

Minutes of the Ogden Valley Planning Commission Meeting for April 27, 2021. To join the meeting, please navigate to the following weblink at <https://us02web.zoom.us/j/87594802803> the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners, Chris Hogge, John (Jack) Howell, Ron Lackey, Steve Waldrip.

Absent/Excused: Commissioner Jeff Burton.

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:** Chair Lewis conducted roll call and indicated Vice Chair Francis and Commissioner Burton have been excused from the meeting.

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

Chair Lewis then reported that item 2.5 has been removed from the agenda for tonight's meeting and will be heard at a later date.

1. Approval of Minutes for April 6, 2021. Minutes were approved as presented.

2. Petitions, Applications, and Public Hearings.

2.1 Public hearing and possible action on an applicant driven request to rezone approximately 5 acres at 947 E Old Snowbasin Road, (unincorporated Huntsville area) from the CVR-1 zone to the FR-3 zone. Staff presenter: Charlie Ewert; Applicant: CW Land, Todd Meyers (rep)

Principal Planner Ewert reported this is a request to rezone approximately 3.22 acres from the CVR-1 zone to the FR-3 zone. Upon an evaluation of the zoning in the area, staff recommends also rezoning the adjacent property (to the east across Old Snowbasin Road) from the CV-2 zone to the FR-3 zone. This will preserve zoning consistency in the area. The two properties together comprise about 5 acres. The County has received consent from the other landowner for this rezone.

The CVR-1 zone and the FR-3 zone have almost identical lot development standards, meaning the overall density of the area will not be increased with this rezone, which is a critical recommendation found in the Ogden Valley General Plan.

The subject properties are located in a village area, as depicted in the general plan. A village area is noted as being a primary receiving area for residential uses. Between the residential uses allowed by the CVR-1 zone and the village areas of the plan, residential uses of the applicant's property appears to be a foregone conclusion. The future of commercial in this village, however, may not be as certain, or even recommended.

Despite the property to the north of the subject parcel also being zoned CVR-1, very little if any commercial uses have been established. The commercial uses approved within that development are likely to be the result of the minimum requirement of the CVR-1 zone to provide 10 percent commercial space. The location of the intersection in proximity to existing residential properties, the reservoir, and federal land may render this location a poor choice for a commercial village. Even if a market existed to establish commercial uses in this village, the additional supply of commercial land will reduce the demand for commercial space at the intersection of Trappers Loop and Highway 39 – which is only a little over three quarters of a mile to the east of this intersection. The Trappers Loop intersection provides for a better location for commercial opportunities, and is already pre-planned in the Snowbasin Masterplan.

For these reasons, staff feel it may be prudent to consider this village more residential in nature. Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-01, a proposal to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone. This recommendation comes with the following findings:

1. The Ogden Valley General Plan provides for a greater residential density on this property – as long as no new density is created. The proposal creates no new residential density than already entitled.

2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The proposed zone is more harmonious with surround land uses than the property's current zone.

Chair Lewis invited input from the applicant.

Todd Meyers, C.W. Land, stated he is the applicant for the rezone and subsequent development of the land. He noted the current zoning of the property is commercial in nature, but the comprehensive plan for calls for clustering of commercial developments and to consider existing build-out of the area. In looking at how the area has developed, the subject property is not the right location for commercial as all surrounding properties have been developed for residential uses. He indicated he is happy that County staff reached out to the owner of the property across the street from the subject property because it makes sense for that property to also be developed for a residential use. He cited some of the uses allowed in the CVR-1 zone and indicated many of them are night-time uses that could be disruptive to residents in the area. That is why he feels that a development consisting of single-family homes will blend best with the existing development of the area. He then stated the only access to the property is from the old Snowbasin Road, which means that traffic associated with this project should not be too disruptive or impactful to existing residential developments. Both the current and proposed zone allow up to 20 units per acre, but there is an existing development agreement associated with the property that caps the density at 13 units per acre; this is based upon limited access to water and sewer infrastructure. He concluded by noting he is happy to answer any questions the Commission may have.

Commissioner Howell asked if the owner of the property across the street has submitted an application for rezoning his property. Mr. Ewart answered no, but the County Commission can consider a zone change for that property along with the application before them. That property has consented to the zone change.

