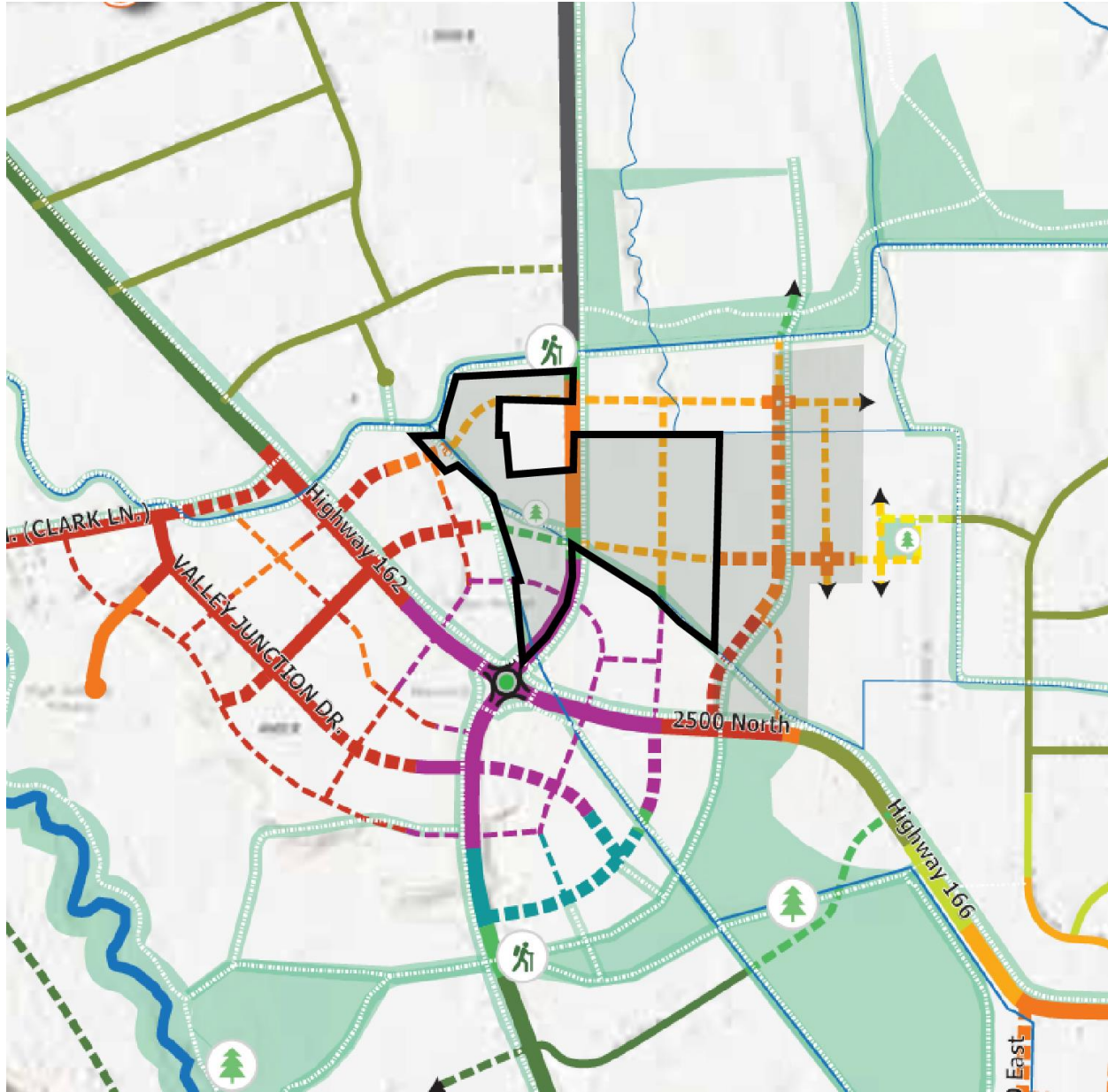
The applicant is requesting the property be rezoned to the FB (form-based) zone. Here is a graphic depiction of how the zone map would look if approved:



As you know, the form-based zone has a street regulating plan that those within the zone must follow. The following image provides the proposed zoning map with the street regulating plan applicable to just the areas that are or are proposed to become part of the FB (form-based) zone.



The following image provides the entire street regulating plan for the FB zone in the New-Town Eden area, with the proposed FB zone boundary shaded, and the subject property boundaries in black.



This property is primarily affected by Vehicle Oriented Commercial (VOC), Multifamily Residential (MFR), and Small Lot Residential (SLR) street types. There is a little Open Space (OS) as well. The purpose of these street-types are as follows:

Vehicle-oriented commercial street.

A vehicle-oriented commercial street or Alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed as described for a Mixed-Use Commercial Street. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

Multi-family residential street.

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. Where possible, given terrain, first-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level unless the first-floor street level is also occupied by a commercial space.

Small-lot residential street.

A small-lot residential street has street-front buildings that may be set back more than multi-family residential street facades, but are less likely to have a noticeable front yard area.

General open space street.

A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

Regarding the actual placement/location of a street or street-type, the form-based zone Section 104-22-8 states the following:

The plans illustrate the intended street layout of the area and the designated street types. The plan is intended to be a guide for the placement of streets and mid-Block Alleys, and is not designed to survey-level accuracy. A street's placement shall be within 200 feet of the location depicted on these maps.

From this, the planning commission can expect to see a proposal with streets that deviate, generally, up to 200 feet from the street's location shown on the street regulating plan.

The applicant's proposal follows (attached) this memo.

The general plan supports the proposal in the same manner it supported the Eden Crossing rezone with one exception. The Eden Crossing rezone was not immediately adjacent to existing commercial area. As can be seen from the proposed rezone map, this property is immediately adjacent. Copied and pasted from the Eden Crossing staff report, those general plan considerations are as follows:

[...] it is important to not only review this rezone proposal in accordance with the overall context of the purpose of the plan, but also within the context of the details of the plan. The following provides an analysis of relevant parts of the general plan as it relates to this rezone. It can be observed herein that this proposed rezone both complements and contradicts various provisions in the plan. There is no requirement for a proposal to meet the absolute details of the general plan. This stands especially true when it's a plan that contains as many diverging interests as the Ogden Valley General Plan. If the County decides to approve an application that in some part runs contrary to the details of the plan, the County should do so with full understanding of

the outcome(s) and have solid reasoning as to how the approval supports the overall intended effect(s) of the plan.

