

design of the buildings and streets and less on use-based requirements. Buildings along these street types can be anticipated to follow the design theme of the area and have street-level commercial uses. Other uses can occur above and behind the street-level commercial uses, including residential uses. Highway 158 is designated as a multi-family residential (MFR) street. Buildings along MFR streets have similar design requirements as those along VOC streets, except the street-level is not required, but allowed, to be occupied by a commercial use.

Despite minimal lot standards, such as smaller or nonexistent setbacks, each building along the MFR and VOC streets must provide adequate parking within 500 feet for the eventual uses that occupy those buildings. The SLR uses will be required to provide onsite parking.

All residential uses will be required to follow the transferable development rights requirements, and the developer will be required to provide workforce housing within the project to provide housing for workers that will work in the area.

Because this proposal substantially complies with the general plan and will stimulate the transfer of development rights from the areas of the valley intended to remain rural into this planned village area, staff is recommending approval of the rezone.

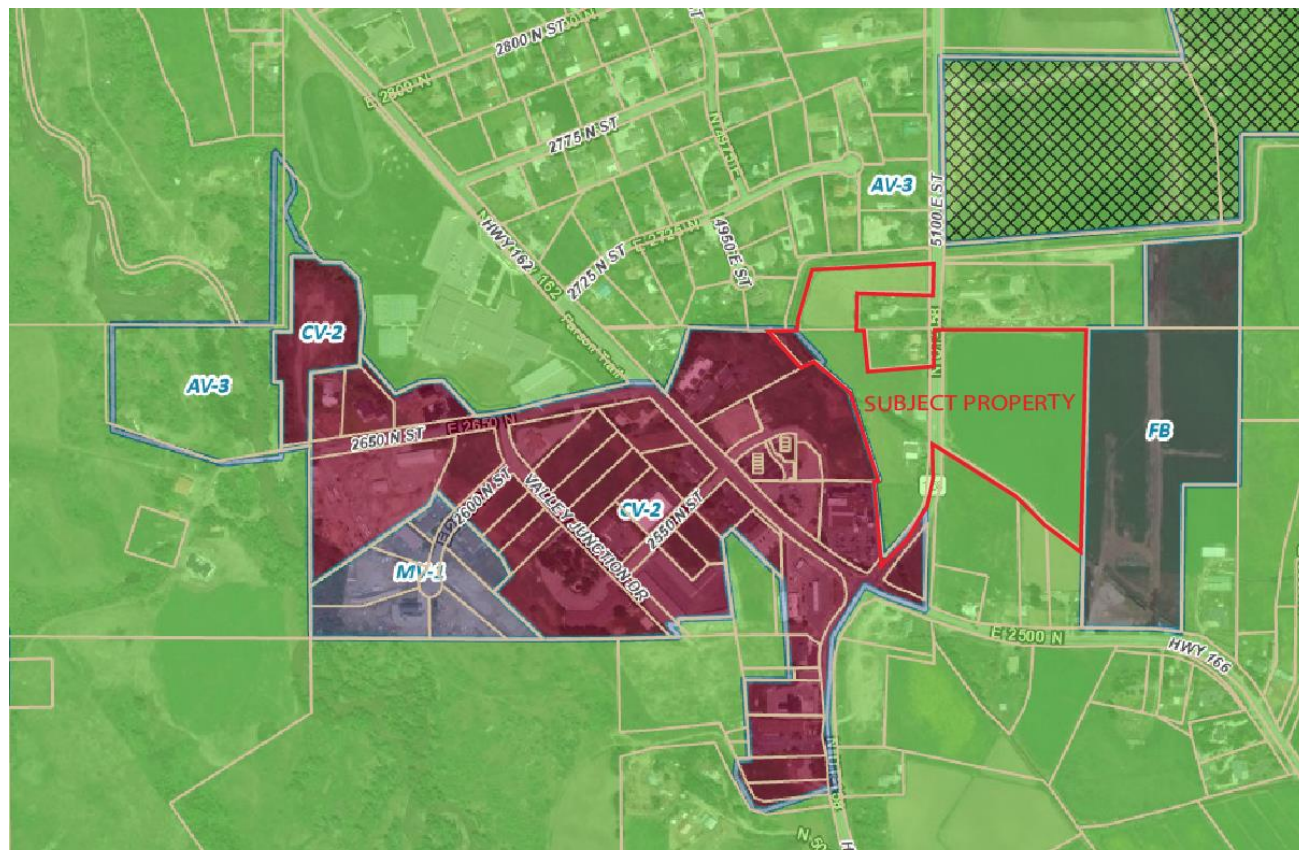
Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning Analysis

The portion of the property that is currently in the CV-2 zone is not large enough to support CV-2 lot standards or uses, therefore no specific analysis of this change is provided here, except to say that the Form-Based zone was adopted in part for the purpose of eventually replacing the CV-2 zone. The general plan suggests replacing or reforming the existing commercial zones to better govern the form of the buildings and streets therein.

Figure 1: Current Zoning Map and the Subject Parcel(s).



Substantially, the current zone of the subject property is AV-3. **Figure 1**¹ displays current zoning of the area of the subject property.

The purpose and intent of the AV-3 zone is:

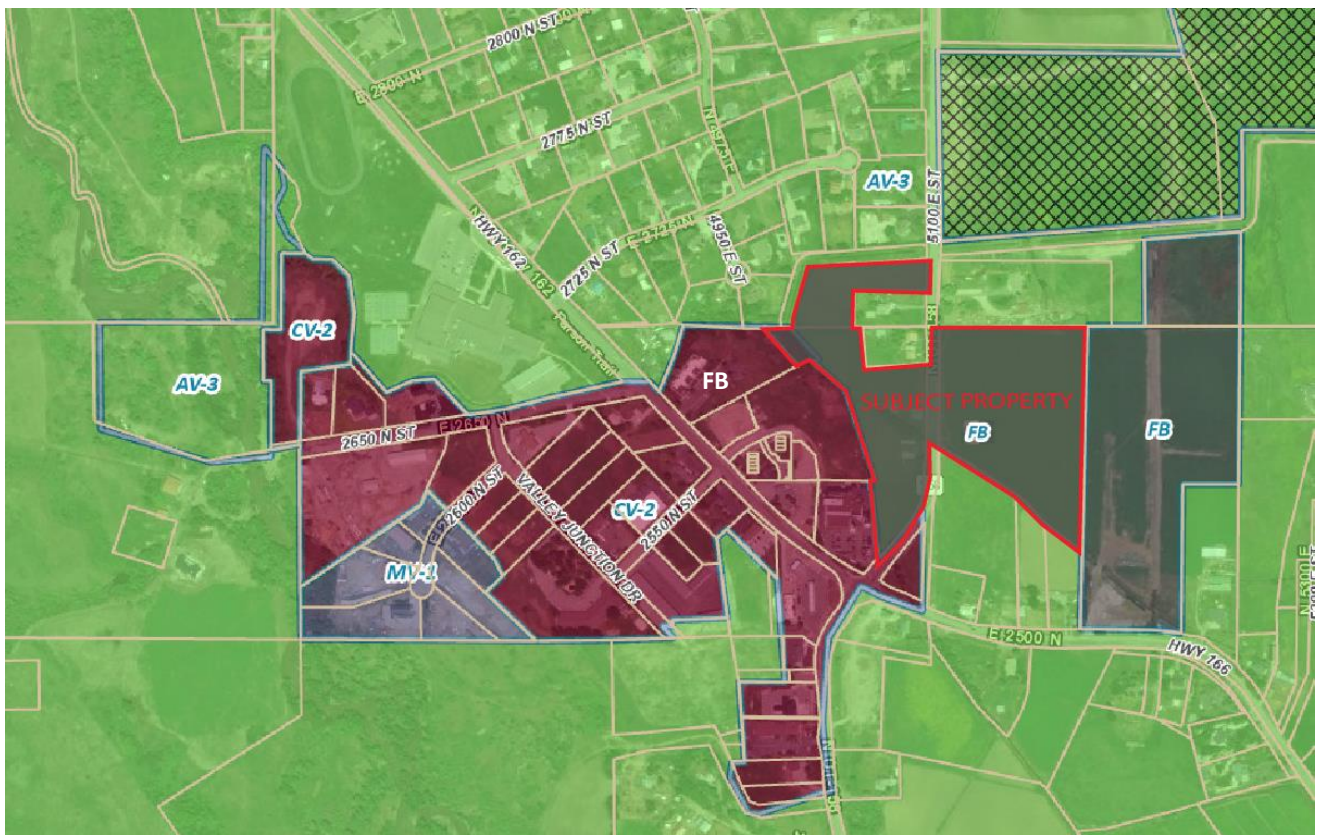
*“Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern; set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and direct orderly low-density residential development in a continuing rural environment.”*²

The proposed zone for the subject property is the Form-Based (FB) Zone. The purpose of the FB Zone is:

*“to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally [,] the Form-Based Zone regulations are intended to carry out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-based small area zoning and transferable development rights. Each area affected by the Form-Based Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.”*³

The proposed rezone can be viewed in **Figure 2**⁴.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



¹ See also **Exhibit B**.

² Weber County Code Section 104-2-1.

³ Weber County Code Section 104-22-1.

⁴ See also **Exhibit C**.

The FB Zone is unlike other zones in the Land Use Code. It contains a variety of what could be viewed as “subzones” within it. These so-called “subzones” are identified by the specific street types and delineated in a street regulating plan. If the FB Zone is approved for the subject property, all of those uses and development types prescribed by a specific street type should be anticipated in a future development along that street type.