Mr. Meyers then stated that his application does not include a request for nightly rentals in the development; however, this will not preclude future property owners from submitting an application for a nightly rental. Chair Lewis stated that means that the Commission must consider the worst-case scenario, which is that nightly rentals may be pursued within the project. He stated there is limited space for parking to accommodate visitors to the development and he is also concerned about the proximity of the rear yards of the homes and the nearby highway. Mr. Meyers stated there will be four parking spots for each unit: two in the driveway and two in the garage; he is happy to include a restrictive covenant indicating the garage must be available for parking two vehicles rather than being used as a storage space. He then noted that the rear yard setbacks will comply with the County's land use ordinance. Adjustments to the depth of the rear yard can be discussed in greater detail at the subdivision plat phase of the application process. Chair Lewis asked if the rear yard will be fenced. Mr. Meyers indicated one of the covenants for the project is that each property must be fenced, and owners would need to use a material similar to trex rather than common white vinyl. Chair Lewis noted no other property in the area is fenced so this project may not be harmonious with its surroundings for that reason.

Commissioner Howell inquired as to the property size, to which Mr. Ewart answered five-acres.

Commissioner Waldrip asked if the roads will be public or private. Mr. Ewart stated the applicant has requested that they be private, and the County is working on a code text amendment that addresses private road regulations. He indicated the Fire Marshall will review the proposed street layout to ensure it is appropriate and will accommodate emergency vehicle response.

There was high level discussion about matters such as fence heights on individual properties in the project area and efforts to preserve a clear sight triangle, after which Mr. Meyers indicated he is aware of requirements for preserving the sight triangle and this will be addressed in the engineering of the project. He will also adjust the street plan responsive to feedback received from the Fire Marshall.

Chair Lewis opened the public hearing.

Alan Houser, 6162 E. Quail Lane, stated he has two questions. The first relates to preservation of the sight triangle and he asked if the project may have an effect on the speed limit on the highway, perhaps by slowing the speed on the road. He then asked for more information about the pending adjustments to the site plan responsive to feedback from the Fire Marshall.

James Bird stated he resides in The Chalets in Huntsville and he recommends the Commission deny the zone change; the request to change the zoning to build 13 homes that are about 3,000 square feet in size on a three-acre – not five acre – parcel is

inappropriate. The purpose of the zoning designation is to provide for medium density housing, but the proposal is high density. He referenced an existing development near the subject property and indicated that it has seven homes on a property that is about two-thirds the size of the subject property. This means this proposal is about twice the density and he believes the future owners of the homes will request permission to operate a short-term rental. The homes are large enough to accommodate 10 people and the homeowners could legally add a long-term apartment unit. The vehicles associated with the number of people that could live or stay at the homes will lead to great problems. The proposed density is the antithesis of the General Plan; 13 homes on three acres is not in keeping with the integrity of the mountain environment. A trex fencing is much different than any other development on the road and the project will tax the water and sewer systems that would serve it. Utah is the second driest state in the union and increasing density seems inappropriate when such action requires a zone change. Additionally, the sewer lagoons are already an eye sore, and they smell; increasing density will worsen this problem rather than improve it. He has been told repeatedly that the property could be developed as a gas station if the CVR-1 zoning is maintained, but he has reviewed the land use code and found that a gas station is not a permitted use in that zone. The County would have far less impact on traffic, noise, light, water, sewer, litter, and crime if the commercial zoning is maintained rather than allowing a density housing project. Finally, the request for a zoning change is being made by a developer who will build 13 homes to maximize his profits; he cannot blame him for pursuing that endeavor, but he is concerned about the impact that the project will have on existing residents. Maximizing the profits of one business at the expense of current property owners does not seem to be appropriate.