Pros:

Gateways and Viewsheds Goal 3: A goal of Weber County is to protect key viewsheds throughout the Valley.

Gateways and Viewsheds Principle 3.1: Protect viewsheds throughout the Valley including views of the mountains and Pineview Reservoir.

Gateways and Viewsheds Principle 3.2: Avoid visually prominent structures, hillside cuts, and vegetation removal that alter the visual quality of the Valley's viewsheds. Ensure that all development minimizes site disturbance and lot coverage and requires effective site restoration, revegetation, and weed control.

Development within the FB zone is required to follow the adopted transferable development rights regulations. While we do not know at this time the properties from where the applicant's density will come, we do know that they can only come from areas within the valley floor area. Thus, it can be found that this project could help remove potential development from visually prominent areas and move them into the growth center of Eden.

Clean Air and Water Goal 1: A goal of Weber County is to protect the Valley's air and water quality. (See Residential Development Goal 3)

Clean Air and Water Principle 1.1: Promote energy-efficient & sustainable development practices to improve and protect air and water quality.

Gateways and Viewsheds Implementation 1.1.1: incorporate air and water quality protection considerations in the development review and approval process.

Clustering development into smaller areas, such as centrally located growth centers is a sustainable development practice. Sprawling development requires greater vehicle miles traveled, which leads to greater emissions, which contributes to less healthy local air quality. Additionally, the applicant's development will require a sewer system. Given the transferred density, this will likely result in the reduction of individual septic systems on which sprawling development patterns rely.

Land Use Goal 1: A goal of Weber County is to reduce the overall amount and impact of future land development in the Ogden Valley planning area.

Land Use Principle 1.1: in general, additional density should not be authorized in the Ogden Valley planning area above that allowed by current zoning. Minimal density bonuses (the exact amount to be determined by ordinance, master plan, development agreement, etc.) should only be allowed when they are granted to incentivize significant contribution to the advancement of the goals and principles found in this plan.

Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas.

incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

The applicant is not requesting bonus density at this time and is only pursuing the right to transfer development rights as anticipated by Implementation 1.1.1. At this time the only transferable development rights available are residential development rights.

Land Use Principle 1.4: *Employ mechanisms such as TDRs to reallocate existing authorized development units from less suitable to more suitable locations.*

Land Use Implementation 1.4.3: *Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. [...]*

This implementation strategy provides an important clue to the puzzle regarding how we should help ensure the default provisions of the AV-3 zone do not ruin the valley's current character. The County should be finding ways to support a TDR open market and ways to help developers benefit from it. This cannot be initiated in the Ogden Valley unless sufficient area is zoned to the FB zone so that TDRs can start trading. The more opportunities the County creates for trades to occur, the higher the likelihood a free market will be established.

Land Use Principle 1.5: *Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage residential cluster developments with smaller building lots and larger areas of open space for most subdivisions.*

Directing growth into areas with sewer is imperative to the preservation of the current character of the Ogden Valley, as the proliferation of individual septic systems has been affecting ground water quality for some time now. Clustering transferred growth into sewered areas will help avoid sprawled growth in areas without, thereby either avoiding further harm to groundwater sources or expensive sewer line expansions that accommodate the sprawl.

Rural Residential Development and Housing Vision: *The Ogden Valley community desires a variety of housing types to meet the needs of a diverse population of various income levels, ages and stages of life. Neighborhoods should have convenient access to community amenities and be designed in a manner that protects the valley's character. Residential development should be centered around villages and town centers and designed to provide open spaces and efficient uses of the land.*

The general plan has a “Rural Residential Development and Housing” chapter. The above paragraph is the vision for housing in the Ogden Valley. The application of all other provisions for housing within the plan should be run through the filter of this vision.

If applied literally and in totality, residential uses in the Ogden Valley should *only* be allowed when it is centered around the villages and town centers. However, because other provisions of this plan encourages voluntary TDR, PDR, and similar measures, we know this part of the vision is not intended to be applied literally, however, the strong encouragement should be noted in the County’s decision making. The applicant’s proposal does well to provide residential density adjacent to the New Town Eden village center and, if other landowners in the area follow suit, will result in housing centered around villages.

Residential Development Goal 1: *A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in Ogden Valley.*

Residential Development Principle 1.1: *Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.*

The applicant’s proposal will provide a variety of housing options and sizes for current and future residents. The FB zone’s existing workforce housing requirement will help provide for various levels of affordability as well.

If adopted, the proposed street regulating plan will allow multifamily stacked housing, townhomes, and single-family residential on various sizes of small lots. While market forces are unlikely to provide for affordable housing without government intervention, the reduced lot sizes will help provide housing that is more affordable than their 3-acre lot counterparts.

Commercial Development Vision: *The Ogden Valley community desires sustainable and thriving local businesses in Ogden Valley. Ogden Valley capitalizes on recreational tourism to support its economic base. New commercial development should be focused in and near existing commercial areas and resorts. New commercial development should be designed to be compatible with the rural character of Ogden Valley.*