Figure 3 shows the current street regulating plan as it relates to the subject property. **Figure 4** illustrates the street regulating plan’s application within the context of other surrounding zones. As it relates to the subject property, the current street regulating plan shows the following street types:

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.

Figure 3: Current Eden Area Street Regulating Plan

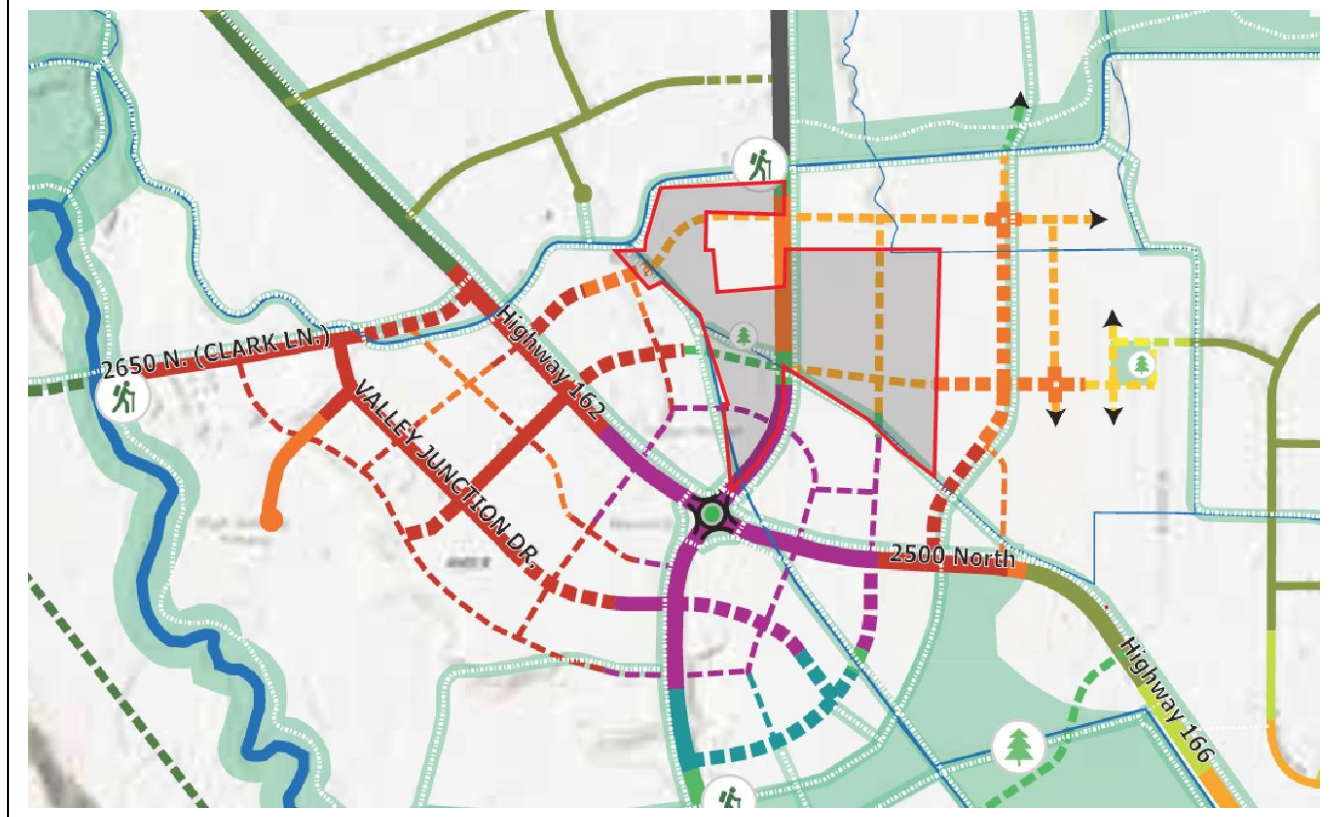
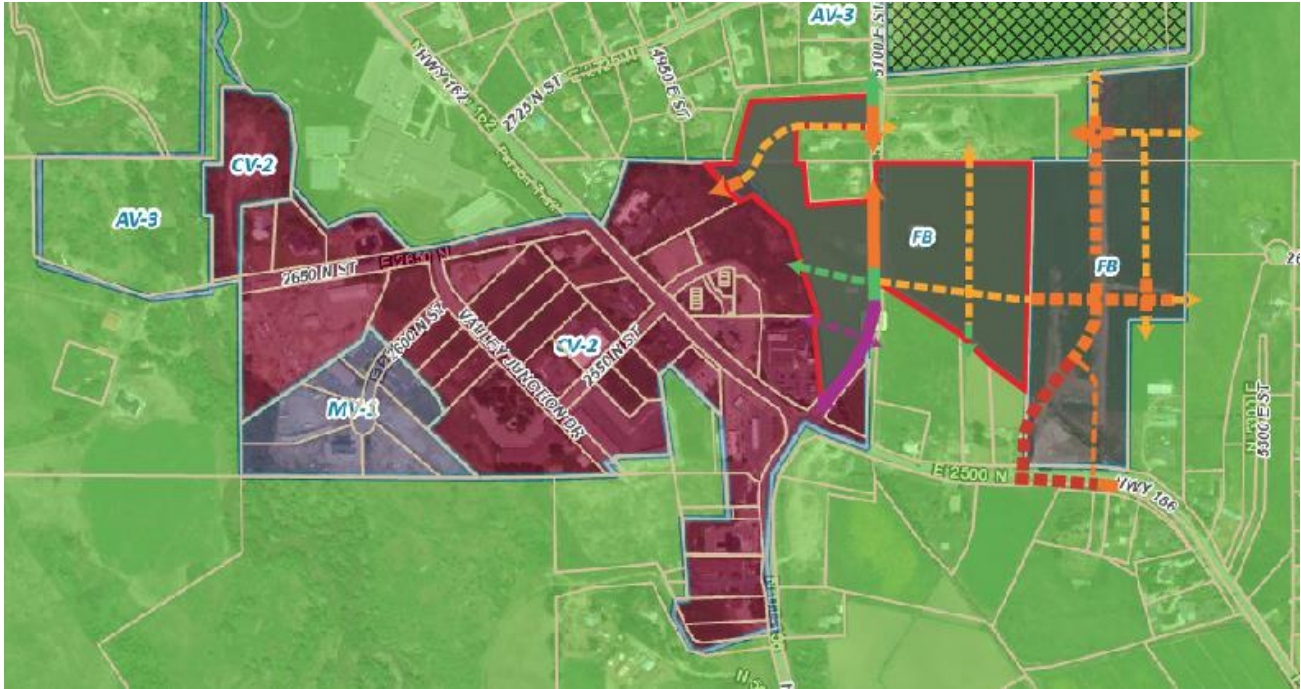


Figure 4: Street Regulating Plan and Form-Based Properties and Current Zoning Combo Map



Weber County Code has six general decision criteria for determining whether a rezone is merited. They are as follows:

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.*
- c. *The extent to which the proposed amendment may adversely affect adjacent property.*
- d. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.*

The following is an analysis of this proposal in the context of these criteria.

(a) Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.

As a legislative decision, a rezone should advance the goals of the general plan, or at the very least, not be detrimental to them without good cause. The general plan is only a guiding document and not mandatory to follow, however, because it sets the desired ultimate outcome for the community, deviations from it, if any, should be done with caution.

The community character vision of the general plan, the vision to which all other visions and goals are oriented, reads as follows:

"The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement,

not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character.”⁵

This vision is the filter through which all interpretation and understanding of the plan should be run. There are a number of specific principles and implementation strategies within the entire plan that, when taken individually, appear to conflict with each other. However, when combined through the lens of this vision it can be understood that even most of the diverging interests can pull together to provide for this vision. Interpreting the intent of the plan this way will help reduce the appearance of inconsistencies within the plan by showing that more than one thing can be true at the same time.

For example, the plan calls for the valley to be rural, but then guides the creation of commercial villages. Some have questioned how the valley can remain “rural” if there are small urbanized villages within it. When running those two interests through the filter of this vision one can find that the plan is directing the county to focus new growth into village areas rather than allowing it to sprawl out evenly everywhere. The purpose behind this concept is to stimulate the development potential of village areas by reducing the development rights of non-village areas. In essence, taking the rights from the majority of the valley-floor and moving it into defined and constrained village areas.

Thus it can be observed that rural and village directives do not conflict, but rather are intended to work together to achieve a specific outcome.

The Problem.

In whole, the plan was designed to specifically avoid the outcome to which the current “rural” AV-3 zone is leading. If the current AV-3 zone, which requires a minimum lot size of three acres, and a minimum lot width of 150 feet, is allowed to develop at its highest and best use to full buildout, it will result in a future in which single-family residences line the remaining unbuilt land along existing and future new streets, each being about 150 feet apart. This large-lot suburban development pattern is not the “rural” that the general plan envisions preserving. Large-lot development patterns may seem beneficial when they are few and far between, but by the very nature of the three-acre zone, as the valley nears buildout each of these areas will become large-lot suburban neighborhoods. Other unintended consequences of the three-acre zone include but are not limited to the following:

- Replacement of the existing “open fields, agricultural lands,” natural spaces, and wildlife habitat with houses and big back yards. As can currently be observed throughout the valley, these yards are often fenced. The fences further occlude the “openness” that the rural areas of the valley currently provide.
- Three acre parcels are difficult to farm in a manner that sustains farming, so it can be expected that most of these big yards will not be farmed. This can also currently be observed on three-acre lots throughout the valley.
- Large yards that require continual upkeep and maintenance. Some desire those yards to be fallow. For yards on land previously farmed, getting back to a fallow state still requires significant maintenance until all of the natural plants are healthily rooted. This can take several years of watering, weeding, maintaining, etc.
- Large suburban lots development is likely to disrupt and possibly obscure the “long views of the surrounding foothills and mountain background” that current residents enjoy. In this eventual
- AV-3 future, the Ogden Valley is very likely to become another large-lot suburb of Ogden, stripped of most if not all of its current rural character and charm.