Alar Elkin, 6171 Quail Lane, stated that he bikes on old Snowbasin Road and onto Highway 39 very frequently and when heading westbound there is a great deal of traffic that is travelling at a high rate of speed. Several times he has had near-misses with those driving on the shoulder of the road to avoid a vehicle making a left-hand turn and an increase in housing units in the area will only make that problem worse. From a safety perspective, a left-hand turn lane on Highway 39 would greatly improve the area. Additionally, he has heard a rumor of extending the bike path from old Snowbasin Road to Winter's Grove and he would like for that project to come to fruition as it will be a great benefit for bikers living in the area. He concluded by inquiring as to the height limitations for homes to be built in the project area.

Gwendolyn Smith, 926 S. Meadowlark Lane, stated she shares many of the concerns that have been expressed. She understands that residences may be preferred over a gas station use; however, the high-density nature of the proposal is not preferred over other commercial uses allowed in the CVR-1 zone. If the housing were medium density rather than high density, she feels there would be support for it. The idea of a fence is also concerning as it will differ from the look of the entire area. Additionally, the other developments in the area are not zoned to allow short term rentals and allowing that use in this new project would be very concerning for existing residents. Her property directly abuts the subject property, and she is very concerned about the proposal and the impact it will have on her property values.

Gladden Combs stated he is building a home in The Chalets and he also has concerns about the density of the proposed project. He is also concerned about including the property across the street in this rezone action as doing so would result in an additional project with higher density residential use. This will increase traffic counts in the area and the homes will block the view of existing residents in the area. He does not feel that the proposed project fits with its surroundings and with the plan for the entire valley.

Mike Etringer, 938 Meadowlark Lane, stated his home directly abuts the subject property and he agrees with all of the comments that have made by those who spoke before him. Additionally, he commented on the increase in heavy vehicle traffic as residents and visitors are bringing recreational vehicles to the area; this increase in traffic will dramatically worsen if the higher density developments are allowed.

Roger Dutson stated he lives on old Snowbasin Road; he was the third homeowner on the road and now there are more than 50 homes on the road. He stated that the developer has indicated that the ultimate development of the property could be worse than what he is proposing, but he does not feel that should be the standard upon which decisions like these are based. He stated the County needs to consider the impact the project will have on the environment of the area and he agrees with those who have commented on the problematic nature of the project. He stated the Commission should require applicants to come forward with a plan that is totally compatible without substantial impact on its surroundings. He stated he has been asked to speak in opposition on behalf of many of the property owners on old Snowbasin Road; this is not part of a recreational area, though it could be argued that it is part of the general recreational area that is Ogden Valley. However, the specific area is not recreational in nature and he feels the primary concern should be that this project will have a negative impact on property values for surrounding properties. The project will be high density in nature and future owners will surely pursue short term rentals and the impact of this type of use should be considered. He feels it would be terrible to allow this project to move forward as it will totally change the environment of the area.

Commissioner Howell asked if it is possible for the Commission to impose a restriction or condition that would prohibit short term rentals on the property. Mr. Ewert stated that is not something that can be considered at the time of the rezone; but if a development agreement is considered for the project, there could be a restriction placed on short term rentals. If short term rentals are to be allowed in the future, each property owner would need to secure a conditional use permit, which could be denied if certain conditions can not be mitigated. He then added that if the CVR-1 zoning of the property were maintained, the property owner could pursue a project that would contain 13 buildings that could be residential or commercial in nature. He acknowledged the concerns expressed regarding the development that would be allowed under the residential zoning, but noted it is important to keep in mind that type of density is allowed in the commercial zone as well. He then addressed the questions asked during the public comment period. He noted there are plans for a bike path along Highway 39 and it will extend from Winter's Grove throughout Huntsville on surface streets. The project has sufficient funding to complete a compacted road base path, with plans to asphalt it in the future. He then addressed the questions regarding building heights, noting the FR-3 zone has a maximum building height of 35 feet and the CVR-1 zone does not have a maximum building height; however, if a building will be taller than 25 feet, the applicant must secure a conditional use permit, but there are no standards required to receive approval of a taller building height. He stated this is due to outdated land use code and he feels that if an applicant came forward with a request for taller building heights, it would be difficult to deny that request based upon valid findings. Staff is working on a code text amendment to correct that issue. He then noted that there were statements made indicating that a gas station would not be allowed in the CVR-1 zone, but he clarified that the zone does actually allow for a service station and the County's land use code considers a gas station to be a service station.