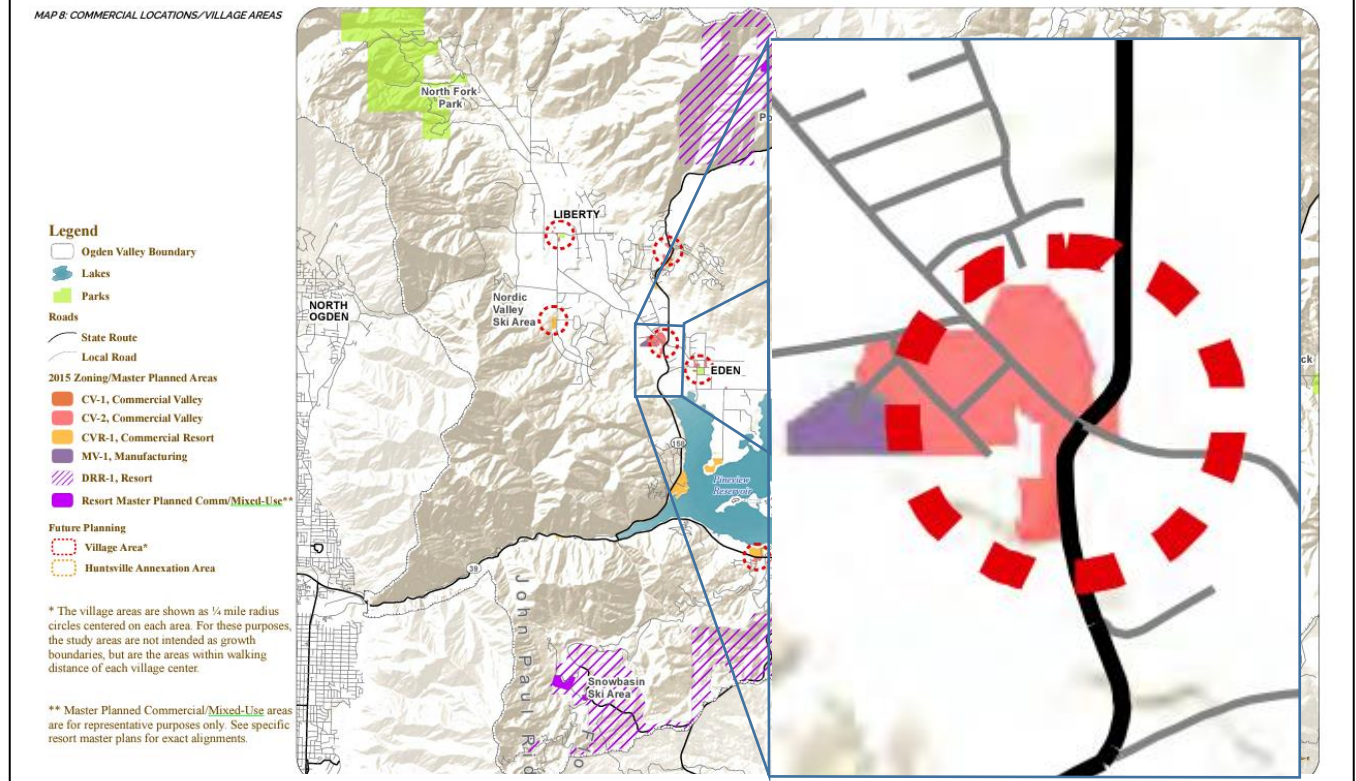
The Commercial Development chapter provides the above vision. All other commercial provisions within the plan should be interpreted through the filter of this vision. Figure 10 provides the general plan’s map of commercial locations and village areas. This map illustrates with a red dashed line the center of a village area. The red-dashed line is not the boundary of the proposed village area, as seems to be commonly misunderstood. Both the text of the plan and this map explain otherwise. Each circle is a ¼ mile radius, representing typical desirable walking distances, and is intended to be centered on the village center, although some appear to be off center on the map. The village center of the New Town Eden area is intended to be the

A common misunderstanding about the FB zone is that its purpose is only to create commercial village areas. This is not accurate. Its purpose is to create village areas that are surrounded by residential development of various types.

Planning Commissioners and members of the public alike have expressed concerns about using the FB zone too far from village centers out of fear of creating village sprawl. However, the FB zone is designed to do exactly what is specified in the vision of the Rural Residential Development and Housing.

intersection of HWY 158 and 2500 N. Street. Figure 11 illustrates this circle in relation to the applicant's property.

Figure 10: Ogden Valley General Plan Map 8, Commercial Locations and Villages



Commercial Development Goal 1: A goal of Weber County is to ensure that the location of retail and commercial development is consistent with Ogden Valley's rural character.

Commercial Development Principle 1.1: Limit all new commercial development in the Ogden Valley planning area to Huntsville, the resort areas, and the village areas, as shown on Map 8. Avoid scattered and strip commercial and retail development patterns in the Valley.

The above goal and principle further illustrate how the plan tries to balance rural areas versus village areas, and is further evidence of the overall intent of the plan.