Preventing this eventuality under the AV-3 zone is the primary cornerstone of the plan. The plan was written to specifically drive a shift in the valley's future away from the AV-3 zone's outcome and toward an outcome that still has a future that includes these greater characteristics for all to enjoy.

A more complete presentation of the effect of the three-acre zone can be found here:

<https://www.webercountyutah.gov/planning/documents/2023-public-open-house-general-plan-review-and-current-trends.pdf>

Figure 5 depicts the Ogden Valley floor area. Current zoning allows more than 12,500 dwelling units on the valley floor. This number does not include another approximately 4700 dwelling units for the development plans of both Snowbasin and Powder Mountain. The valley floor has approximately 4,000 existing dwelling units. **Figure 6** depicts

⁵ Ogden Valley General Plan (p. 4)

the locations of those existing buildings. **Figure 7** depicts the approximate location of approved dwelling units that are not yet constructed. **Figure 8** represents the general location of where the remaining approximately 6,000 dwelling unit rights that are not yet platted are allowed by existing zoning.

In other words, following the rules of existing zoning, an additional approximately 8500 dwelling units are allowed by law to be constructed throughout the valley floor area. This means that once an application is submitted to enable any one of them, the county has no legal authority to deny the application. The county only has the authority to check the application for compliance with existing laws. If it complies, by state law the county must approve it.

Figure 5: Ogden Valley Floor Area.

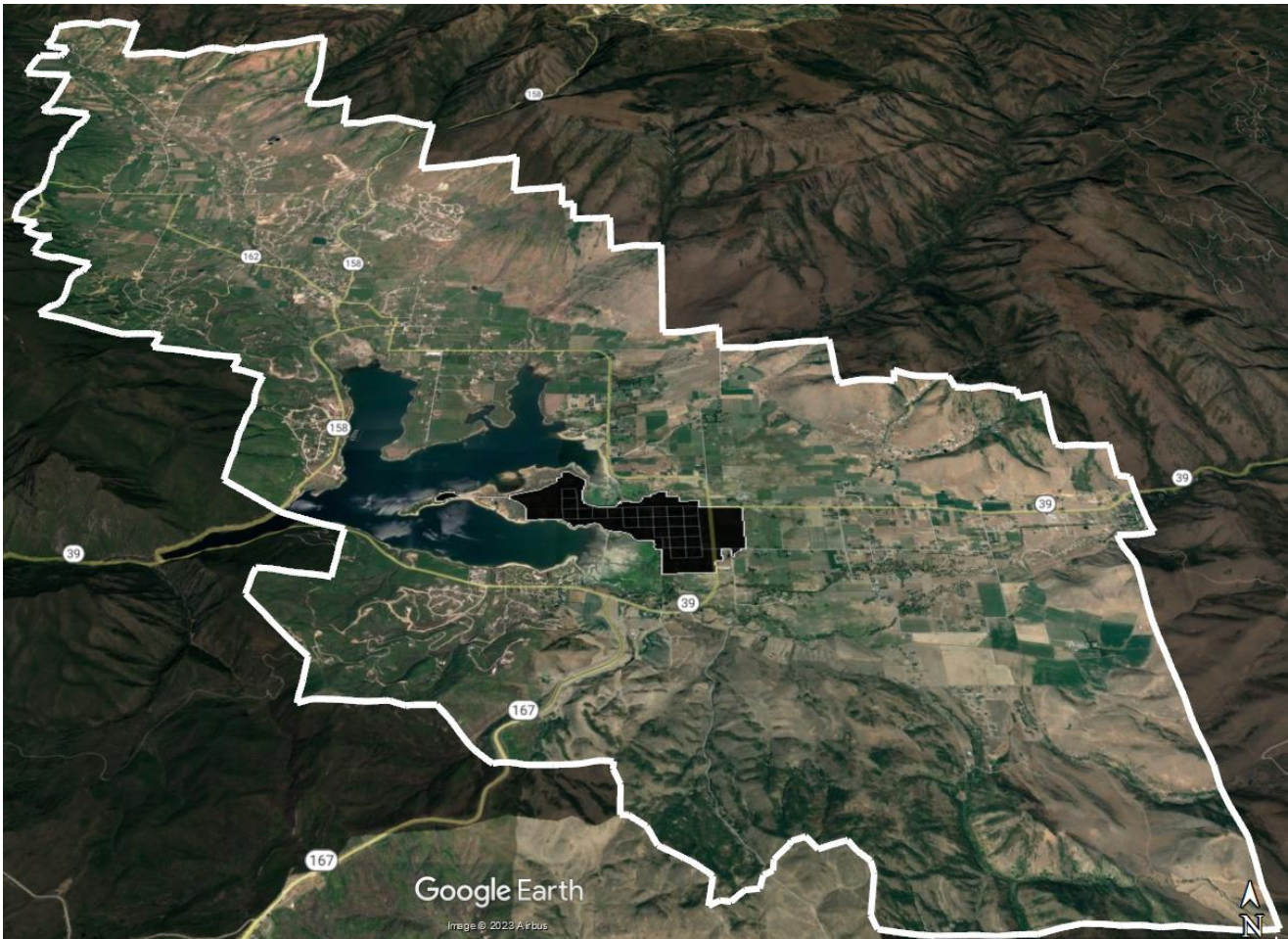


Figure 6: Existing Buildings.

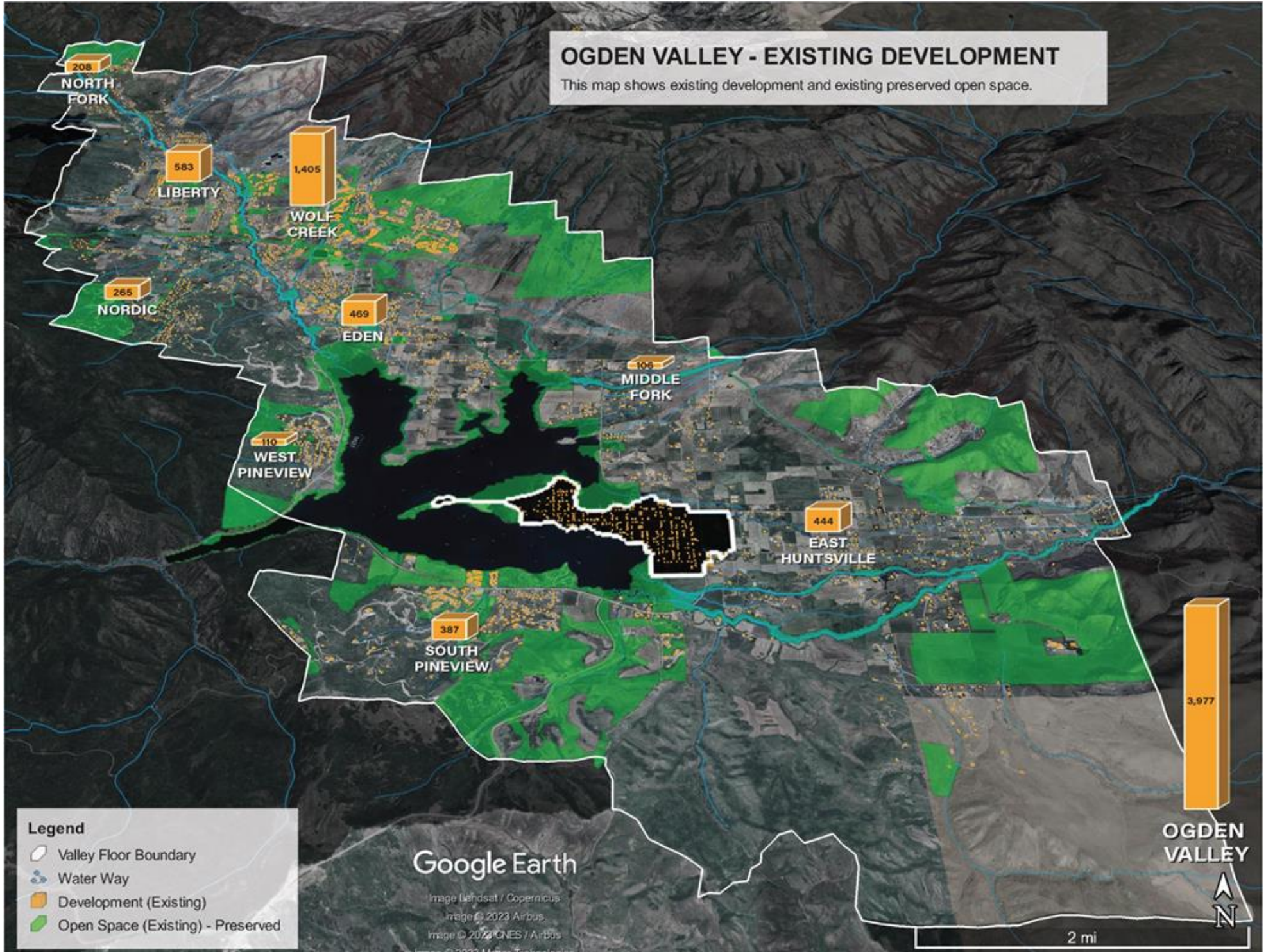


Figure 7: Approved Dwelling Units Not Yet Constructed.

