



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: ZMA2023-09: A public hearing to discuss and take action on an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone.

Agenda Date: Tuesday, December 5, 2023

Applicant: Eden Crossing L.L.C.,
Representative: Brent Bateman, Dentons Durham Jones Pinegar P.C.

File Number: ZMA 2021-09

Property Information

Approximate Address: 5204 East, HWY 166, Unincorporated Eden Area

Current Zone(s): Agricultural Valley (AV-3) Zone

Proposed Zone(s): Form-Based (FB) Zone

Adjacent Land Use

North: Agriculture (Proposed Cobabe Subdivision)	South: Residential and Agriculture
East: Residential and Vacant	West: Residential and Agriculture

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

§Title 104 (Zones) Chapter 22 (Form Based Zone)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission.

Summary and Background

This is an application for a rezone. The County Commission has held several work sessions and meetings to discuss the property in relation to amendments to the FB Zone's street regulating plan and architectural standards, but this is the first time the County Commission will be reviewing this specific requested rezone. A complete staff analysis of the proposal can be found in the planning commission staff report, attached as Attachment B. The applicant's formal application is provided in that report's exhibits.

As can be reviewed in the attached planning commission staff report, staff has recommended approval of the rezone. However, after review of the application and receiving comments from the public, the Ogden Valley Planning Commission has forwarded a recommendation for denial of the rezone. The planning commission's motion for denial and cursory discussion of the motion can be reviewed in the planning commission recommendation section of this report.

Request for final decision – 45 days.

Under State law,¹ if a reasonable amount of time has lapsed since the submittal of an application the applicant may request a final decision be made within 45 days of the request for the decision. The County has received a request

¹ UCA 17-27a-509.5

for final decision from this applicant. This request was received on October 28, 2023. This rezone application was initially received by the County on April 5, 2023 and the application fee was received April 20, 2023. At that time the applicant had another application also submitted, and requested that staff postpone review of this application until there was more clarity on the direction of the other application, as the two are related. In early October staff were informed of the applicant's desire for staff to conduct its review of this application and submit it to the Planning Commission for review. On October 6, 2023, the staff informed the applicant that this application is incomplete and not ready for substantive review. On the same day the applicant submitted a complete application. Given this history, the County had 22 calendar days to review the application prior to receiving the request for final decision.

If a valid request, the final decision on this rezone from the County Commission must be given by December 12, 2023. Given the Planning Commission's calendared meetings, in order to meet this 45-day period the Planning Commission will only have one meeting in which it can consider this item, so the decision on November 14th cannot result in the item being tabled.

Policy Analysis

A complete analysis of the request can be reviewed in the planning commission staff report attached as attachment B.

The Ogden Valley Planning Commission's recommendation for denial contains a few details they want the County Commission to consider when reviewing this application. Additionally, there was discussion in their deliberations regarding offerings that the applicant might provide the community in exchange for a rezone approval. Their final motion did not specify all of these items, but if the County Commission is inclined to approve the rezone then consideration of them may be appropriate.

- *Roundabout:* If the rezone is approved, the planning commission may want to see a roundabout installed at the intersection of Highway 158 and Highway 162/166.
- *Parking:* The planning commission's motion specified inadequate parking regulations as a finding for denial of the application. It is not clear whether this finding followed a specific review of the county code's existing parking regulations, but an extensive review of these regulations was not conducted in the planning commission meeting or staff report. The County's Form-Based Zone has specific and detailed parking requirements that are a supplement to the parking requirements that are generally applicable to all development in the valley. Together, these parking requirements are specifically designed to mitigate parking concerns related to development in the Form-Based Zone. The planning commission's motion did not specify additional parking measures that may be appropriate if the rezone is approved.
- *Short-term rentals:* The planning commission's deliberations also included specific concerns about the amount of short-term rentals that could be allowed on the property as a result of the Form-Based zone. The planning commission motion did not specify additional short-term rental considerations that may be appropriate if the rezone is approved.

County Commission decision options:

- If the County Commission desires to approve the rezone, but only if certain commitments and/or concessions are made by the applicant, then those commitments and/or concessions should be implemented through a mutually agreeable development between the applicant and the county. No such agreement has been written at this time, but in anticipation of one possibly being desired, the attached rezone ordinance contains language indicating that the rezone cannot go into effect until after a development agreement is signed and recorded to the property.
- If the Commission desires to approve the rezone outright without additional considerations, please direct staff to amend the attached rezone ordinance to remove this limitation.
- If the Commission desires to table or reject the rezone, only a motion is necessary to do so.

Staff Recommendation

Staff's recommendation for approval can be more fully reviewed in the planning commission staff report, provided as Attachment B.

Planning Commission Recommendation

Ogden Valley Planning Commission – November 14, 2023

Initial motion comments to the County Commission from Commissioner Barber:

“Look at these specific matters to possibly negotiate further into the future with this applicant to maybe fix some of what I consider the fundamental flaws in the way the general plan has been implemented, but also address some of the upfront concerns, the big picture concerns, that we’ve talked about here tonight.”

Motion by Commissioner Barber:

Motion: “I move that we forward and recommend for denial to the county commission File# ZMA2023-09, an application to amend the Weber County zoning map, rezoning approximately 20 acres of land at approximately [5]204 E. Highway 66 from the AV-3 zone to the FB zone.”

Findings:

- 1. The proposal is not adequately supported by the general plan given the uncertainty of TDR valuation process and if that aspect of the general plan will ever be valid with respect to moving density from the valley view corridors and open spaces.***
- 2. The proposal is not supported by the general public.***
- 3. The proposal runs contrary to the public’s health, welfare, and safety, and other general public aspects with respect to the concern that the county parking requirements are not adequate to address [inaudible]***
- 4. That the short-term rental aspect in this area under current code conditions does not represent what the public wants to see in this area.***
- 5. The road issues should be addressed and incorporated in advance of any project [inaudible].***

The motion was seconded by Commissioner Montgomery.

Commissioner Torman made a motion for friendly amendment to the motion:

Motion: “Correction on the [motion], it was Highway 166, not Highway 66. It’s a minor clerical [correction]. I wanted to add to that:

- a. The proposed rezone fails to meet the implementation strategy of the master plan in part by adding additional significant commercial zoning.***
- b. The proposed rezone may adversely affect adjacent property owners.”***

Vote on the friendly amendment: 7-0 in favor of amendment.

Discussion on the amended motion:

Chair Shuman: A couple of the items on here, not all of them, might be addressed by say, fixing the parking problems, fixing the four-way [intersection] problem.