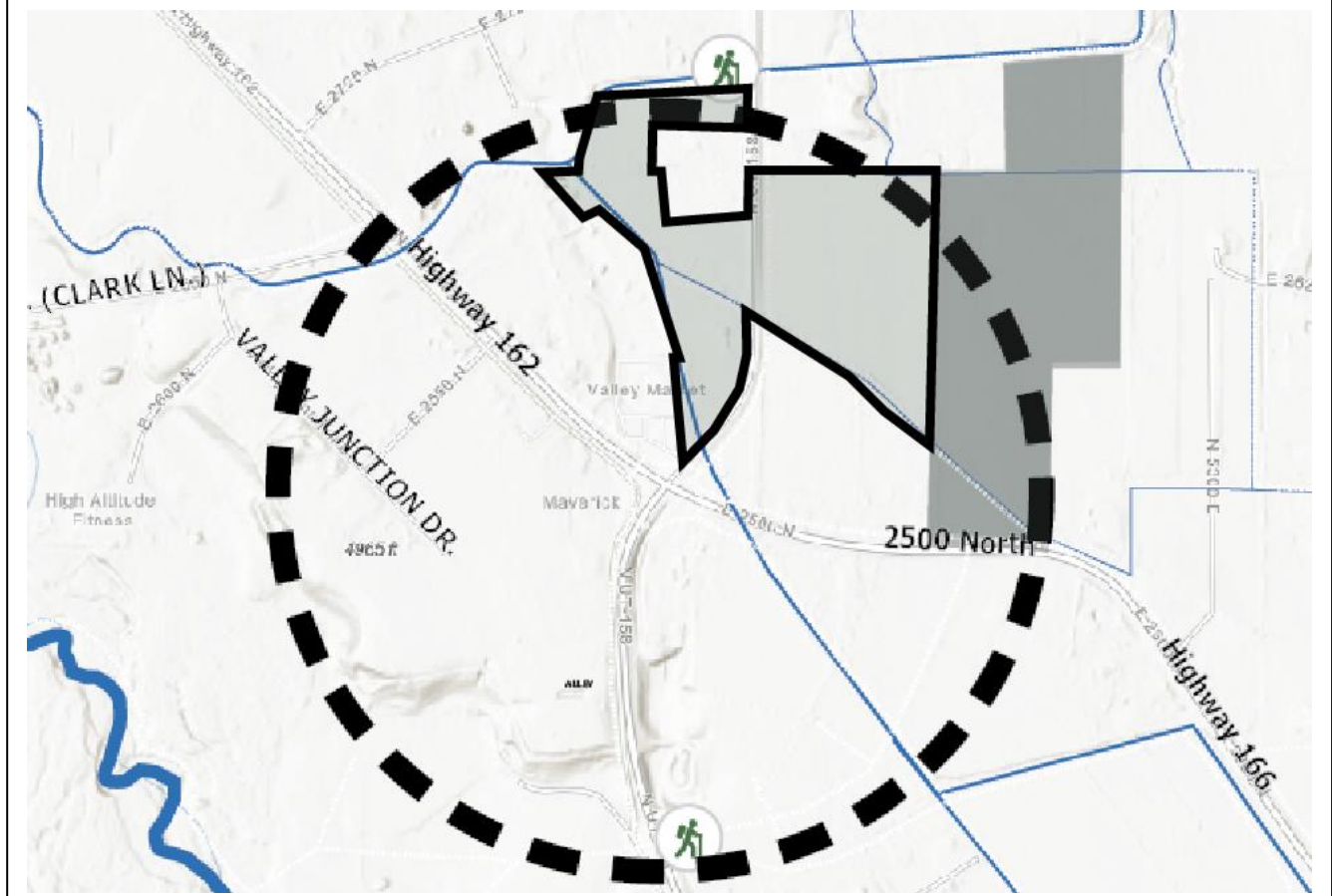
Commercial Development Implementation 1.1.1: Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multimodal and active transportation to and within each area, as may be appropriate. The village areas are shown as ¼ mile radius circles centered on each area on Map 8. For these purposes, the study areas are not

intended as growth boundaries, but are the areas within walking distance of each village center.

Breaking this implementation strategy into parts, the Planning Commission can find the following:

Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.).

Figure 11: Quarter-Mile Radius Walking Distance (Black Circle) of New Town Eden Village Center in Relation to Applicant's Property



The preparation of small area plans was accomplished for Old Town, New Town, and Nordic Valley areas through the FB code's street regulating plans. In order to realize these plans, all areas depicted in one of the street regulating plans should be rezoned to the FB zone (in time). The FB zone uses the plan-recommended highway oriented (FB zone calls this vehicle oriented), mixed-use (FB zone calls this mixed-use commercial). The small neighborhood commercial can also be accomplished through the mixed use commercial FB zone designation.

Small area plans should identify defining attributes and appropriate design standards...

The FB zone provides for the design standards of all three area to which a street regulating plan has been adopted (Old Town, New Town, and Nordic Valley). Each provide their own unique design theme.

...identify future potential adjacent expansion areas...

The FB zone not only provides for the existing commercial zones in each area, it goes further to identify where and how those commercial areas might expand. Further, in compliance with this provision, the street regulating plans go beyond the limits of commercial expansion to provide for the aforementioned new residential uses "...centered around villages and town centers..."

... and plan for multimodal and active transportation to and within each area, as may be appropriate.

The FB zone requires new development to provide for multiple transportation modes, including vehicle, bicycle, and pedestrian. At a later time when demand warrants it, amendments to the street standards should be expected to provide for transit facilities as well.

Commercial Development Implementation 1.1.2: *Require new commercial or mixed-use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until such time that the community supports it. Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors.*

The proposed rezone fails to meet this implementation strategy of the plan, at least in part of not in full. The nearest commercially zoned property is about 700 feet away from the subject property. In an ideal world this FB rezone proposal would be in an area already zoned commercial as recommended by this implementation strategy. It would be hard to define the proposal as "strip commercial," as advised against by this strategy, the proposal is a little removed from property currently zoned for commercial uses.

Commercial Development Principle 1.2: *Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.*

This rezone is likely to lead to the creation of a vibrant village area to which other landowners in the area can connect. Creating gather public gather spaces in village areas requires the initiation of the village.

Utilities and Public Services Goal 2: *A goal of Weber County is to encourage alternatives to septic drainfield systems.*

Utilities and Public Services Principle 2.1: *New developments in the village areas (reference Commercial Development Implementation 1.1.1) and the resort*

areas should connect to existing sewer facilities or provide limited-capacity sewage treatment facilities for identified service areas. The facilities should be designed to be expandable to accommodate additional development in the village or resort areas. New residential developments not proximate to existing sewer service areas should employ clustering and provide limited capacity advanced sewage treatment facilities.

The proposed rezone will lend to the advent of sewer to the New Town Eden area. One of the reasons commercial development is lagging in the Eden area is lack of sewer availability. The cost to extend sewer to the area is too high to rest on any one landowner. The cost of a commercial-use septic system and the reservation of valuable land for a drainfield is likewise fairly cost prohibitive. This applicant has sufficient land and only one land owner as well as a number of other developments in the area, rendering an economy of scale that makes the extension of sewer to this area feasible. If sewer is extended to the area by the applicant, all of the various fragmented landowners in New Town Eden are far less cost-burdened to extend sewer to their own properties. In other words this applicant has the ability to stimulate other commercial and mixed use development in the New Town Eden Area. This, in turn, will help foster a more realistic TDR market which will result in a more realistic ability to start moving development rights from the areas of the valley less desirable for development.





To: Charlie Ewert, AICP
Principal Planner
Weber County Planning Division

Date: March 15, 2024

Re: Project Narrative for New Town Eden

Dear Mr. Ewert –

Cowboy Partners, on behalf of Liberty Valley Associates, LLC, submits this Zoning Map Amendment for the mixed-use commercial, retail and residential community to be built on a 17-acre site in the New Town Eden Village Center. The site straddles Highway 158 with a portion of the site extending near the intersection of Highways 158 and 166.

