

Minutes of the Work Session of the Ogden Valley Planning Commission for May 23, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/83533784846>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Dayson Johnson, Jared Montgomery, Justin Torman, and Janet Wampler.

Absent/Excused: None.

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Shuman conducted roll call and indicated all Commissioners were in attendance.

1. Minutes: March 28 and April 4, 2023.

Chair Shuman asked if there are any corrections to be made to the minutes as presented. No corrections were made and Chair Shuman declared the minutes approved as presented.

Chair Shuman asked if any member of the Commission had conflicts of interest or ex parte communications to disclose. Commissioner Torman stated that he was contacted by several people about tonight's meeting, and he advised them to attend the meeting or provide any comments to Planning staff. Commissioner Barber stated he had the same experience, and he offered the same response.

Commissioner Johnson stated he is the applicant for agenda item 2.1, and he will recuse himself from discussion and action on that item.

2. Legislative Items: Petitions, Applications, and Public Hearings:

2.1 ZTA2023-02: A public hearing and consideration of an applicant-initiated request to amend the Weber County Code to allow agritourism in the Shoreline (S-1) zone. Applicant: Pineview Partners. Planner: Charlie Ewert

Planner Ewert explained the County has received an application to amend the Weber County Code to allow agritourism to occur in the Shoreline (S-1) zone. Agritourism is allowed in other agricultural zones as a conditional use. The proposal is to regulate the use in the S-1 zone similarly. After a policy analysis, staff has determined that it appears that the request is in harmony with the Ogden Valley General Plan. In the May 2, 2023 Planning Commission work session the planning commission asked staff to research the following two questions:

1. Why wasn't agritourism allowed in the S-1 zone from the beginning?
2. How many agritourism operations or in operation currently?

First, at the time the agritourism ordinance was being adopted it was not vetted for use in the S-1 zone. This was by omission rather than deliberation. At the time, Staff and the planning commission were focused on getting the ordinance correct and useful in the agricultural zones. The S-1 zone was not excluded due to an issue with the use in the zone, but rather because there simply was not enough time to consider it. Second, there are currently three agritourism operations in the Ogden Valley:

1. Kelley Creek Farm
2. Renaissance Farm
3. Dancing Moose Farm

In addition to the edits requested by the applicant, Staff is also requesting additional edits to the Shoreline Zone. Those additional edits are intended to bring the Shoreline zone's chapter into compliance with the organizational standards that have been implemented in other zones. Over time, the county has been striving to reorganize each zone chapter to follow a standardized

organizational composition. Mr. Ewert reviewed the proposed ordinance text amendments to orient the Commission to the changes requested by staff, after which he concluded staff would like to work on additional amendments relating to agritourism uses. He suggested the Commission table the application and move it to a work session meeting for additional review and discussion. He noted a public hearing is required and the applicant may want to address the Commission before action is taken.

Chair Shuman invited input from the applicant.

Dayson Johnson stated that the purpose of the application is preservation of agriculture land; farming is becoming more difficult to sustain as a primary income and this application would allow farmers to supplement their income. Agritourism is allowed in other zones, except for the Shoreline Zone and he feels the Planning Commission can determine any impacts of the proposed use and opportunities for mitigating those impacts. He noted the application also allows for community engagement; allowing agritourism as proposed will allow for the local economy to grow through that are desired by citizens, such as grocery stores and restaurants. The income stream is diversified, and the local economy will benefit. When farmers can no longer make money at farming, they feel forced to sell their land to a developer that will subdivide and try to build as dense a project as possible. This proposal would provide farmers another way forward, but he is also comfortable waiting for the Commission to have additional discussion about the manner in which agritourism is defined and the uses that would be considered to be agritourism.

Commissioner Montgomery moved to open the public hearing. Commissioner Barber seconded the motion. All voted in favor.

Jim Bird stated he is from Huntsville, and he likes Mr. Ewert's recommendation to table the application; one of the issues that must be dealt with is adequate provision for water supply and disposal of sewer near a water line. Two water and sewage studies have been conducted in 2019 and 2022 and there are many concerns about sewage disposal. Mr. Ewert has suggested that agritourism allows for the preservation of corn fields, but it also allows bed and breakfast dwellings (2 rooms), bed and breakfast farm retreats (7 rooms), bed and breakfast farm inns (16 rooms), electric glamping, and recreational vehicle (RV) parks. He stated that it is important to pay attention to infrastructure in the Valley and how these types of uses will impact that infrastructure. His real concern is that the County continues to approve increased development prior to providing adequate infrastructure.

There were no additional persons appearing to be heard.

Commissioner Torman moved to close the public hearing. Commissioner Barber seconded the motion. All voted in favor.

Commissioner Burton stated that in the pre-meeting, the Commission examined the definition of agritourism, which requires the use to be associated with the primary agricultural use of the property. Current land use regulations allow for non-agricultural use for every agricultural use, which seems to be an inconsistency. Objectives of the Shoreline Zone include promoting the use of land for agricultural uses and preserving natural vegetation. This is a conflict given that farmers do not preserve natural vegetation and, instead, they replace natural vegetation with crops. He added that staff has discovered that agritourism was not listed as an allowed use in the Shoreline Zone due to an oversight. It seems to him that it is appropriate, due to the inconsistencies, to do additional work to clarify the intent of the ordinance and to resolve any conflicts to make it more enforceable.

Commissioner Burton moved to table application ZTA 2023-02, applicant-initiated request to amend the Weber County Code to allow agritourism in the Shoreline (S-1) Zone, to give staff additional time to perform a more detailed analysis of the conflicts present in the current ordinance and develop an ordinance that is more enforceable and in compliance with the General Plan. Commissioner Montgomery seconded the motion. Commissioners Barber, Burton, Montgomery, Shuman, Torman, and Wampler all voted aye. (Motion carried 6-0). Commissioner Johnson did not vote on the motion due to a declared conflict of interest.