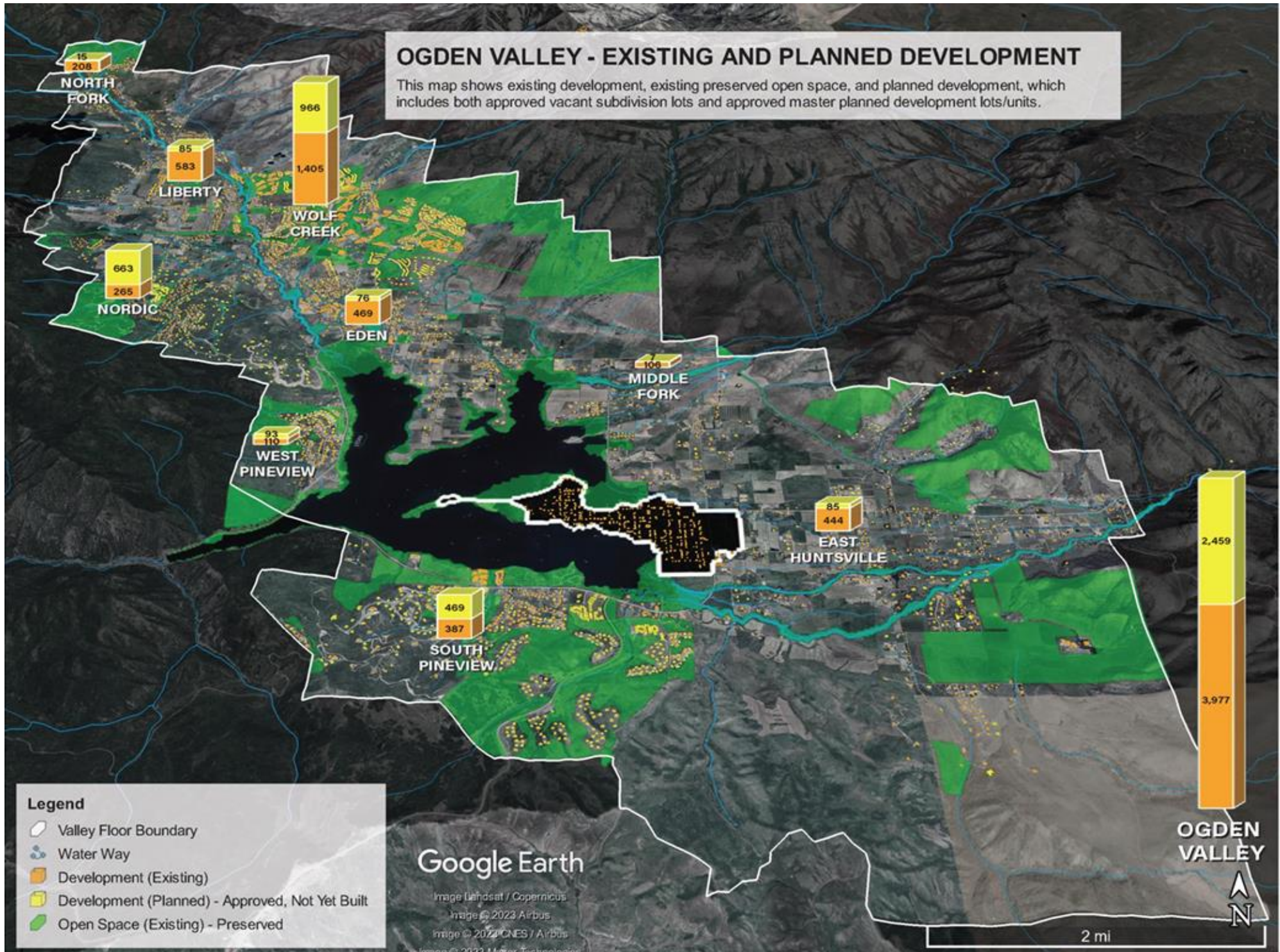
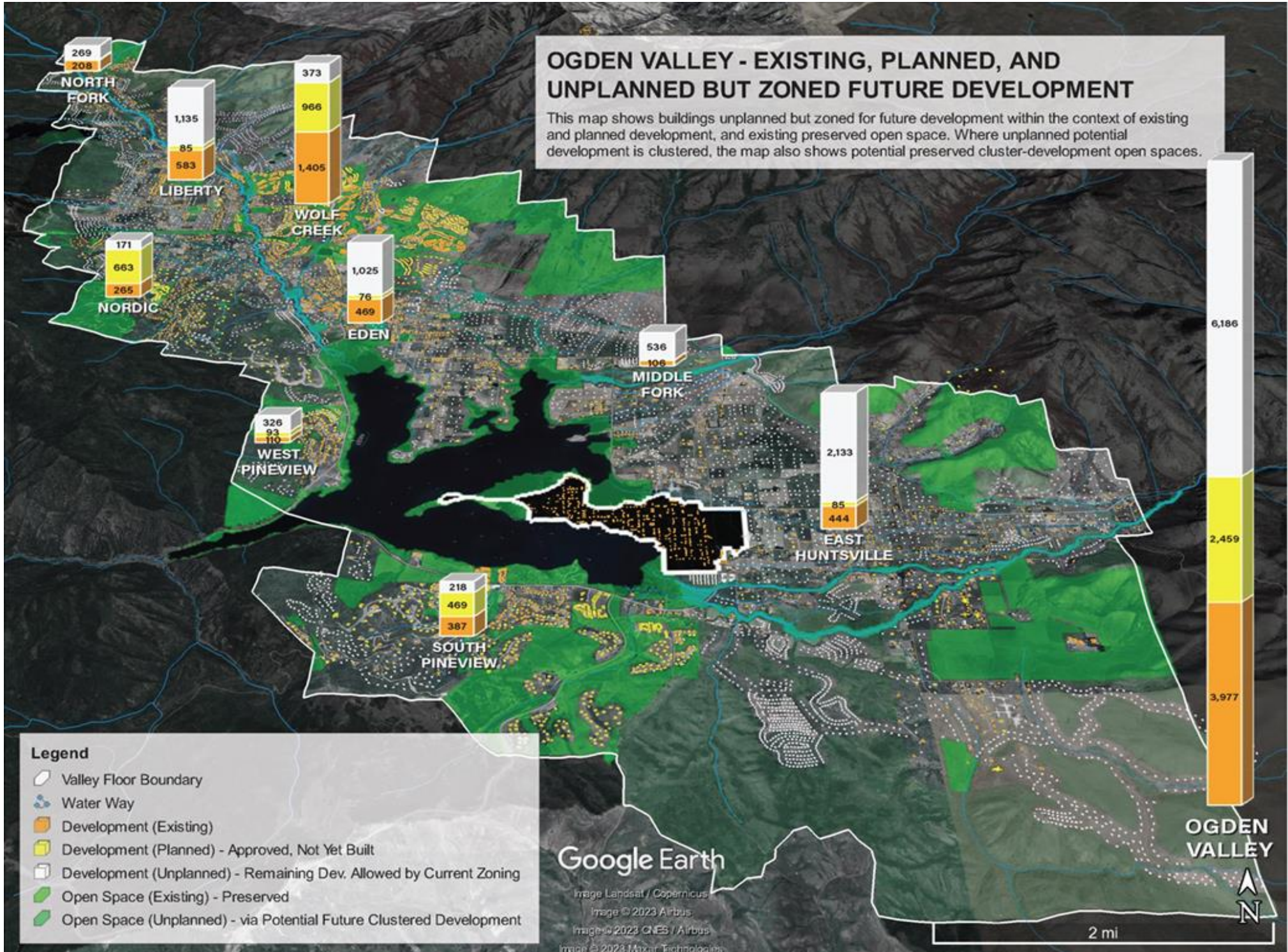


Figure 8: Remaining Dwelling Units Allowed by Current Zoning.



The General Plan’s Solution.

While the county may not have the authority to deny development rights allowed by existing zoning, the county can influence and incentivize where future buildings are located. The county could do so in a manner that clusters them into growth centers, or villages, and avoids spreading them into other rural areas of the valley. That is precisely what the plan is designed to do. The plan states that:

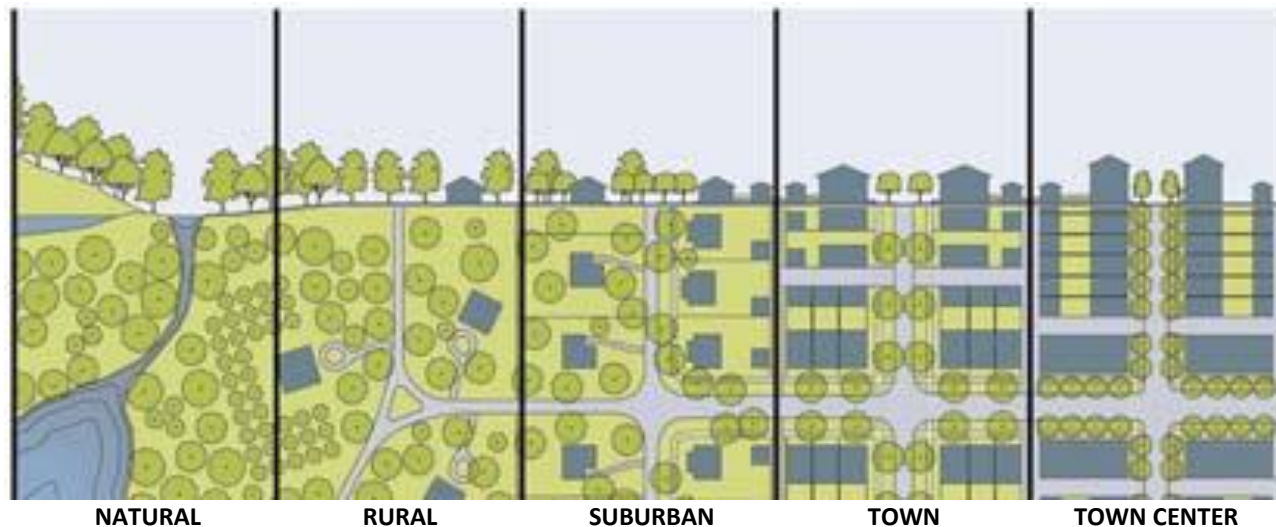
“The presence of support services, in turn, makes these areas more attractive and more suitable for additional residential development. This pattern will likely continue without specific directives otherwise; thus, the goals, principles, and implementation of this General Plan are designed to provide voluntary measures for shifting motivation away from developing sensitive lands and prime agricultural or open-space lands. While broad mandatory downzoning is not supported [by the Ogden Valley public], voluntary methods to reduce overall development units, particularly in sensitive areas and prime open-space or agricultural areas, could mitigate overall development impacts.”⁶