The project envisions a village scale, density, and design; with a mix of uses appropriate for the New Town Eden Village Center and responsive to the Form-Based Zone for the village center. Closest to the future roundabout at the intersection of Highways 158 and 166 will be a commercial area meant for 1-3 stories buildings with retail/restaurant uses at the ground level with the potential for office or residential on the upper levels.

Green space open to the public is planned immediately north of the retail village, transitioning to lower scaled residential village development of one- and two-story homes. On the east side of Highway 158 is planned a residential community, situated around a village green, and consisting of single-family homes, rowhouses, and some apartment flats in garden-style buildings of 1-3 stories.

The site is in the service area of Eden Water Works and would prefer to be connected to its system. We are aware that the company has put a moratorium on new service; in the event that service through EWW is not possible, the project will form or participate in a new water company. A sewer line has been placed through our site for eventual connection to the treatment plant of Wolf Creek Water and Sewer Improvement District. Our intent is to annex into WCWSID for sewer service, through we recognize that first the District must complete permitting, finance and construction of its treatment plant expansion before it has capacity for new connections, and that those connections will require annexation approval and payment of impact fees related to the cost of connection and expansion.

Cowboy Partners, through its entity Liberty Village Associates, LLC, will be the developer, owner and operator of the communities through its sister property management company, Cowboy Properties. The residential homes will include market rate and workforce housing offerings. We look forward to working with the County and the Ogden Valley community to realize the vision of the Form Based Zone and the New Town Eden Village Center.