Commissioner Barber: In my mind those are valid things to fix, but as I said upfront, this is going to go before the decision makers in possibly three weeks or so and possibly this could be the catalyst for the applicant and that body to sort some things out in advance of that, maybe some things they can, maybe some things that can’t. It is also intended to be a bit, I don’t want to say a wakeup call because I’ve said it for the last 11 months that I believe the TDR process is not functional the way it is written. I think there is fantasy in it. I think it does not follow the general plan, and I hope those three individuals will recognize that and understand that not every piece of land is worth the same when transferring it, and the cheap land will be bought up first. And now we’ve seen that \$1,975.00 is what two developers think an acre of development right is worth, and that’s not very much money. So, there is both denial on the merit and a denial to send a message [...]

Commissioner Jeff Burton: “looking at the six criteria that we are supposed to consider in determining whether this rezone is appropriate. [First], whether the amendment is consistent with the goals and policies of the county’s general plan, in my view the proposal is consistent. It is consistent with what the county has been look at for a long time. This is what we want to have happen. This is going to help prevent sprawl. This is going to concentrate development that is going to come into areas where there is infrastructure to serve it. [Second], is it compatible with the overall character of existing development within the vicinity of the subject property, and if not, consideration of specific incompatibilities within the context of the general plan. Well, the general plan, backing up and looking at it in the general sense, this is an area, all of this area, where it was planned that increased density would occur. You can’t look at it right now and say well, increased density is only where it is right now, no, it is supposed to come into this whole area. [Third] The extent to which the proposed amendment may adversely affect adjacent property. I think the record shows that doing anything adversely affects the neighboring property. Anything. Well if that were the standard, that if it in any way adversely affects the neighbor’s property, nothing would ever happen, nothing could ever happen. So, I think that is a balancing act. You balance that against what was envisioned in the

general plan is increased density over in this area. [Fourth] Adequacy of facilities and services intended to serve the subject property, including roadways, parks, and all this other stuff. Well, it has to be there. It has to be there under the current street regulating plan. It has to be there under any development. You can't have a subdivision if you don't address all of these issues; satisfy health, safety, and welfare; satisfy engineering; all these things. This application is not inconsistent with that. [Fifth] Can it be developed in a manner not substantially degrade natural ecological resources. I don't think the record has anything in there that we are somehow degrading natural resources and sensitive lands. Sensitive meaning not the whole valley is sensitive because we like it the way it is. Sensitive meaning steep slopes, wetlands, stuff like that. And those all are addressed at the subdivision stage. Just because a rezoning takes place does not mean anything can be developed there. It is just a rezoning. [Sixth] Whether traffic mitigation plans will prevent transportation corridors from diminishing below acceptable levels of service. Well you can't do a subdivision anywhere if you are going to diminish below acceptable levels of service in the transportation corridors. So that is my view; we have created expectations. We ought to allow them to have a shot at doing something because the hill to climb is huge facing them in the future.

Commissioner Johnson: Things we need to consider here, [...] a half mile away we did approve a form-based [zone]. I'm not saying that is a reason to approve but between these we did. [...] I have respect for Commissioner Barber, but there was a lot of belief in his statements and we are asked to act on facts and findings. There could be truth to what he is said, but I don't have facts here in front of us today. I'm not necessarily saying that we should vote for this, I just think that there is a property that is very close that we did rezone form-based to, I think this would be great. Whether there is a street regulating map that was formally approved or not, the county who we work with has said it is solid. Whether we agree with the orange and the red, the green or the dark green, I think we need to take that into consideration.

Commissioner Wampler: We approved a form based with the current street regulating map which is to say large lot or estate lot depending on where they are located. I wanted to ask Commissioner Burton to clarify because I agree with you that we have a general plan, and if development is in the specified area that high density is allowed to go, then it should be allowed to go there according to the general plan. The difference here is that there is a request to change the street regulating map and therefore the density level of this specific area. This specific area is zoned for large lot and estate lot homes for the most part. So, I agree with you that if he's asking to do what we've set in the general plan then we should allow him to do it. It's just that I don't believe that that's what is being asked right now. We are being asked to change the agreed upon, rightly or wrongly, street regulating map that exists to something else. We didn't do that with the other form-based. So it doesn't relate to this. Those form-based were approved as form-based under the large lot an estate lot, which there is an argument to be made to do that in this place. To argue that yes you can be rezoned to form-based with the current street regulating map, no changes allowed. Which would also limit the STRs and things like that. But there's a motion on the table that says otherwise.

Commissioner Burton: To simplify this, we are not voting on a change to the street regulating plan. It is not before us. We are just, are we going to do a rezoning? Yes or no?

Vote on the motion to recommend denial:

Commissioners Wampler, Torman, Montgomery, Shuman, and Barber voted in favor of the motion. Commissioners Burton, and Johnson voted against the motion.

Explanation of votes:

Commissioner Montgomery: I wish this would have come with the current street regulating plan attached instead. I don't know what I am voting for. I don't think we are taking property rights from him if he came with this zoning to the current street regulating plan, but now we have two options and we're being asked to vote on both.

Commissioner Johnson: I want to echo that as well. I voted [against the motion] because that's what I wanted as well, is for it to stay there. Denial [of the motion] just felt like we could have more discussion, but I can live with the vote.

Commissioner Torman: A rezoning application denial is not taking property rights away. It's asking for something different than what the applicant currently has. So that is what mine was based off of. It's not something we have to do. It's something being asked. We're not taking property rights away.

Commissioner Burton: I tried to simplify this because the general plan – general plan – says this is what ought to happen. So I am just trying to follow the general plan as it was passed.

Commissioner Barber: I think following the general plan is important and the TDR process as it is written into code right now does not follow the general plan. That aspect of the general plan had a lot of specificity in it. I think that should be looked at very carefully in the future.

Chair Shuman: I think there is still some gap to make up. I recognize that we had 45 days. I do not think that was enough for this. I do not think that the community could have provided any input to say here is what would allow us to be more open to this. I think there are some things that could have been worked on that way. I think this is something that should be looked at again soon.

Exhibits

Exhibit A: Proposed Rezone Ordinance.

Exhibit B: Planning Commission Staff Report.