In addition to the villages, the plan further prescribes growth to be “centered around villages and town centers.”⁷ A village will stimulate improvements to infrastructure and utilities. Encouraging development on land adjacent to villages will encourage a more orderly buildout of infrastructure and utilities. It will also help avoid infrastructure and utility needs in areas that are not intended for growth, thereby disincentivizing development of those areas while incentivizing development in and near villages. Further, the plan suggests that these growth areas should be designed in a manner to “complement, not overwhelm or compete with, the rural character of the Valley.”⁸

The plan is not entirely clear on how exactly to accomplish “small villages” that do not compete with adjoining rural areas. However, with this directive staff worked to find industry best practices on how to integrate villages into rural areas with limited disruption to the areas intended to remain rural. There is not a one-size fits all solution. For example, Aspen CO. adopted an urban growth boundary that essentially creates a stark line between where their development areas can and cannot be. Another quite different example is rather than drawing a stark line, the county could use design and development standards to transition these growth centers from the more dense village centers to the more rural and natural areas outside the village centers. These types of transitions are called transects. **Figure 9** illustrates generally how transects can be implemented.

Another best practice method is form-based, in which development within a form-based area is more focused on the form of the buildings and streets with less of an emphasis on what uses are conducted therein. This method is

Figure 9: Transect Development



⁶ Ogden Valley General Plan (p. 12)

⁷ See Rural Residential Development and Housing Vision, 2016 Ogden Valley General Plan, (p.18).

⁸ See Community Character Vision, 2016 Ogden Valley General Plan, (p.4).

not exclusive of urban growth boundaries or transects. Both can be employed in form-based regulations. In 2022, the County adopted such a form-based code.

In addition to answering the general plan question regarding how to implement villages that complement and don't compete with rural areas, form-based zoning also implemented a variety of street regulations and design standards also recommended by the general plan.

Some members of the public that are generally opposed to villages have taken aim at the form-based zone, claiming that there is not support for it in the general plan. While it is true that the words "form-based zone" are not explicitly written in the plan, the plan provides a wide variety of directives for which form-based codes implement. There are at least 13 specific general plan implementation strategies that the county's adopted form-based zone implements in whole or in part.⁹

Another recent public criticism of the form-based zone is that industry leaders suggest that it is not appropriate for residential neighborhoods. This may be true of form-based codes that are designed only for higher density areas, however, when Weber County planners assembled the county's form-based zone this challenge was directly addressed in it. The County's form-based zone is not a pure form-based zone. It is a hybrid between traditional zoning and form-based zoning. It still includes significant use regulations that traditional zoning has, and it also includes traditional single-family residential standards very similar if not the same as those already adopted in other traditional zones that are applicable to the valley.

Additional Detailed General Plan Analysis.

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 complements many provisions in the plan. It can also be observed that it conflicts with one. 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.

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, such as that found in the three-acre zones, requires greater vehicle miles traveled, leading to greater emissions, which in turn contributes to less healthy local air quality. Additionally, the applicant's

⁹ See the following implementation strategies in the Ogden Valley General Plan: Moderate-Income Housing Implementation 1.1.1, 1.1.2, and 1.1.3. Land Use Implementation 1.1.1 and 1.4.2. Streetscape Design Implementation 1.1.1 and 1.1.2. Historic Preservation Implementation 1.1.3. Commercial Development Implementation 1.1.1, 1.1.2, 1.2.1, 2.1.1, and 2.2.1. Further, the form-based zone implements the TDR program references throughout the Land Use Element chapter of the plan.

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. According to the Utah Geologic Survey, reducing septic systems in the area should help reduce contaminants in the reservoir.

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 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 the key method by which the plan intends to avoid the three-acre suburban lot problem. The County should be finding ways to support an open TDR market and ways to help both developers and landowners benefit from it. 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. 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, The proliferation of individual septic systems has been affecting ground water quality for some time now, as evidenced by the Utah Geological Survey. Clustering transferred growth into sewer areas will help avoid sprawled growth in areas without, thereby either avoiding further harm to groundwater sources or expensive sewer line expansions that otherwise accommodate the large-lot 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.*

This paragraph, found in the “Rural Residential Development and Housing” chapter, 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.

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 chapter. With TDRs, the goal is to keep the rural areas rural by creating growth areas that provide a variety of housing types.

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 in and adjacent to the New Town Eden village center and, if other landowners in the area follow suit, will result in housing centered around this village.

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.

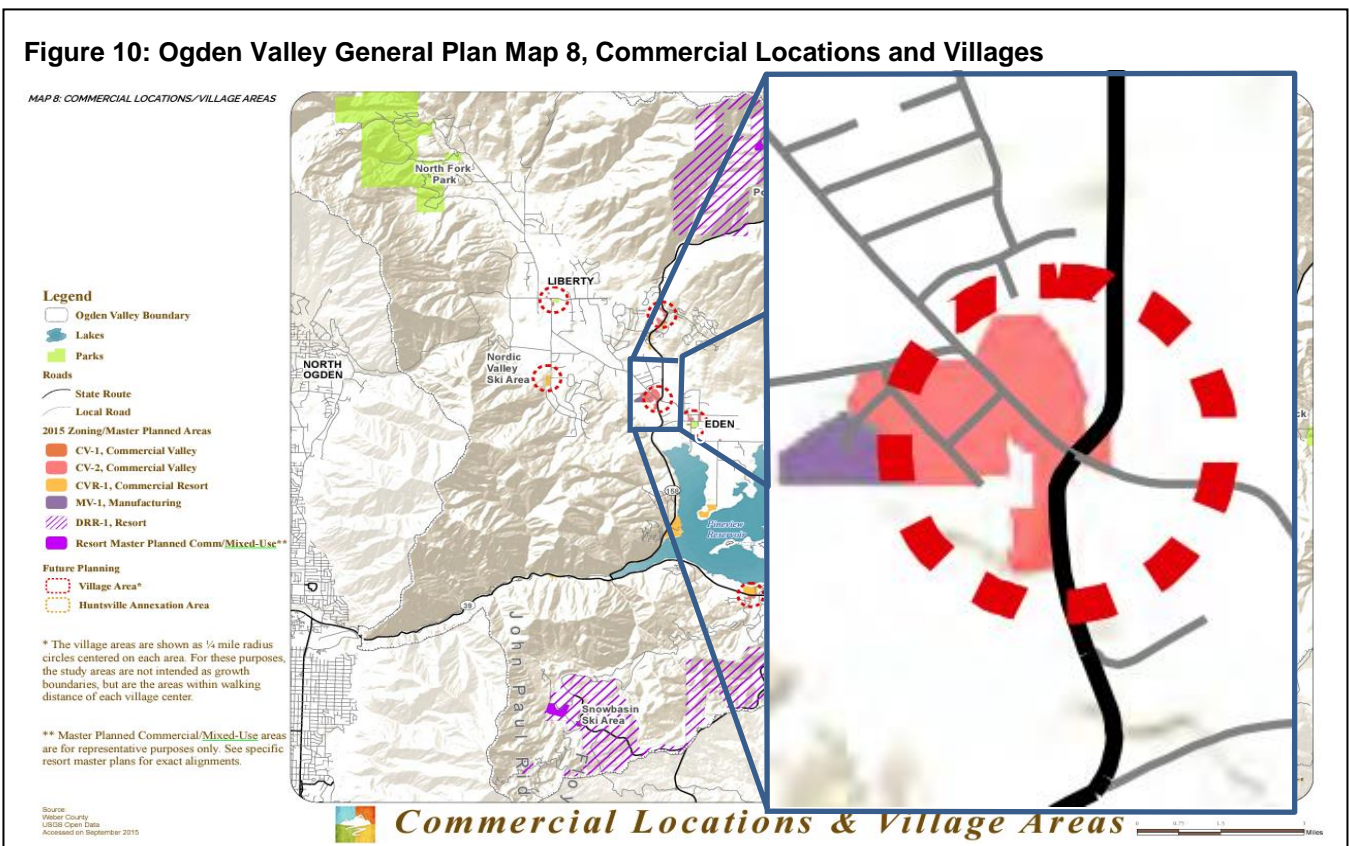
Residential Development Principle 1.1: Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.

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



The preparation of small area plans was accomplished for Old Town, New Town, and Nordic Valley areas through the FB zone's street regulating plans. In order to realize these plans, all areas depicted in one of the street regulating plans should, over time, be rezoned to the FB zone. The plan recommends the implementation of several land use patterns in the villages, including highway oriented and mixed-use. The FB zone implements these and further stratifies them into vehicle-oriented commercial, mixed-use commercial, multifamily residential, and small lot residential. The commercial and higher density uses get more restrictive as a village transitions from vehicle and mixed-use residential down into small lot residential. The form-based zone also accommodates for residential development patterns already occurring elsewhere in the valley, such as medium-lot residential, medium-large lot residential, large lot residential, rural residential, estate lot residential, and general open space.