Chair Lewis referenced a Google Earth image of the subject property; he noted that he likes the idea of a FR-3 zone for the property, but he is concerned about density and the potential to allow nightly rentals. He stated that he feels a project with reduced density and no fencing would be the best type of project from a planning perspective. He stated that the corridor has been planned purposefully and a higher density project that is fenced will appear to be 'jammed' onto the property and along that corridor. Mr. Ewert agreed and stated that the Google Earth image of the property provides a different perspective; however, when he evaluated the application, he was considering the highest and best use for the property under the current CVR-1 zoning designation and that is why he felt a residential use was more appropriate for the property. Chair Lewis reiterated he is not opposed to a residential use of the property, but he feels the proposed density of the project requires it to be placed in what appears to be a middle of an existing development line and that is incongruent with the General Plan. Mr. Ewert agreed, but noted there is a nearby area that has been approved for commercial space, which will result in development of commercial flats in the 'clear line' referenced by Chair Lewis.

Commissioner Howell asked if the County has dialogued with the Utah Department of Transportation (UDOT) regarding turn lanes being developed on the Highway. Mr. Ewert stated there has not been dialogue yet between the County and UDOT, but the County has been contacted by developers and residents interested in seeing a turn lane in the area; that consideration is solely UDOT's responsibility, and they seem to be more reactive than proactive as those types of improvements or adjustments are based upon need or a warrant study.

Commissioner Waldrip asked if the current zoning designation for the subject property was determined by the adoption of the Valley General Plan. Mr. Ewert answered no and indicated the current zoning designation predates the adoption of that Plan document. There is a development agreement currently governing the property and that agreement calls for a hotel to be built on the property; that agreement has expired, and the applicant will need to either renegotiate the agreement with the County Commission or secure approval of the zone change. Commissioner Waldrip asked if the proposed density is consistent with the density allowed in the CVR-1 zone, to which Mr. Ewert answered yes, but noted that one difference is that the applicant would be required to develop at least 10 percent of the property for a commercial use.

Chair Lewis then indicated he will abstain from voting on the application given that he is an applicant for a project located near the subject property.

Commissioner Howell moved to forward recommendation of approval to the County Commission for application CMA 2021-01 rezone approximately five acres at 947 E. Old Snowbasin Road (unincorporated Huntsville area) from the CVR-1 and CVR-2 zone to FR-3 zone, based upon the findings and subject to the conditions listed in the staff report, and based upon an additional condition that no short-term rentals be allowed according to a building agreement for the subject property.

Commissioner Waldrip asked for a friendly amendment; he asked that the term 'building agreement' be changed to 'development agreement' in the motion. Commissioner Howell accepted the friendly amendment. Commissioner Waldrip seconded the motion.

Commissioner Waldrip then asked if the additional condition to prohibit short term rentals based upon a development agreement for the project is allowed under the County's land use code. Mr. Ewert stated the Commission can vote to recommend that condition of approval to the County Commission, but it will ultimately be a joint decision of the County Commission and the applicant to pursue a development agreement. Commissioner Waldrip asked Chair Lewis to invite the applicant to respond to the motion and indicate whether he is willing to entertain a development agreement that would prohibit nightly rentals.

Chair Lewis invited input from the applicant regarding the motion. Mr. Meyers stated he will discuss the matter of a development agreement and prohibition of nightly rentals with his partners at C.W. Land, but they did want to preserve options for future landowners relative to utilizing their units for nightly rentals.

Commissioner Lackey asked if staff has talked to the sewer service provider regarding the size of the homes to be built on the subject property; there is the potential for each unit to place quite a demand on the sewer utility. Mr. Ewert stated he has talked with the service provider and communicated the details of this project to them; they have provided a will-serve letter to the applicant.

Chair Lewis again asked for clarification that the FR-3 zoning designation will allow for the same density that is allowed in the CVR-1 zone, but with no commercial component. Mr. Ewert stated that is correct. Chair Lewis then noted that the motion includes recommended condition of approval requiring a development agreement and prohibiting nightly rentals and these are matters for the County Commission to consider when they are taking final action on the application. Mr. Ewert stated that is correct.