ORDINANCE NUMBER 2023-_____

AN ORDINANCE AMENDING THE WEBER COUNTY ZONING MAP TO REZONE APPROXIMATELY 20 ACRES OF LAND LOCATED AT 5204 HIGHWAY 166 TO THE FORM BASED (FB) ZONE

WHEREAS, the Weber County Board of Commissioners has heretofore adopted land use regulations pertaining to the unincorporated areas of Weber County, pursuant to the State of Utah's County Land Use and Development Management Act; and

WHEREAS, the adopted land use regulations contain certain zones geographically applied through the County's zoning map; and

WHEREAS, the Weber County Board of Commissioners has received an application to rezone approximately 20 acres of land from the AV-3 zone to the FB zone; and

WHEREAS, the Weber County Board of Commissioners and the applicant mutually agree to the rezone, and the Weber County Board of Commissioners and the applicant mutually agree to execute a development agreement that specifies, among other things, use and development standards of the subject property as well as both offsite and onsite infrastructure improvements; and

WHEREAS, on November 14, 2023, the Ogden Valley Planning Commission held a duly noticed public hearing to consider the rezone application and forwarded a recommendation regarding the proposed rezone to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has found that the proposal provides substantial advancement of the Ogden Valley General Plan's goals, principles, and implementation strategies for the Eden area; and

WHEREAS, the Board of County Commissioners has determined that the rezone will promote the health, safety, and general welfare of the Weber County residents by advancing diverse public interests;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Zoning Map to rezone approximately 20 acres of land from the AV-3 Zone, to the FB Zone. The graphic representation of the rezone is included and incorporated herein as Exhibit A. A written description of the Form Based Zone is included as Exhibit B. In the event there is conflict between the two, the legal description shall prevail. In the event the legal description is found by a licensed surveyor to be invalid or incorrect, the corrected legal description shall prevail as the description herein, if recommended by the County Surveyor, provided that the corrected legal description appropriately bounds the subject property and fits within the correct legal description of surrounding properties.

This ordinance shall become effective fifteen (15) days after publication, or on the day a mutually agreeable development agreement between Eden Crossing, L.L.C., and Weber County is signed and recorded, whichever is later.

ATTACHMENT A: PROPOSED FB REZONE ORDINANCE

Passed, adopted, and ordered published this ____ day of December, 2023, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____
Gage Froerer, Chair

Commissioner Froerer voted ____
Commissioner Harvey voted ____
Commissioner Bolos voted ____

ATTEST:

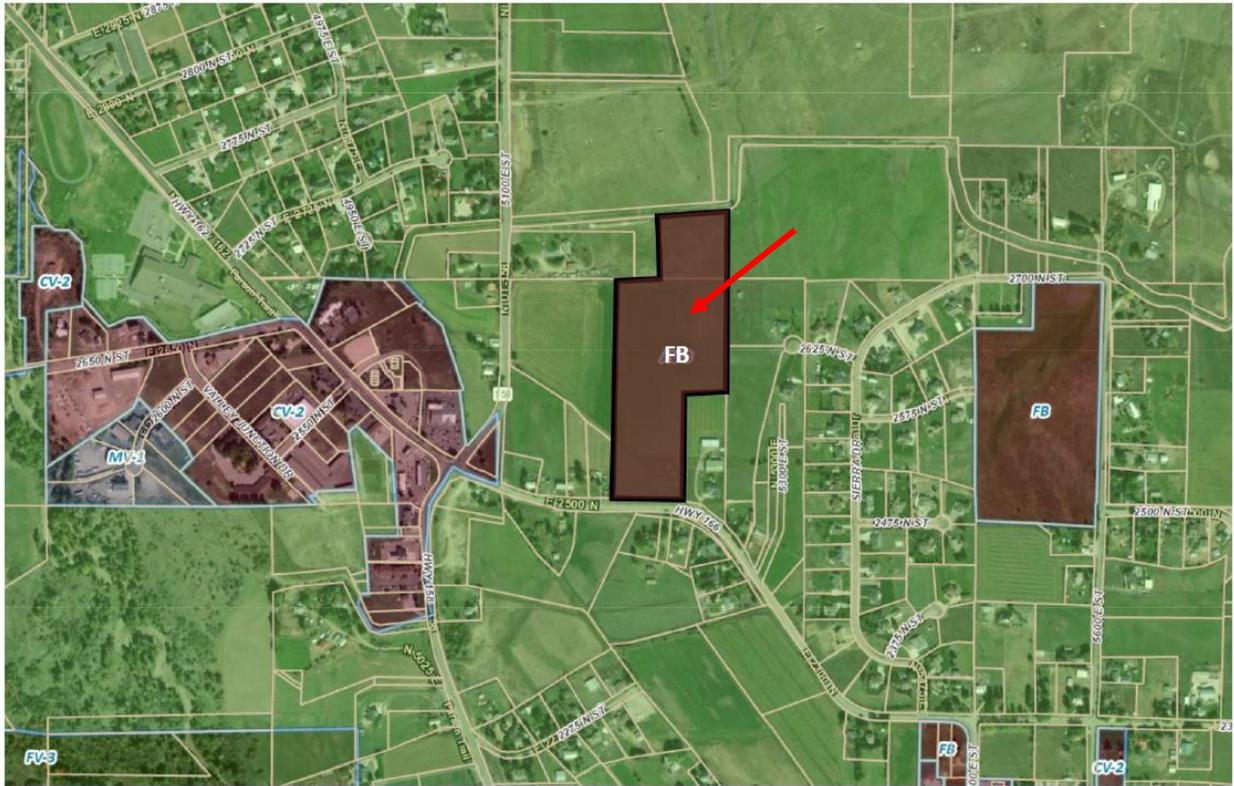
Ricky Hatch, CPA
Weber County Clerk/Auditor

ATTACHMENT A: PROPOSED FB REZONE ORDINANCE

Exhibit A

Graphic Representation

A rezone of approximately 20 acres of land from the AV-3 Zone to the FB Zone.



ATTACHMENT A: PROPOSED FB REZONE ORDINANCE

Exhibit B WRITTEN DESCRIPTION OF THE FORM BASED ZONE

The area to be rezoned to the FB Zone is within the exterior perimeter of the following legal descriptions.

PARCEL 22-406-0002

ALL OF THE REMAINDER PARCEL, BROWNS SUBDIVISION 1ST AMENDMENT, WEBER COUNTY, UTAH.