Regards,

Chris Zarek
Cowboy Partners



New Town Eden Rezone Presentation

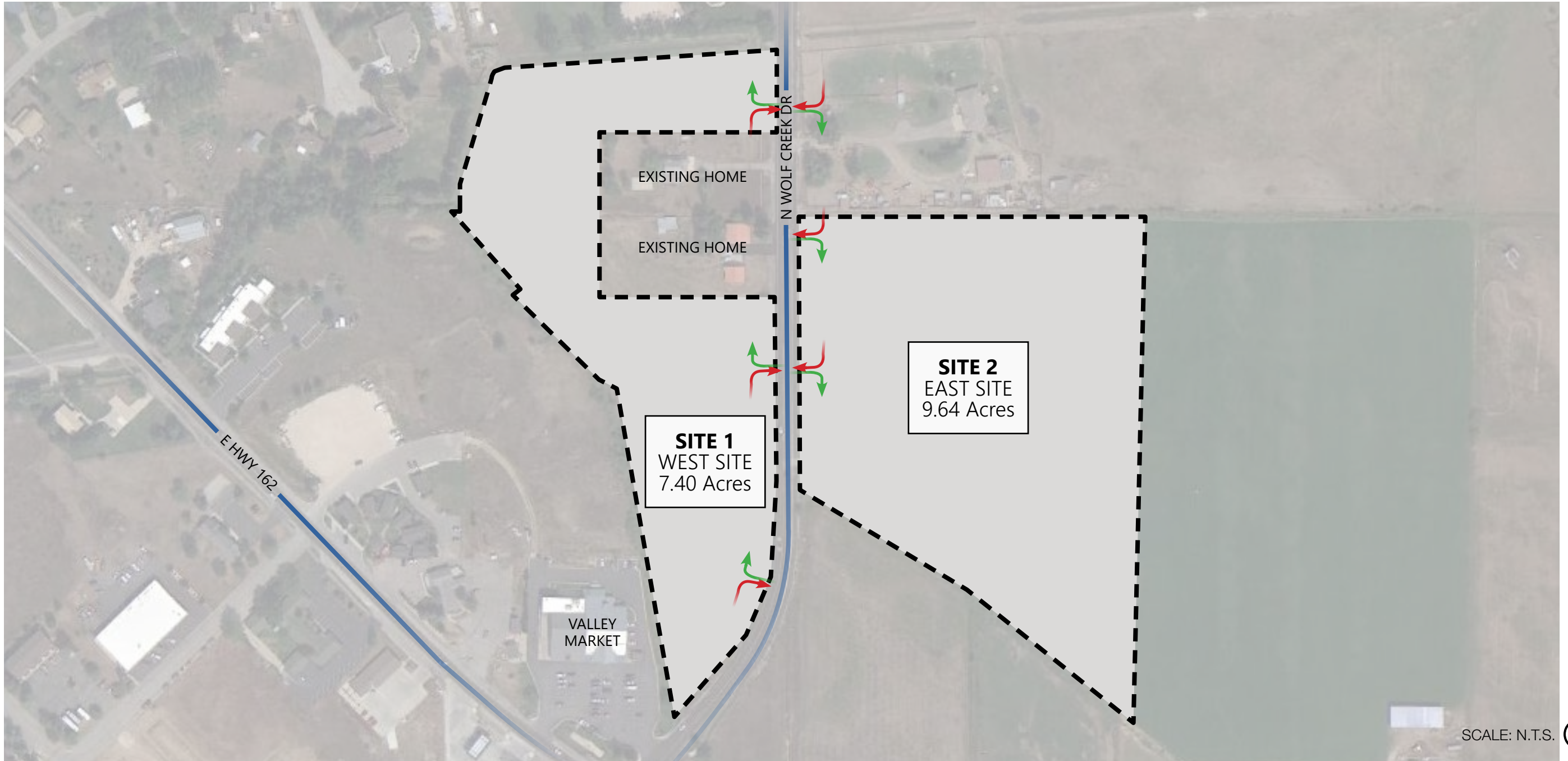
Eden, Utah

March 15, 2024



SITE CONTEXT

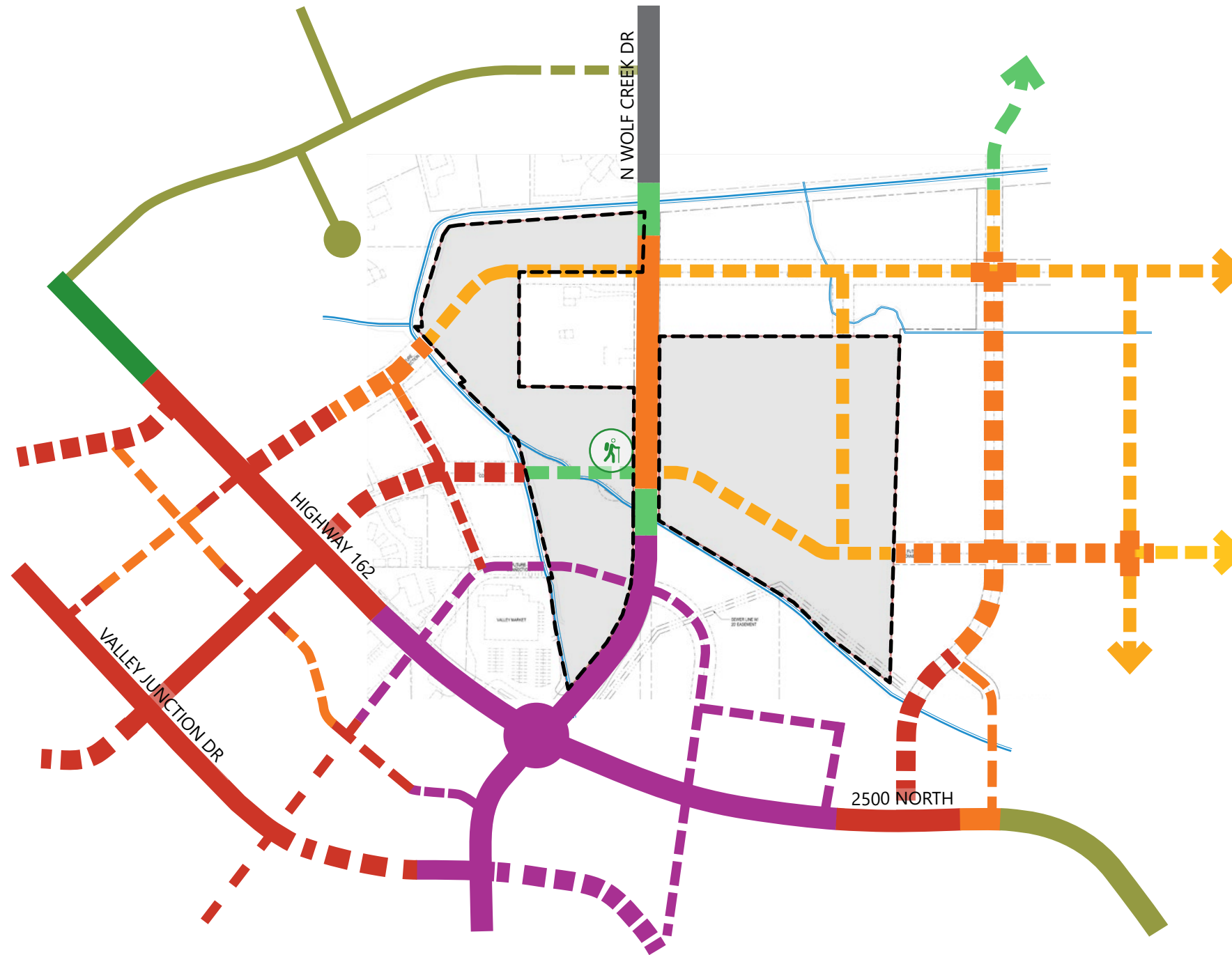
Zoning



PROJECT APPROACH

Proposed Street Regulation Plan

OVERLAY ZONING	
	GOVERNMENT AND INSTITUTIONAL
	VEHICLE-ORIENTED COMMERCIAL
	MIXED-USE COMMERCIAL (MUC)
	MULTI-FAMILY RESIDENTIAL (MFR)
	SMALL LOT RESIDENTIAL (SLR)
	MEDIUM LOT RESIDENTIAL (MLR)
	LARGE LOT RESIDENTIAL (LLR)
	RURAL RESIDENTIAL (RR)
	ESTATE LOT RESIDENTIAL (ELR)
	OPEN SPACE



Eden Area Street Regulating Plan from Zoning with site location

Project Site 

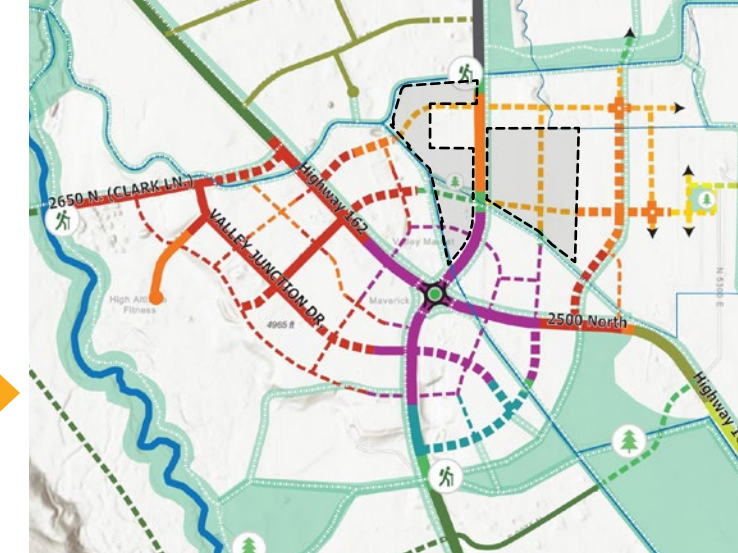
Trailhead 

SCALE: N.T.S. 