Commissioner Waldrip addressed the public who have spoken about this application; it is important for them to understand what Chair Lewis indicated in regard to the density of the property. Under the current zoning designation, the applicant could build a project that is just as dense as the residential project he has proposed subject to the rezone application. However, the proposed project is actually less dense than would be allowed under the CVR-1 zone because it does not include a commercial component. If the applicant chose to pursue a CVR-1 project, the County would not have the ability to deny it because that zoning has already been assigned to the property.

Planning Director Grover then noted Legal Counsel Erickson has asked for the opportunity to speak privately with him and Mr. Ewert before the Commission takes a vote on the motion. Chair Lewis allowed the off-the-record communication between Mr. Erickson, Mr. Grover, and Mr. Ewert. Upon returning to the meeting, Mr. Erickson noted he wanted to discuss with Mr. Grover and Mr. Ewert the types of dwelling units that are allowed in the CVR-1 zone.

Chair Lewis called for a vote on the motion; Commissioners Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. Chair Lewis abstained from voting on the motion. (Motion carried 5-0-1).

2.2 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to ensure adequate culinary and secondary water for each new subdivision. *Staff presenter: Charlie Ewert*

Principal Planner Ewert reported this proposal is a culmination of several years' worth of discussion between the Ogden Valley Planning Commission, the Western Weber Planning Commission, and the County Commission. It pertains to improving culinary and secondary water requirements applicable during subdivision review and approval process. The Ogden Valley Planning Commission reviewed a previous version of the attached proposed ordinance in their last work session meeting. The requirements between the two are very similar. Other than clerical edits, the primary difference is that both the culinary water and the secondary water requirements are merged into one section. The two are so closely related that keeping them in separate sections resulted in a great deal of duplication of language. For administrative, interpretive, and implementation purposes, combining these similarities will assist in review efficiencies and help reduce interpretation errors. Given the level of attention this proposal has received, in collaboration with multiple agencies and concerned citizens, the attached should be fairly self-explanatory. Staff recommends that the Planning Commission give a positive recommendation to the County Commission for file ZTA2019-04, a proposal to amend the culinary and secondary water provisions of the County's subdivision ordinance, with the following findings:

1. That the proposal will help protect culinary water resources for the general public.

2. That the proposal will promote and encourage the merger of multiple different water systems.
3. That the proposal will enhance the collaboration amongst various water service providers and county/agency reviewers during the review subdivision process.
4. That the proposal will discourage the proliferation of private wells.
5. That the proposal will encourage water-wise landscaping.
6. That the proposal does not run contrary to the general plan and will promote the health, safety, and welfare of the public.

Mr. Ewert then facilitated review and discussion of the text amendments included in the proposed ordinance; discussion centered on several different types of hypothetical situations that could occur between a property owner and a culinary or secondary water service provider, with a focus on the types of situations in which the County would intervene. Mr. Ewert indicated the purpose of the proposed ordinance is to protect property owners and culinary service providers in situations where developers may indicate they are creating or connecting to a secondary water system, but that commitment is not upheld. Culinary service providers need to have some ability to prohibit the use of culinary water for secondary purposes and this ordinance preserves that authority.

Chair Lewis opened the public hearing.

Paul Joyce stated that one thing the proposed ordinance fails to address is the type of situation wherein Weber Basin Water Conservancy District writes an exchange contract in the case a property owner or developer is drilling a culinary or secondary water well; Weber Basin will not identify themselves as a culinary authority or provider. There is a major section of the code that indicates plat approval is determinant on a culinary provider, but if Weber Basin refuses to be identified as a culinary provider, the County may need to step forward and be identified as a culinary provider. He then referenced irrigation ditches and indicated that if a developer builds a project on top of land that was historically served by a ditch, they will want to continue to irrigate the land with water out of that ditch instead of drilling a well. He feels the ordinance does not clearly identify whether a developer who has access to a ditch is required to provide it to the subdivision and whether the ditch authority can be considered a willing and/or able service provider. He feels it would be appropriate for the County's land use code to force a developer to build a pressurized system or create a secondary water system from the ditch water. He stated he lives in a location that is about 2,000 feet away from the source of ditch water that was provided as part of the contract to his home; the entire development was left with shares in a water company, but they cannot access the water. The developer essentially left the subdivision behind and the owners with a \$150,000 bill to install a pressurized system. He feels the County's land use code should address that type of situation and force a developer to install a pressurized system in the event they are utilizing irrigation water that has historically been used on the property. The pressurized system should be stubbed to each lot and must be operational before a developer is no longer responsible for the project. He stated that water issues are very complicated, but the County should be focused on ensuring the valley survives imminent growth; while he thinks the proposed ordinance is an improvement over what is currently in place, he feels that there is still much work to be done to ensure developer are providing culinary and secondary water.