CONTAINING APPROXIMATELY 16 ACRES

PARCEL 22-021-0150

PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER BEING LOCATED SOUTH 89°50'05" EAST 870.06 FEET ALONG THE SOUTHLINE OF SAID SOUTHEAST QUARTER FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, RUNNING THENCE NORTH 01°05'01" EAST 369.18 FEET TO THE SOUTH LINE OF THE UNITED STATES OF AMERICA CANAL, THENCE ALONG THE SOUTH LINE OF SAID CANAL NORTH 85°37'40" EAST 452.19 FEET, THENCE SOUTH 01°05'01" WEST 404.96 FEET TO THE SOUTHLINE OF SAID SOUTHEAST QUARTER THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER NORTH 89°50'05" WEST 450.20 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 4 ACRES



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Weber County Planning Division

Synopsis

Application Information

Application Request: ZMA2023-09: A public hearing to discuss and take action on an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone to the FB Zone.

Agenda Date: Tuesday, November 14, 2022

Applicant: Eden Crossing L.L.C.,
Representative: Brent Bateman, Dentons Durham Jones Pinegar P.C.

File Number: ZMA 2021-03

Property Information

Approximate Address: 5204 East, HWY 166, Unincorporated Eden Area

Current Zone(s): Agricultural Valley (AV-3) Zone

Proposed Zone(s): Form-Based (FB) Zone

Adjacent Land Use

North: Agriculture (Proposed Cobabe Subdivision)	South: Residential and Agriculture
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Applicable Ordinances

§Title 104 (Zones) Chapter 22 (Form Based Zone)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary and Background

This is an application for a rezone. The Planning Commission has held several work sessions and meetings to discuss the property in relation to amendments to the FB Zone's street regulating plan, but this is the first time the Planning Commission will be reviewing this requested rezone. A complete staff analysis of the proposal can be found herein.

Request for final decision – 45 days.

Under State law,¹ if a reasonable amount of time has lapsed since the submittal of an application the applicant may request a final decision be made within 45 days of the request for the decision. The County has received a request for final decision from this applicant. This request was received on October 28, 2023. This rezone application was initially received by the County on April 5, 2023 and the application fee was received April 20, 2023. At that time the applicant had another application also submitted, and requested that staff postpone review of this application until there was more clarity on the direction of the other application, as the two are related. In early October staff

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were informed of the applicant’s desire for staff to conduct its review of this application and submit it to the Planning Commission for review. On October 6, 2023, the staff informed the applicant that this application is incomplete and not ready for substantive review. On the same day the applicant submitted a complete application. Given this history, the County had 22 calendar days to review the application prior to receiving the request for final decision.

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Policy Analysis

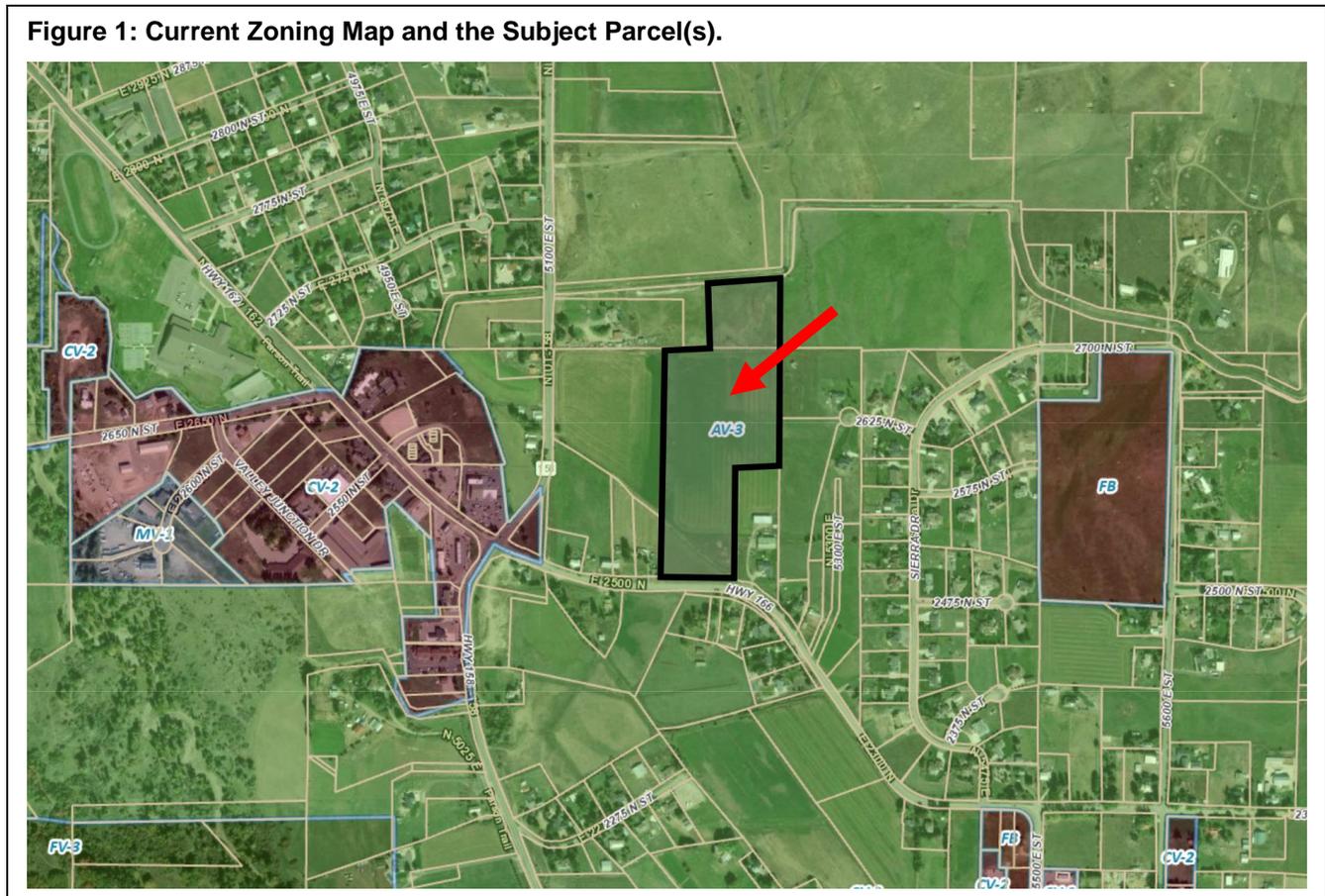
The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning Analysis

The current zone of the subject property is AV-3. **Figure 1**² 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.”³



² See also Exhibit B.

³ Weber County Code Section 104-2-1.