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

The FB zone provides for the design standards for all three areas for which a street regulating plan has been adopted (Old Town, New Town, and Nordic Valley).

...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 general plan, at least in part. The area that the applicant is proposing commercial aligns with the vehicle commercial areas in the street regulating plan, that area is currently not zone commercial. The proposal meets the second part of this strategy, as the proposed rezone area abuts the CV-2 zone on the West, and Eden Crossing's FB zone on the east.

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 public gathering 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.*

More about sewer services later in this report.

(b) Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.

The rezone will lend to a development that has a different character than the adjacent large-lot residential and agricultural land uses. It will, however, blend well with the recently approved Eden Crossing development to the east and can effectively transition into the commercial uses to the west. Most of the project will be small-lot residential, with some vehicle oriented commercial abutting the existing Valley Market property.

As previously provided in this staff report, the question of compatibility should be view through the lens of the general plan rather than what is existing now. The plan directs the future of the area. What can be observed in Figure 11 is a great deal of the applicant's property is in the "1/4 mile walking distance" circle depicted on the commercial locations and village areas map of the plan. The plan also directs residential uses to be located on the perimeter of the village areas. Thus, it should be anticipated that at some point in time the applicant's desired use should be considered for the property. Whether now is the right time is for the Planning Commission to determine in their formulation of a recommendation to the County Commission.

(c) The extent to which the proposed amendment may adversely affect adjacent property.

When considering how this rezone might adversely affect adjacent property, there are a wide array of factors at play. These include impacts on private property rights and nuisances, as well as other factors such as impacts on a landowner's desires for their neighborhood and the intrinsic values they've imbued into that neighborhood.

First and foremost, the Planning Commission should prioritize fact-based adverse impacts. Then consider the perception-based impacts.

If rezoned, the development that the FB zone will allow is likely to significantly change the immediate area. Existing streets will need to be upgraded and new streets will be constructed. Commercial and multifamily buildings can be expected, as well as small-lot residential uses, condos, and townhomes. Each of these uses will change the visual nature of the area, traffic volumes and patterns, and noise potential. The potential uses are not expected to be greater than a typical small urbanized area. When developing, the applicant will be responsible for correcting any material degradation in services that the development might create for the area. Thus, other than potential noise nuisances, most of the fact-based effects will be required to be mitigated by the applicant when the land is developed.

When developments of this nature are located in similar areas, the property values of surrounding land usually increases. The increase may lead to a greater property tax burden, especially for those on fixed incomes, if any.

Current neighbors who have grown accustomed to the current nature of the immediate area may find the increase in intensity of uses unpleasant and contrary to the current reason they reside in the area. Even though residents in the area do not own a property right to ensure their neighborhood will not change, their desire for the future of their area might be upended by the proposal. This could result in their eventual self-determined displacement from the neighborhood.

(d) The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.

The County's currently adopted development regulations, as well as the standards of the FB zone, are designed to specifically require the developer to address their impact of local levels of service. As aforementioned, the applicant will be responsible for mitigating any material degradation of level of service of each of these services.

Roadways/Traffic.

Traffic mitigation studies will be required when the property subdivides. The applicant will be responsible for providing the street cross sections adopted in the FB zone, which are intended to provide for adequate traffic mitigation. However, the traffic studies will assist us in verifying this.

One thing to be sure of, however, is that effect this development will have on the Eden four-way intersection is adequately compensated. The development agreement the county has entered with the Eden Crossing developer requires the county to work with other developers of the area to help finance new intersection improvements. Securing this contribution may need to be accomplished via development agreement.

Parks and Recreation Facilities

The applicant has not provided specific park and recreation facilities plans. The FB zone requires bike, trail, and sidewalk facilities throughout the development which will be installed as the development is installed. During development of the project the applicant should work with the Ogden Valley Parks District to verify adequacy of services.

The street regulating plan requires a park area on the west side of highway 158. The plan is not specific about the park area improvements that are required. It also requires a trailhead to be located adjacent to the canal property on the north side of this project, along with a trail along the canal or adjacent to the canal property. Securing a commitment for those improvements may need to be accomplished via development agreement.

Police and Fire Protection

Because the FB rezone is not anticipated to increase the overall density of the valley, police protection might be a zero-sum gain. Special events within the project, if any, will be required to obtain special event permits. Same with conditional uses. Both special events permits and conditional use permits enable coordination with the Sheriff's office to provide deputy resources, when needed.

The Weber Fire District will require sufficient fire suppression at the time of development.

Stormwater Drainage Systems

It should be anticipated that this rezone will yield significantly more stormwater management demand given the amount of hard surface likely to occur. Stormwater management will be addressed with the applicant as development applications are submitted.

Water Supply

The project is within the culinary water service area of Eden Water Works. The county has been informed that Eden Water Works will not likely provide water service to this project. If access to Eden Water Work's service is not available, the applicant will work with other developers in the area to create a new water system to serve the area.

The proliferation of water services in the area is the opposite of what the plan advises and is contrary to the intention of the county's water requirements. The ideal situation for this project would be for the developer to gain access to an existing water service in the area. However, if there is no other water service willing to serve the property in the area the developer is still entitled to create their own system.

Wastewater

Some would assert that without an active sewer service to serve the project the county should not consider a rezone. Unfortunately, that is opposite of how the development process works. Investing in sewer requires a sense of certainty that the county will approved a proposed project. The developer and the developer's lenders will not have that sense of certainty until after the county grants them the zone they are seeking. 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 and discouraged by the general plan.

The applicant asserts that they are exploring sewer service needs at this time and are in discussion with Wolf Creek regarding their capacity. Wolf Creek has asserted that they do not have capacity to serve this development at this time without significant improvements to their facilities.

No sewer improvements in this area will be feasible until and unless property is in a zone that will make the development financially feasible. If the project is rezoned, it could be rezoned with the provision that no development can received a certificate of occupancy until adequate sewer service is available (prohibiting septic systems).

Refuse Collection

Refuse collection has not been specifically addressed for this rezone. However, identifying garbage services is a typical requirement of design review at the time a development is proposed and is not typically addressed during rezone.

(e) Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.

Staff is unaware of specific natural or ecological resources or sensitive lands on the subject property.

(f) Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

As specified above, the applicant will be required to address traffic mitigation at the time a development application is submitted.

Staff Recommendation

After reviewing the proposal within the intended context of the Ogden Valley General Plan, it is staff's opinion that this rezone will substantially advance the vision and goals of the general plan. Staff is recommending approval of the rezone on the basis of the developer entering a development agreement with the county to account for the following:

1. The developer should provide a 60,000 square-foot public park between the VOC and SLR/MFR areas, as generally shown on the street regulating plan. The park should include pathways that generally run along the existing canal/ditch, a landscaped public plaza with no less than 10 benches or picnic tables. The development agreement should include a concept park design acceptable to the county commission. Unless conveyed to the local park district, the project's owner's association should be responsible for maintaining the park.
2. The developer should provide a public trailhead located next to Highway 158 and adjacent to the Weber Basin canal. The trailhead should have one public restroom building with two separate toilet rooms, connected to public sewer.
3. The developer should work with Weber Basin Water Conservancy District to construct a trail adjacent to the conservancy canal. If the conservancy district will not allow it, the developer should be required to install the trail adjacent to the canal property. The trail should be at least 10-feet wide and asphalt, and meet the county's minimum engineering standards. Fences lining the trail, if any, should be no taller than four feet tall or if taller, setback from the trail at least five feet with a drip irrigation and landscaping installed in the five foot setback. Sufficient area should be provided along the trail to allow for the installation of one bench every 150 feet, and trees planted along the trail of a species and at intervals such that the crowns of the average mature trees abut each other. Unless conveyed to a local trail or park entity, the landscaping along the trail should be maintained by the project's owner's association.
4. Septic systems should not be allowed in the development.
5. Prior to any development occurring adjacent to Highway 158, the developer should cooperatively work with both UDOT and the county to agree on a street cross section for Highway 158 that supports the intent of the general plan and generally complies with the FB zone's street cross sections.
6. The developer should be required to pay the county their proportionate share of the intersection improvements that the county and UDOT have planned for the intersection of Highway 158 and Highway 162/166.

This recommendation is given to the Planning Commission with the following findings:

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

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation as-is:

I move we forward a positive recommendation to the County Commission for File #ZMA2024-05, an application to amend the Weber County Zoning Map, rezoning approximately 17 acres of land at approximately 2773 North, HWY 158, from the AV-3 and CV-2 zones to the FB zone, as provided in Exhibit C.

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health and welfare of Western Weber residents.*
4. *[_____ add any other desired findings here _____].*

Motion for positive recommendation with changes:

I move we forward a positive recommendation to the County Commission for File #ZMA2024-05, an application to amend the Weber County Zoning Map, rezoning approximately 17 acres of land at approximately 2773 North, HWY 158, from the AV-3 and CV-2 zones to the FB zone, as provided in Exhibit C, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: In Section 104-12-3(f), remove short-term rentals as a permitted use.*
2. *Example: On line number [____], it should read: [_____ desired edits here _____].*
3. *Etc.*

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health, safety, and welfare of Western Weber residents.*
4. *[Example: allowing short-term rentals runs contrary to providing affordable long-term rental opportunities]*
5. *Etc.*

Motion to recommend denial:

I move we forward a recommendation for **denial** to the County Commission for File #ZMA2024-05, an application to amend the Weber County Zoning Map, rezoning approximately 17 acres of land at approximately 2773 North, HWY 158, from the AV-3 and CV zones to the FB zone, as provided in Exhibit C. **I do so with the following findings:**

Examples findings for denial:

- *Example: The proposal is not adequately supported by the General Plan.*
- *Example: The proposal is not supported by the general public.*
- *Example: The proposal runs contrary to the health, safety, and welfare of the general public.*
- *Example: The area is not yet ready for the proposed changes to be implemented.*
- *[_____ add any other desired findings here _____].*

Exhibits

- Exhibit A: Application.
- Exhibit B: Current Zone Map.
- Exhibit C: Proposed Zone Map.