Miranda Menses, 3807 N. Elk Ridge Trail, thanked Mr. Ewert for his efforts in developing an ordinance intended to address very complicated issues. While she respects Mr. Joyce's comments, she feels that the proposed ordinance actually goes a long way in providing clear direction regarding the provision of culinary and secondary water to each lot in a recorded plat. She feels that the 300-foot distance in the ordinance should be expanded to either 500 or 700 feet in order give greater options to property owners in the event there is a service provider that is willing to serve the property, but their infrastructure may be greater than 300 feet away. An additional change she has asked Mr. Ewert to consider is water quality and water quantity in the pump test; if the quality of the water is not sufficient for culinary use, the quantity does not matter. She suggests the proposed ordinance be forwarded to the County Commission for action with the knowledge that it is a living document that can be adjusted as necessary in the future.

Dan Mabey, 1715 Canyon Circle, Farmington, stated that he has a couple concerns as a potential developer of a small property in the Eden area; while he understands it is the County's prerogative to establish parameters for development, the ordinance is too restrictive in its requirement for all developments to have a secondary water system. The ordinance also requires a sufficient amount of secondary water to cover all lots in a development. The particular property he is interested in developing is zoned FV-3 and there is no water on the property at the present time; he has not been able to secure secondary water for the property and there is no service provider nearby, so this ordinance will effectively preclude him from developing the property. All water is owned by the State of Utah, though there are many different service providers; on some properties that are natural forest properties, it is difficult to secure water in the event they are to be developed. For the water shares that he has come across, the price is so high that it would cost him an additional half-million to develop the property. That should not be required given that the property has been dry forever and it is not necessary to irrigate it even if it is developed.

There were no additional persons appearing to be heard and the public hearing was closed.

Vice Chair Francis stated the County has seen petitions for development on top of Monte Cristo and other areas and, similar to Mr. Mabey, she wondered if it is necessary to provide secondary water to those properties. Mr. Ewert stated that he feels the ordinance addresses those types of situations; the developer would need to connect to an existing service, drill a well, or create a service provider. Properties in the woods may be able to get a culinary service company to provide service without that service being contingent on securing secondary water. However, it is possible to adjust the ordinance to provide for an exception for properties that do not or will not have a well; one option would be to allow the developer to keep the property in a natural state and that could be addressed based on topography or elevation of a property.

Vice Chair Francis then addressed Ms. Menses comments and agreed that it is important to determine quality of the water in addition to quantity. Mr. Ewert agreed.

Chair Lewis suggested that the ordinance be tabled in order for Mr. Ewert to make the adjustments that have been discussed tonight and come back to the Commission at the next meeting for further consideration.

Commissioner Francis moved to table County initiated proposal to amend the subdivision ordinance to better address culinary and secondary water provisions. Commissioner Waldrip seconded the motion. Chair Lewis called for a vote on the motion; Commissioners Lewis, Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. (Motion carried 6-1).

2.3 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private streets in certain subdivisions and provide for future public street conversion and connectivity, if needed. Staff presenter: Charlie Ewert

Principal Planner Ewert reported there are a number of applicants proposing private streets in subdivisions. One specifically, is on hold until and unless a private street ordinance is adopted.

The County Commission has put a lot of effort and thought into streets over the last year or two. An emerging theme in their considerations is that the natural evolution of streets. From wagon trails a century+ ago to pavement today, it is clear that street improvements are not being made as new development is occurring. This is leaving many streets throughout the unincorporated areas substandard and disconnected. As the population grows along one of these streets there becomes a tipping point in which the county is compelled to use eminent domain to ensure adequacy of street widths and connections.