Figure 3: Current Eden Area Street Regulating Plan



Figure 3 shows the current street regulating plan as it relates to the subject property. Additionally, the applicant has requested that the county amend the current street regulating plan. Amendment of the street regulating plan is currently within the purview of the County Commission. It is not clear at this time if the street regulating plan amendment will be approved, but if it is, it appears it will be amended as provided in Figure 4. For this reason, staff's analysis of this proposed rezone is based on both the existing and the proposed street regulating plans.

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.

Rural residential street.

A rural residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that is at least an acre large.

Estate lot residential street.

An estate lot residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres..

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 4: Eden Area Street Regulating Plan being considered by County Commission.



As it relates to the subject property, the street regulating plan amendment currently under consideration by the County Commission shows the following street types:

Mixed-use commercial street.

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial operations. Commercial and Multi-family residential uses are allowed above or behind 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.

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, deviation from it 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."⁶

The vision is the filter through which all interpretation and understanding of the plan should be run. This will help reduce the appearance of inconsistencies within the plan by showing that more than one thing can be true at the same time.

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.

To be direct, 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.

The inclusion of villages in the plan despite them not being definable as rural was deliberate, as further explained in this report.

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.

⁶ Ogden Valley General Plan (p. 4)

This pattern of development will replace the existing “open fields, agricultural lands,” natural spaces, and wildlife habitat with large back yards, many of which will be fenced if not manicured and few of which will be large enough to support agricultural uses. Throughout the valley, large-lot suburban development is likely to also 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 merely another large-lot suburb of Ogden, with most, if not all of its current character and charm stripped.

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 3-acre zone can be found here: <https://www.webercountyutah.gov/planning/documents/2023-public-open-house-general-plan-review-and-current-trends.pdf>

Under the valley’s existing predominantly 3-acre zoning, more than 12,500 dwelling units can be expected on the floor of the Ogden Valley. Figure 5 depicts the Ogden Valley floor area. This number does not include another approximately 4700 dwelling units for the development plans of both Snowbasin and Powder Mountain. The Ogden Valley currently has approximately 4,000 existing dwelling units. Figure 6 depicts the locations of existing buildings. Figure 7 depicts the location of approved dwelling units that are not yet constructed. Figure 8 presents a general location of the remaining approximately 6,000 dwelling unit rights that are allowed by existing zoning but not yet platted or approved.

In other words, an additional approximately 8500 dwelling units are allowed to be constructed following the rules of existing zoning. When a proposed development follows the existing development rules adopted by Weber County, the decision is an administrative decision and as such the county has no choice but to approve the development permits. This means these 8500 or so dwelling units are, in effect, entitled to come to fruition at some point in the future. The county may, however, influence where they go to help avoid the outcome of suburban sprawl. That is precisely what the plan is designed to do. The plan states that:

Figure 5: Ogden Valley Floor Area.



“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.”⁷

⁷ Ogden Valley General Plan (p. 12)

Figure 6: Existing Buildings.

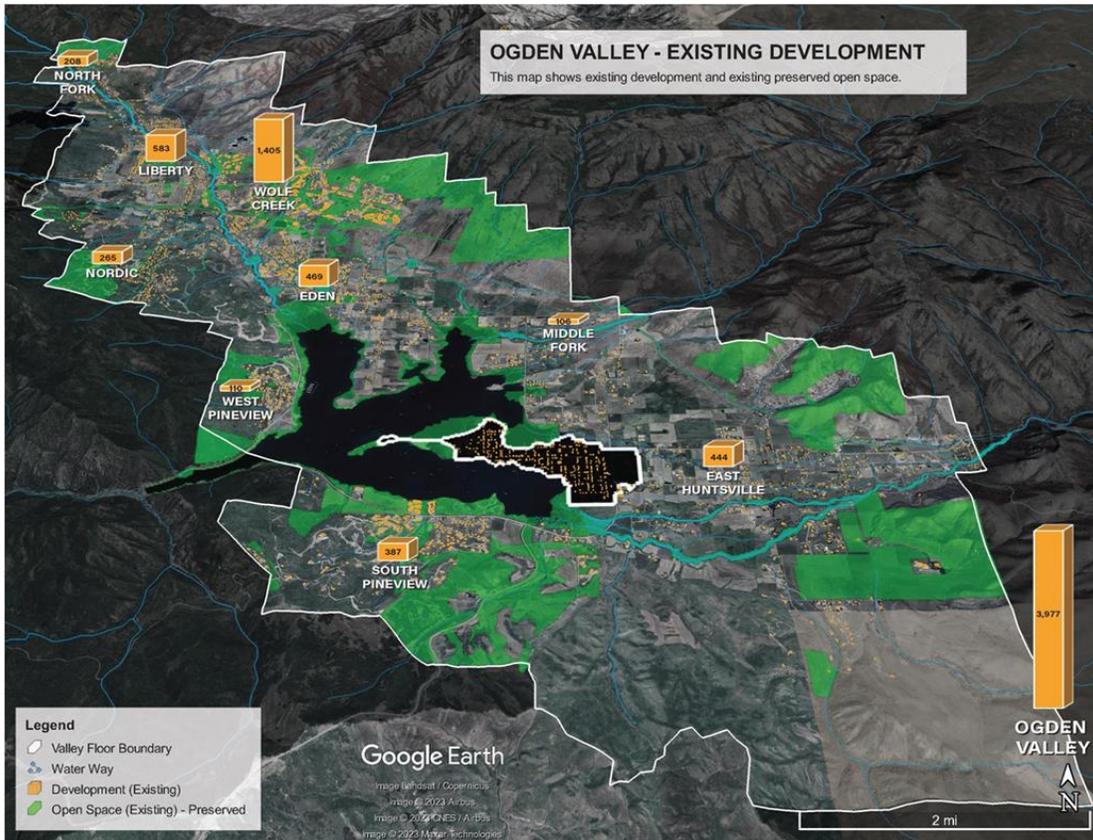


Figure 7: Approved Dwelling Units Not Yet Constructed.