PROJECT APPROACH

Street Regulation Plan w/ Lot Uses

OVERLAY ZONING	
	GOVERNMENT AND INSTITUTIONAL
	VEHICLE-ORIENTED COMMERCIAL
	MIXED-USE COMMERCIAL (MUC)
	MULTI-FAMILY RESIDENTIAL (MFR)
	SMALL LOT RESIDENTIAL (SLR)
	MEDIUM LOT RESIDENTIAL (MLR)
	LARGE LOT RESIDENTIAL (LLR)
	RURAL RESIDENTIAL (RR)
	ESTATE LOT RESIDENTIAL (ELR)
	OPEN SPACE



Eden Area Street Regulating Plan from Zoning with site location

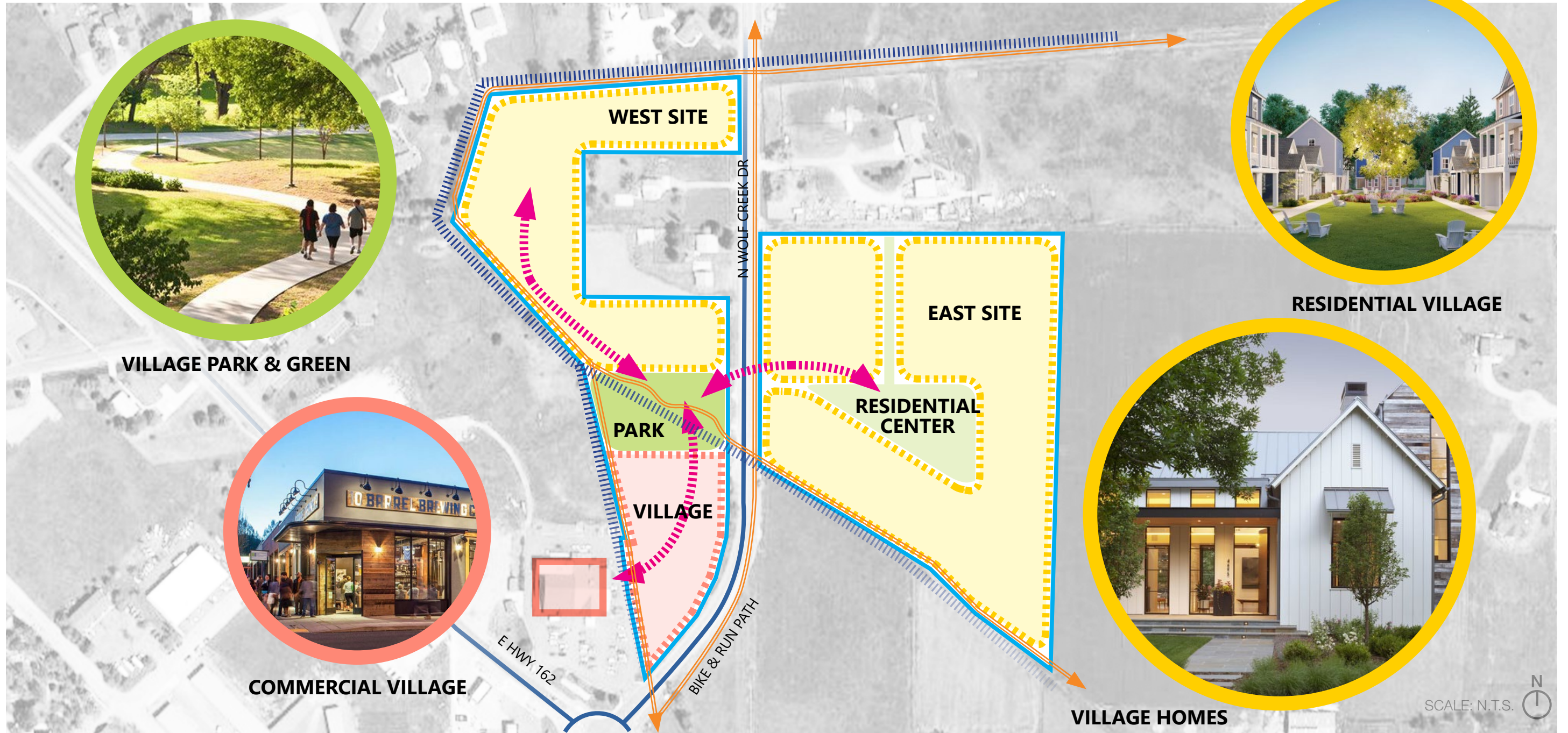
Project Site

Trailhead

SCALE: N.T.S.