Yet still, despite advancements in transportation methods, it seems that the beginning stages in the evolution of a street is not much different than it was a century ago for local landowners desiring to create a lot or two. These individuals find that if they have to build a full standard street to access their lot, the cost to do so may easily overwhelm any economic benefit of the subdivision.

Yet at the same time, due to an economy of scale, a developer dividing a large amount of lots at one time can realize an economy of scale in which street building does not negate the return on investment. In addition, the economy of scale enables the County to negotiate with the developer where streets should be placed, where stub streets can go, and other street configuration concerns – both current and future, because planning efficient infrastructure within the larger-scale of the development is in the developer's best interest. Yet when working with a landowner doing a subdivision with small number of lots, the limited acreage involved often times proves too challenging to ensure streets are created across parcels in multiple different ownerships in a manner that enables a quality configuration of current and future streets.

And last, public streets are expensive to maintain, yet they provide an overwhelming public good. The property tax revenue generated along residential streets with primary single-family homes does not pay for the maintenance costs of the streets. Second homes don't do much better either, but can break into a positive tax revenue when built closer together densities (less street to maintain between them). Balancing the expense of public streets with the public benefit is challenging when a more robust interconnected street network has not yet been created. The cost to operate and maintain dead-ends, stub-streets, and cul-de-sacs that don't provide any good to the general public currently may be unnecessarily wasteful. Yet, if we do not require new public street segments to extend toward other public street segments as new development occurs, the public street network

will never become interconnected. In a rural community this may not seem like a problem today, but the population is and will continue to grow, and development rights are plentiful in both the Ogden Valley and Western Weber. This means that there is an almost certain future in which both communities will cease to be rural. Planning for public street interconnectivity now, as development is proposed will provide for a future in which more aggressive and more expensive means of street connectivity retrofitting, like use of eminent domain or the tearing down of homes, is necessary.

The attached proposal offers one potential solution that is intended to resolve this multi-faceted problem. It attempts to balance the allowance for the creation of private streets in rural areas in the short-term with the probable demand for those streets to be open to public use in the long-term. It offers landowners another tool in the planning toolbox to create the development of their general choosing, whilst also preserving opportunities for future public street connectivity by the conversion of private to public when population increases demand it.

Given the above context, the attached ordinance proposal is self-explanatory. There is a provision for not just a private street, but also a private lane. We discussed the private lane idea about a year ago.

Staff recommends that if the Planning Commission supports the allowance of private streets as a method of preserving future opportunities for public streets, that the Planning Commission recommend a positive recommendation to the County Commission for file ZTA2021-02, a proposal to allow private streets and shared private lanes in lieu of public streets in certain circumstances.

Chair Lewis opened the public hearing.

One commenter who was not identified indicated their support for the proposed ordinance.

There were no additional persons appearing to be heard and the public hearing was closed.

Commissioner Hogge moved to table County initiated proposal to amend the subdivision ordinance to allow private streets and private lanes in certain circumstances. Commissioner Lackey seconded the motion. Chair Lewis called for a vote on the motion; Commissioners Lewis, Francis, Hogge, Howell, Lackey, and Waldrip all voted aye. (Motion carried 6-1).

2.4 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to allow private lanes in certain subdivisions and provide for future public street conversion and connectivity, if needed. *Staff presenter: Charlie Ewert*

This item was not heard.

2.5 Public hearing and possible action on a county-initiated proposal to amend various sections of the County's subdivision ordinance to require public street connectivity in certain intervals. *Staff presenter: Charlie Ewert*

This item was not heard.

3. Public Comment for Items not on the Agenda

There were no additional public comments.

4. Remarks from Planning Commissioners

There were no additional remarks from Planning Commissioners.

5. Planning Director Report

Planning Director Grover indicated he had nothing additional to report.

6. Remarks from Legal Counsel

There were no additional comments from Legal Counsel.

**Meeting Adjourned: The meeting adjourned at 8:52 p.m.
Respectfully Submitted,**

Weber County Planning Commission