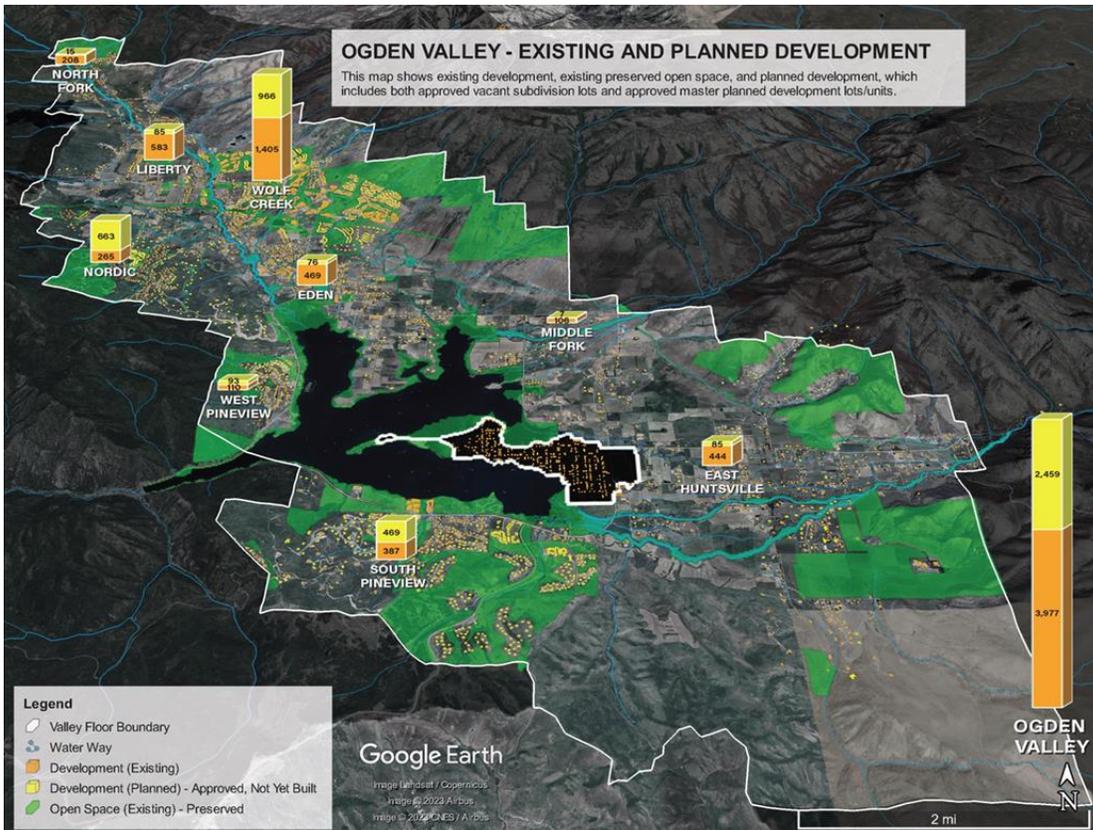
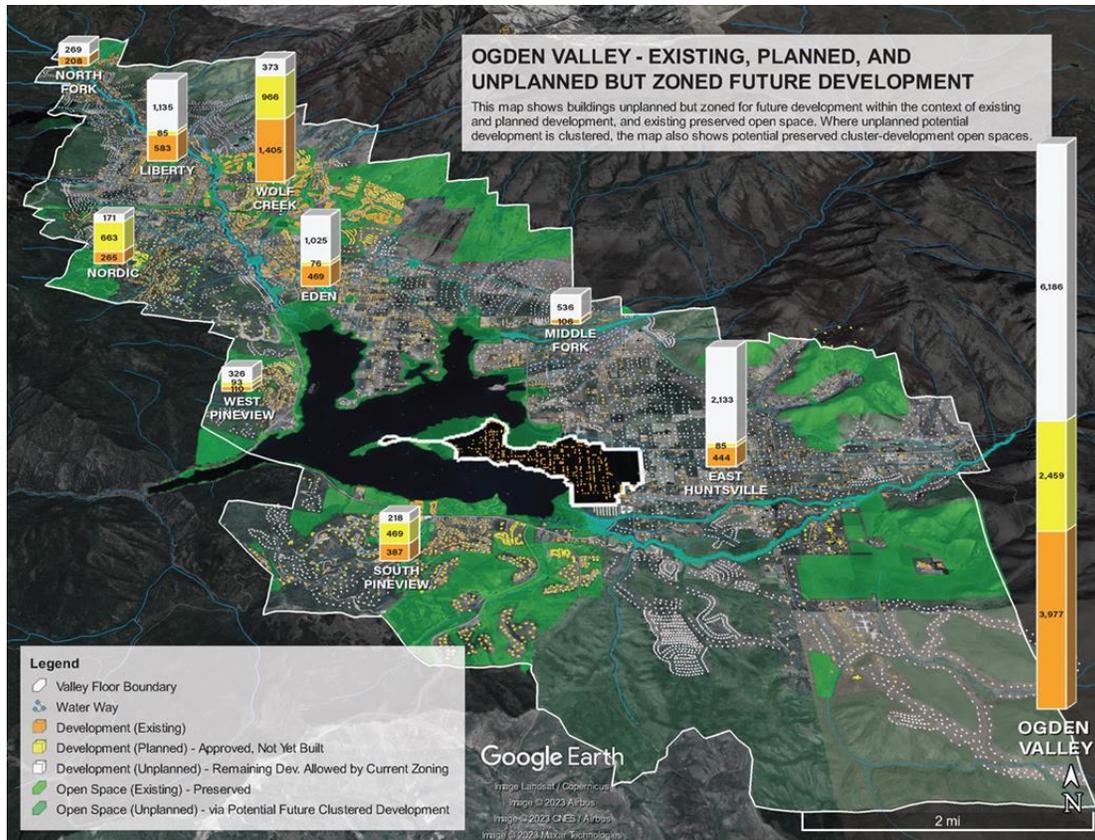


Figure 8: Remaining Dwelling Units Allowed by Current Zoning.



The General Plan's Solution.

To help the Ogden Valley not result in large-lot suburban sprawl, the plan recommends that the county use its development regulating powers to influence residential development rights in a manner that removes them from the lands on which they are currently entitled, and moves them into more urbanized growth centers. The plan prescribes eight of these growth centers, and calls them “villages.” The plan further prescribes additional growth to occur adjacent to the village areas where development infrastructure exists or can exist more easily and efficiently given economies of scale of the densities therein. 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