PROJECT CONCEPT

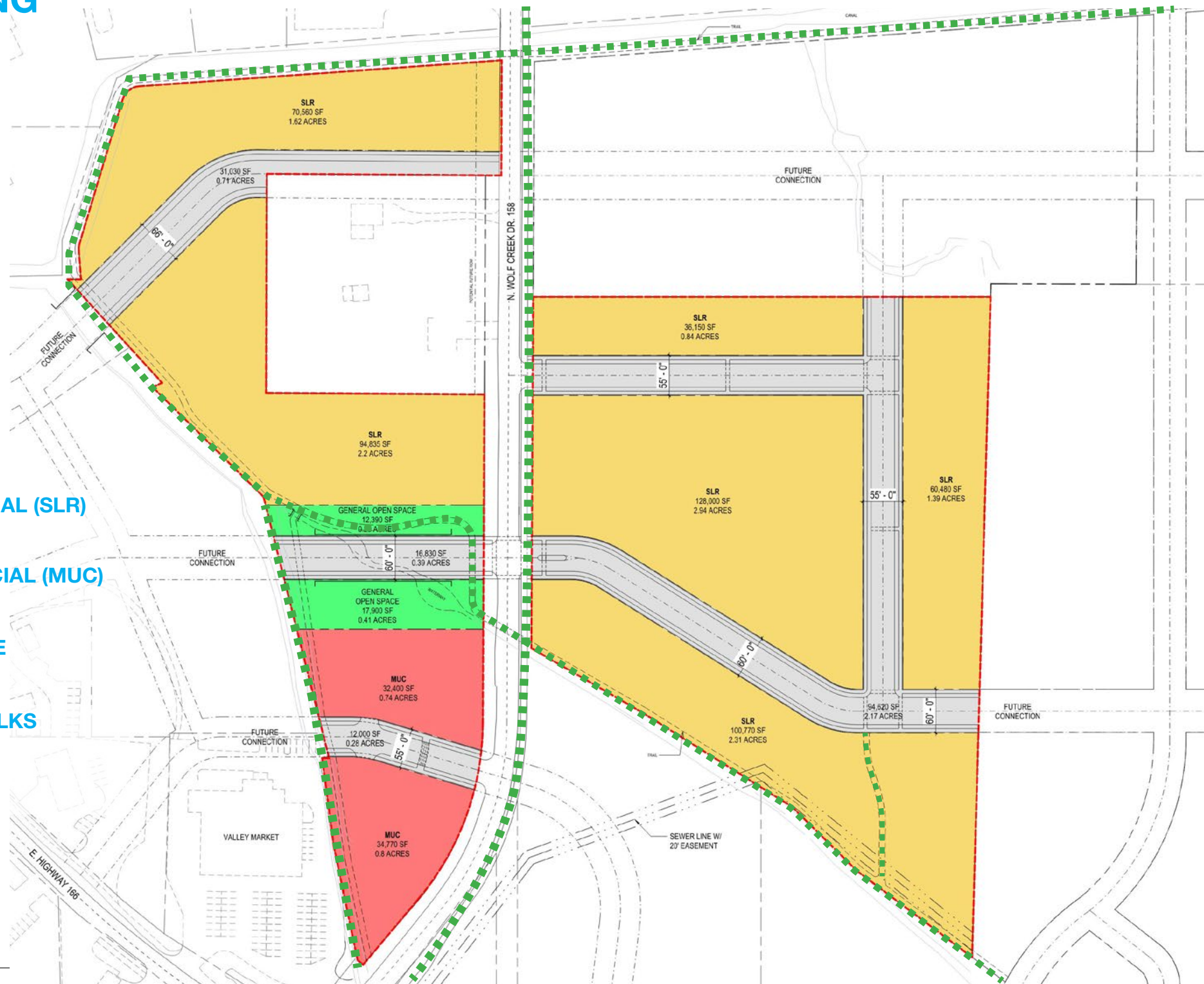
Site Design Approach




PROJECT ZONING

Site Use / Plot Plan

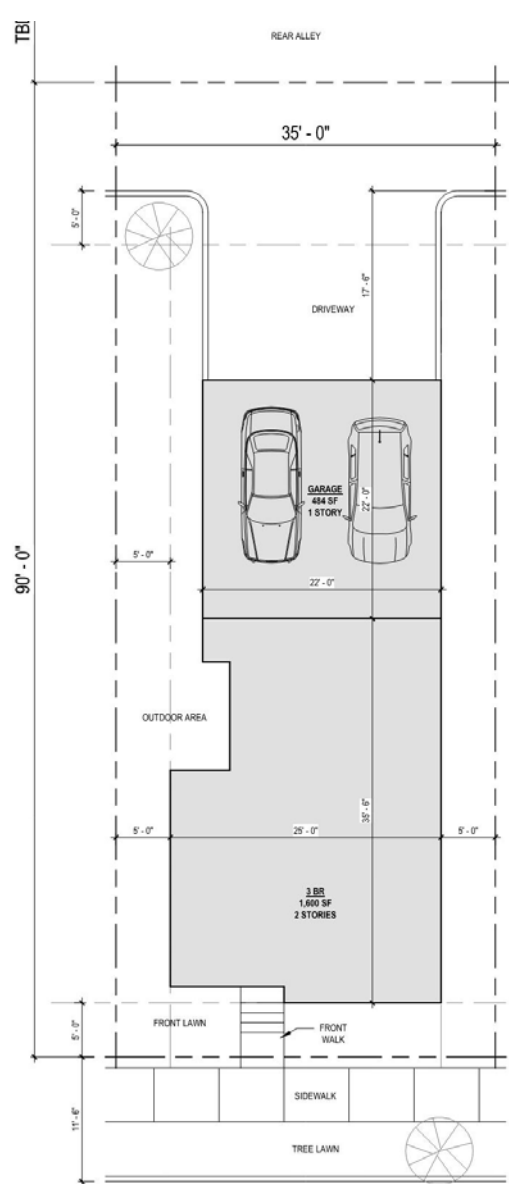
-  SMALL LOT RESIDENTIAL (SLR)
-  MIXED-USE COMMERCIAL (MUC)
-  GENERAL OPEN SPACE
-  ROADWAYS & SIDEWALKS
-  PEDESTRIAN TRAIL



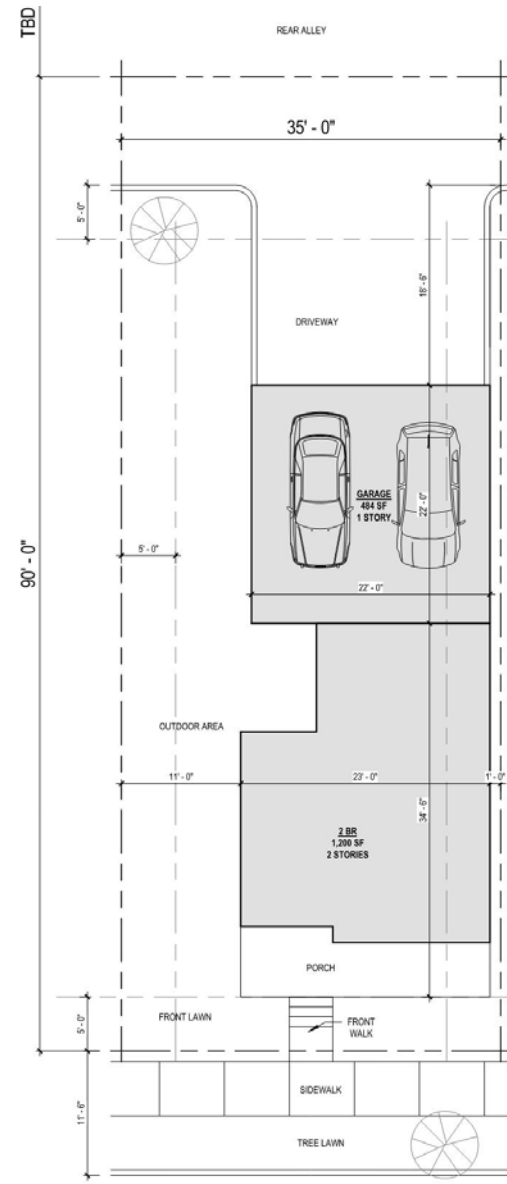
SCALE: N.T.S. 

PROJECT VISION

Single Lot Residential (SLR) - Prototype Plan



Single Family Home Option A
(Small Side Yards)



Single Family Home Option B
(Larger Side Yard)



Single Family Precedent Images

THANK YOU