EXHIBIT A APPLICATION



New Town Eden Rezone Presentation

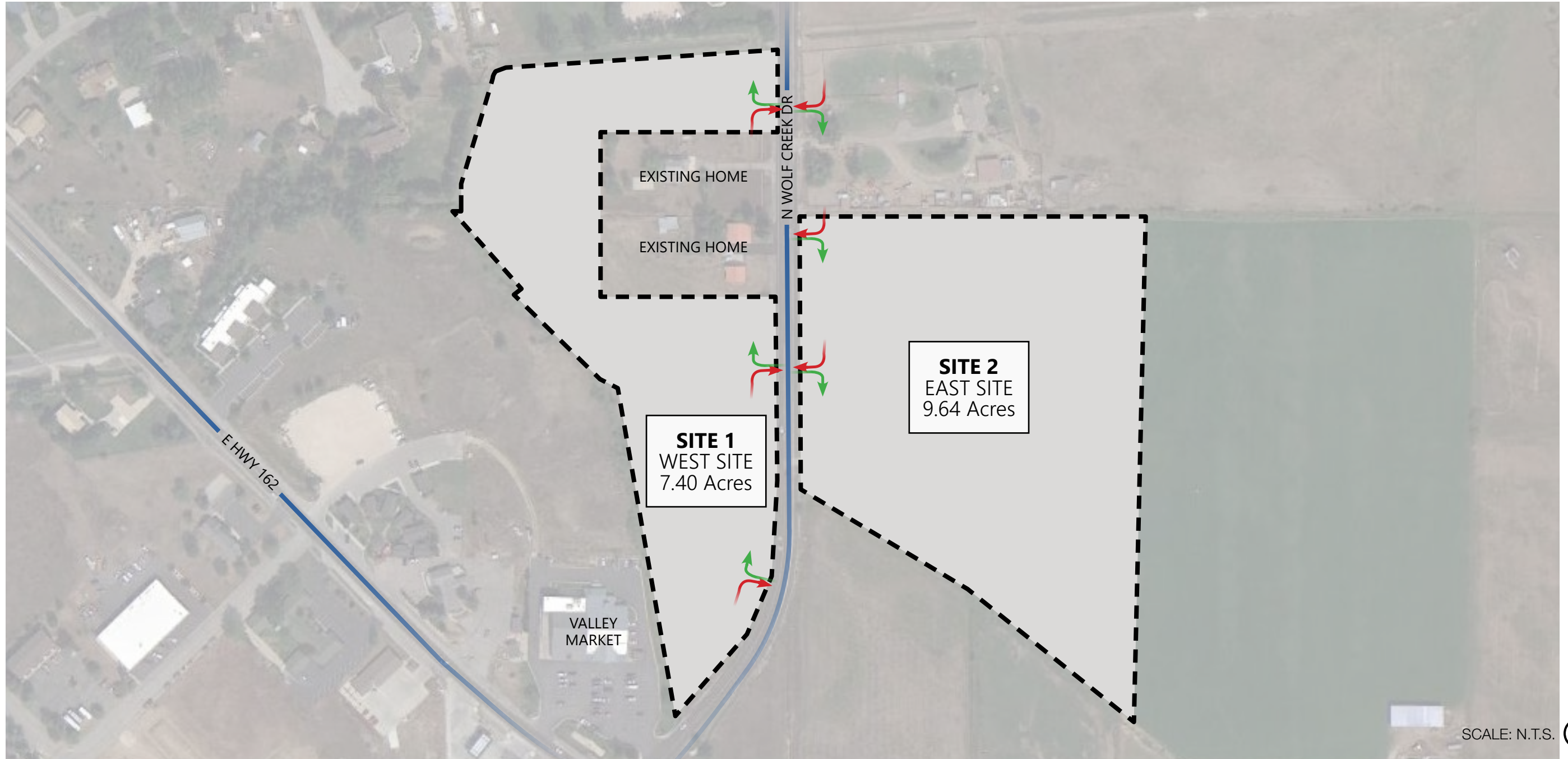
Eden, Utah

March 15, 2024



SITE CONTEXT

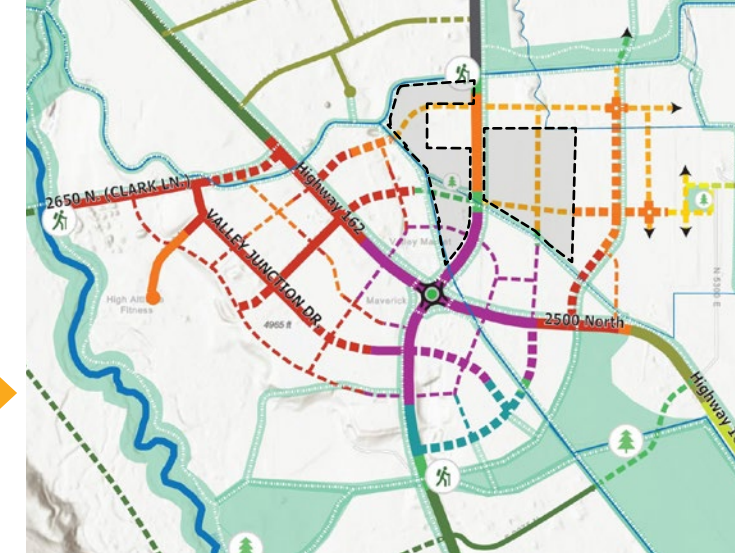
Zoning



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

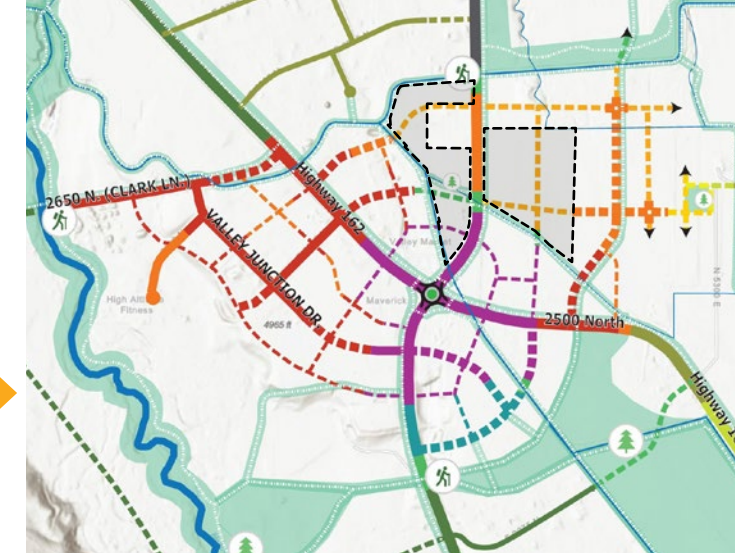
Trailhead

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

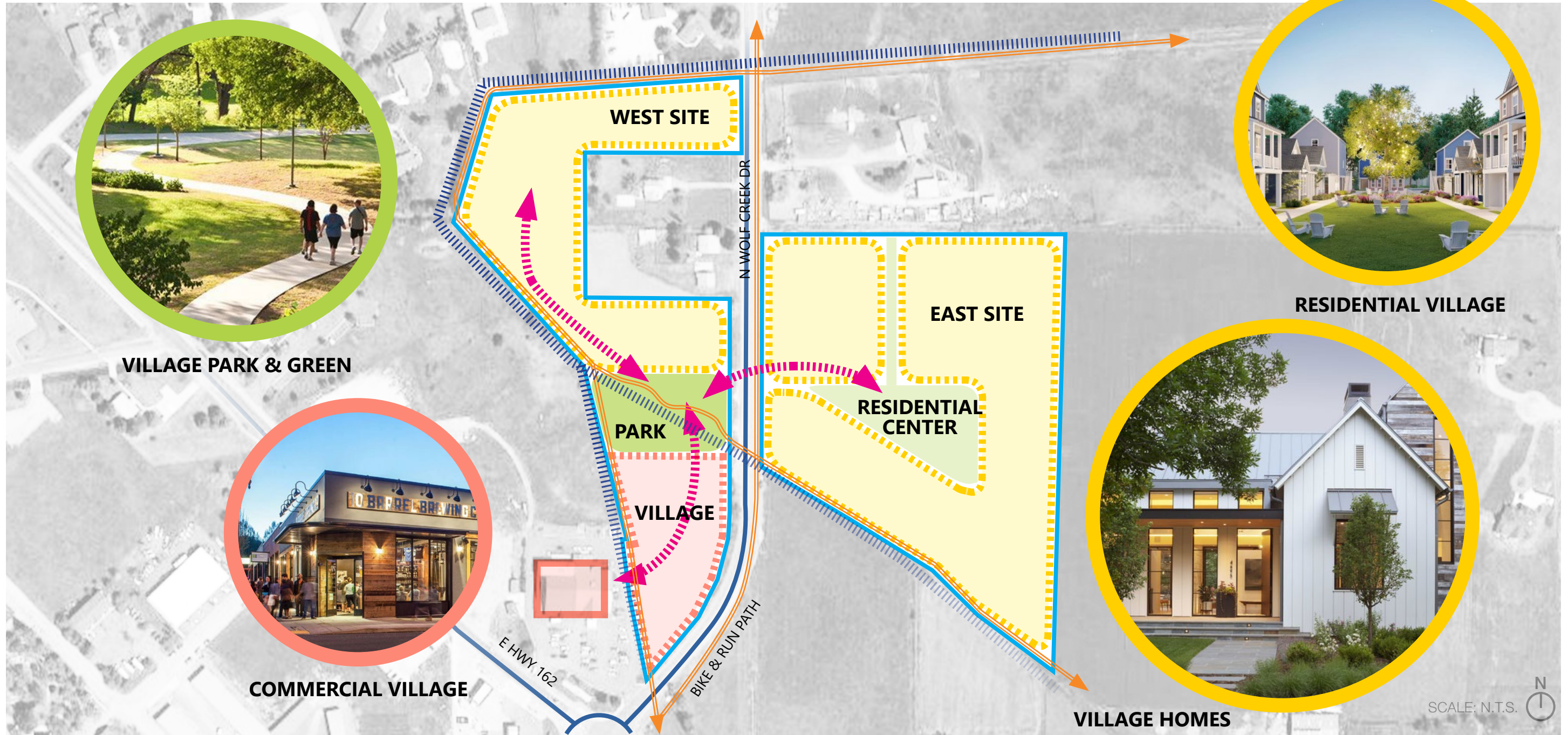
Project Site

Trailhead