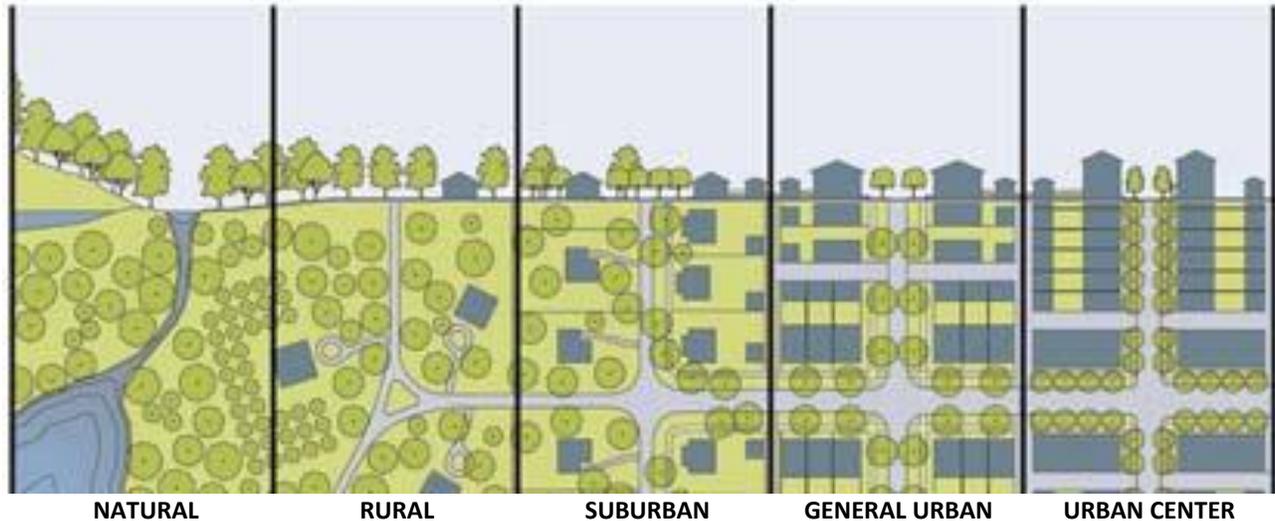
The plan is not entirely clear on how exactly to accomplish “small villages” that do not compete with adjoining rural areas. However, in 2022 the County Commission adopted the Form-Based village zone which is, in part, a zone intended to help shape the design of these growth areas in a manner that transitions density from very heavy in the centers of these growth areas, to rural at the edges/periphery of them. This type of transitional development pattern is called “transects.” Figure 9 provides a general example of transects. The Form-Based Zone is intended to provide for these transects.

If the FB zone is approved for the subject property, the applicant will be allowed to start creating what the above graphic depicts as the “urban center.” This is true regardless of how the Commission votes on the proposed street regulating plan amendments, as the current street regulating plan already depicts vehicle-oriented commercial for a part of the applicant’s frontage.

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

Staff is aware of public comments questioning the wisdom of enabling an urban center adjacent to existing single-family residential and agrarian land uses. While this concern is valid and worth noting, if an urban center is to be initiated, there are few locations in the valley at this time where it can be initiated without being in close proximity to single-family residential and rural land uses. If growth centers are going to start, they must start somewhere. In time, the street regulating plan of the FB zone is designed to provide these transitions as neighboring property owners decide to change their own land uses into conformance with the FB zone.

Figure 9: Transect Development



Additional Detailed General Plan Analysis.

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

Pros:

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

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

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

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

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

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

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

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

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

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

Land Use Implementation 1.1.1: *Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).*

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

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

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

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

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

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

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

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

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

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

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

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.

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

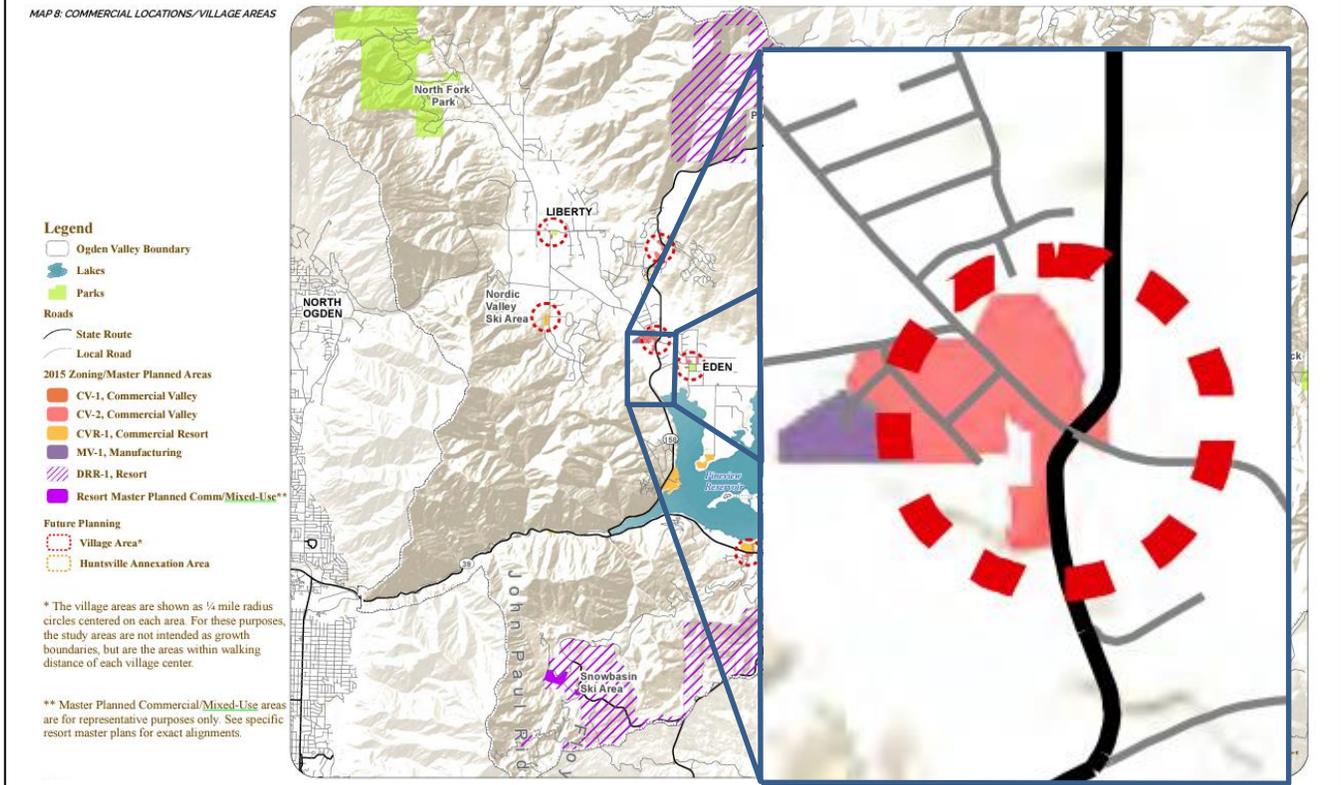
The applicant’s proposal will provide a variety of housing options and sizes for current and future residents. The FB zone’s existing workforce housing requirement will help provide for various levels of affordability as well.