SCALE: N.T.S.

PROJECT CONCEPT

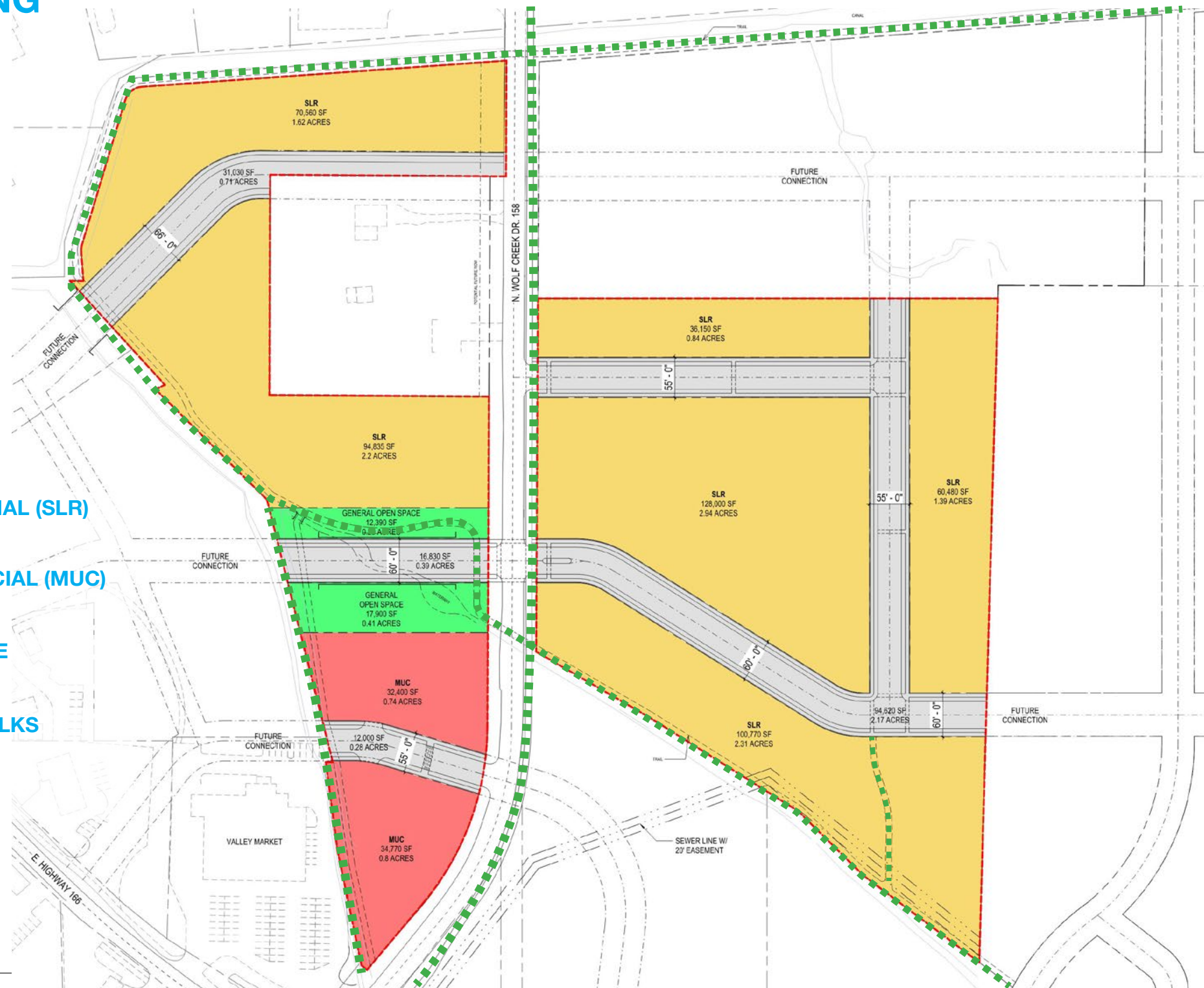
Site Design Approach



PROJECT ZONING

Site Use / Plot Plan

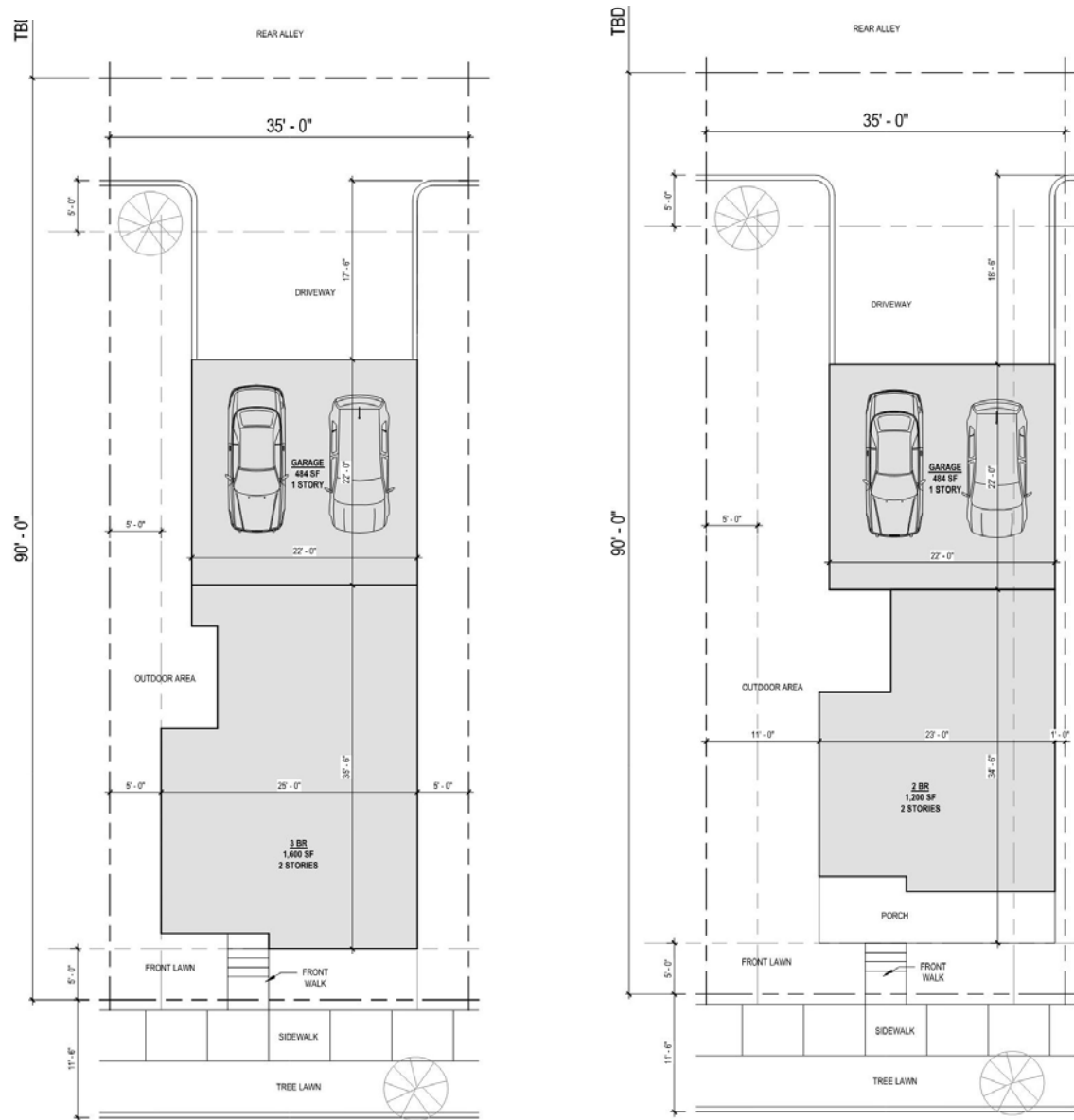
- SMALL LOT RESIDENTIAL (SLR)**
- MIXED-USE COMMERCIAL (MUC)**
- GENERAL OPEN SPACE**
- ROADWAYS & SIDEWALKS**
- PEDESTRIAN TRAIL**



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

EXHIBIT B CURRENT ZONE MAP

EXHIBIT C PROPOSED ZONE MAP