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.

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



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

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

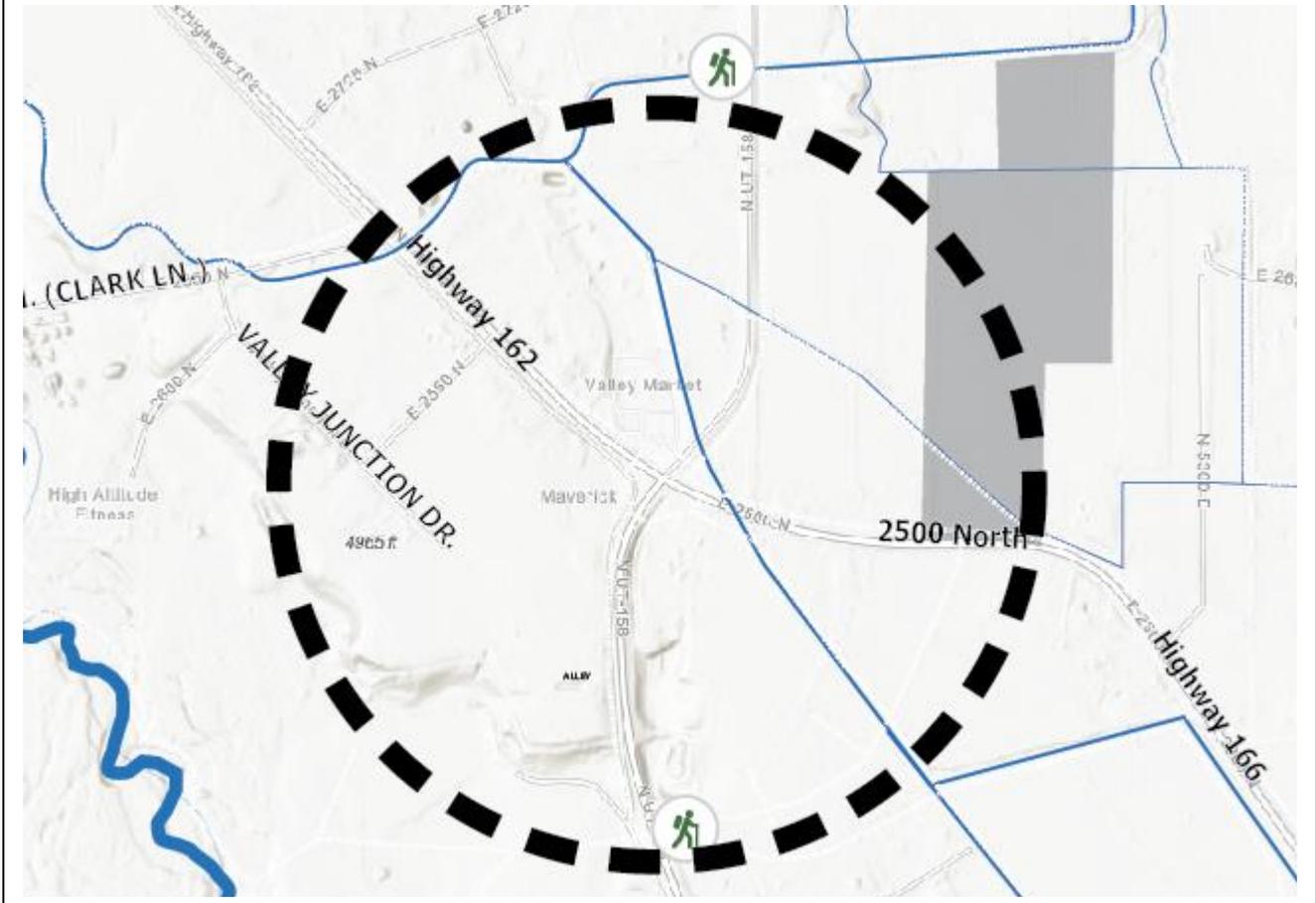
The above goal and principle further illustrate how the plan tries to balance rural areas versus village areas, and is further evidence of the overall intent of the plan.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Utilities and Public Services Principle 2.1: *New developments in the village areas (reference Commercial Development Implementation 1.1.1) and the resort areas should connect to existing sewer facilities or provide limited-capacity sewage treatment facilities for identified service areas. The facilities should be designed to be expandable to accommodate additional development in the village or resort areas. New residential developments not proximate to existing sewer service areas should employ clustering and provide limited capacity advanced sewage treatment facilities.*

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

(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 surrounding large-lot residential and agricultural land use. 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 (assuming if the County Commission acts on the proposed street regulating plan) 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 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 quiet rural 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.

If evaluation of detrimental effects is extended beyond adjacent property, it could be determined that the commercial development potential of this proposal may undercut the commercial development potential of other properties in the area already zoned for commercial. This is a challenging distinction to make, however, as the financial benefit the proposal will bring to those other land owners by way of sewer service might overwhelm the adverse economic effects. Sewer service will increase other land owner's opportunities to create a mixed use development in accordance with the FB zone.

(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.

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.

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 has reviewed the rezone application. They 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 applicant is proposing to create a new water company called Eden Crossing Public Works Company for water services.

The project is within the culinary water service area of Eden Water Works and the applicant has expressed desire to connect to that system for culinary water services and only use the new Eden Crossing Public Works Company for secondary water service. However, in the event the applicant cannot obtain service from Eden Water Works, the applicant is proposing to use Eden Crossing Public Works Company for both culinary and secondary water service.

As required by the County's adopted water concurrency ordinance, the developer will be required to prove access to water as part of a specific development application.

Wastewater

The applicant has indicated that the project will be connected to Wolf Creek Water and Sewer Improvement District's sewer service. This may not be a final plan as of the writing of this report, but if it is or becomes such, the applicant will provide a sewer lift station to lift effluent up to the Wolf Creek sewer reclamation facilities. Sewer service lines are shown in the applicant's proposed narrative (Exhibit A).

The applicant will be required to provide proof of sewer service and adequacy at the time of development review.

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. 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. 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.
3. The proposal will bring sewer to 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.
4. The TDRs anticipated to be consumed by the a 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.
5. 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 #ZMA2023-09, an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone 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 #ZMA2023-09, an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone 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 #ZMA2023-09, an application to amend the Weber County Zoning Map, rezoning approximately 20 acres of land at approximately 5204 East, HWY 166, from the AV-3 Zone 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.