Commissioner Johnson rejoined the Commission on the dais.

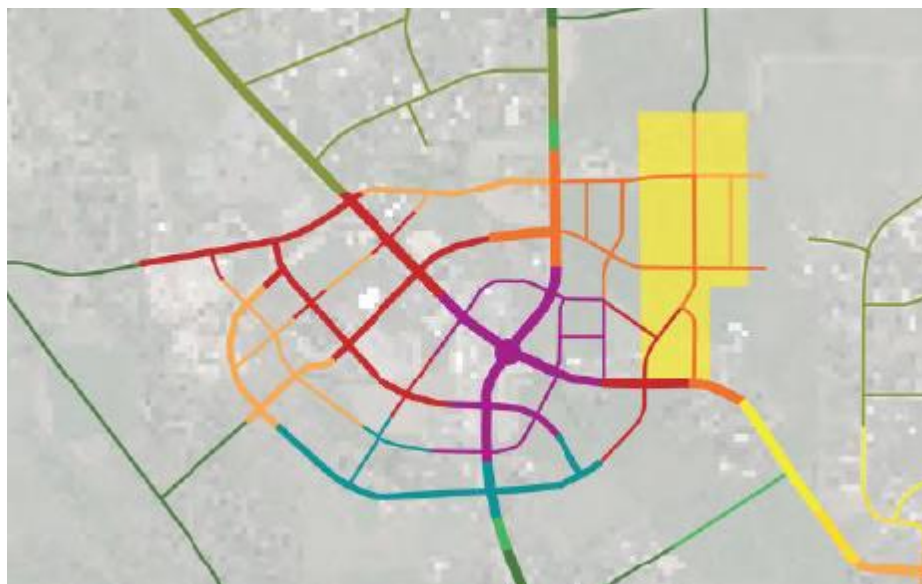
2.2 ZTA2023-03: A public hearing and consideration for File ZTA 2023-03, an applicant-initiated request to amend the Form-Based Village Zoning Ordinance to adjust the New Town Eden Street Regulating Plan and to provide alternative design standards for New Town Eden. Applicant: Eric Langvardt. Planner: Charlie Ewert.

Planner Ewert reviewed the information included in his staff report regarding an applicant-initiated request to amend the Form Based Village zoning ordinance to adjust the New Town Eden Street Regulating Plan and to provide alternative design standards

for New Town Eden. He noted the County adopted a street regulating plan for the Eden area in January 2022. The applicant is proposing development in an area that does not reflect what was adopted. The applicant is requesting an amendment to the street regulating plan, and is proposing alternative design standards for the Eden area, generally. The Planning Commission considered this item in work session on May 2, 2023 and provided both the applicant and staff general guidance. Staff is recommending approval of the proposal. The proposal would not result in any zone changes, but it should be noted there is an application being reviewed by Planning staff for a zone change to the Form Based Village Zone. He then summarized staff’s policy analysis regarding the proposed text amendment; the text amendment is fairly straightforward, but the application of the amendment has broader effects on the New Town Eden Area. The amendment creates alternative architectural design standards for the New Town Eden Area, and a revised street regulating plan map that includes additional streets in the northeastern quadrant of the New Town Eden Area (northeast of the intersection of Hwy 158 and Hwy 162. To help ease the effect of the new streets requested, staff has provided four alternative street regulating plans, that represent changes to most if not all of the streets on the periphery of the New Town Eden village area. As always, the there is a fifth alternative which is to make no changes.

Relative to the proposed new architectural design theme, the applicant is proposing a second set of architectural design standards that can be used for commercial and multifamily buildings in the New Town Eden area. If approved, a landowner within the New Town Eden area can choose between the existing architectural theme (Agricultural) or the new theme (Mountain Modern). The applicant has suggested that a mix of these themes within one village area may make for an overall complimentary community outcome that celebrates the history of the area while also looking to the future; and doing so without inducing so many different themes that the community looks hodge-podge. When reviewing the proposed new them with the planning commission, it seemed the planning commission supported it. The planning commission also expressed concern over the current agricultural theme, suggesting perhaps that it is an ill-conceived style for street-front commercial buildings. To explore a way to allow multiple themes within one area, staff assembled an architectural matrix. It is included in the attached proposal. In the matrix, each village area has at least one theme allowed. In the Eden area, staff is suggesting perhaps allowing multiple themes to blend. However, in certain areas, such as the square around Eden Park, the matrix only lists one appropriate theme. The matrix enables ease of amendment as new themes are considered in the future. It also allows multiple themes to be shared by multiple village areas. In the proposal, staff included both the applicants requested “mountain modern” theme as well as a new theme titled “mountain rustic.” He presented illustrations of the Mountain Modern design theme being proposed. He then reviewed a matrix included in the proposed ordinance amendments, that identifies additional architecture types that would be allowed in the Form Based Zone, including Old West, Agrarian, Mountain Rustic, and Modern Alpine, and he highlighted existing projects in the Valley that incorporate some of these architectural styles.

Mr. Ewert then discussed the current street regulating plan; to facilitate the potential amendments, staff requested that the applicant provide their desired street regulating plan specific to their intended project, but also include other street connections that show how their proposed streets can eventually connect to other existing or planned streets. Their proposed street regulating plan is as follows, with their property in yellow:



In reviewing the applicant’s proposed street regulating plan, and hearing prior concerns expressed by the planning commission regarding “village creep,” staff has explored the possibility of reconfiguring the New Town Eden area’s street regulating plan with four alternative options that the Planning Commission may desire to consider. Each alternative attempts to offset the “creep” effect of adding the applicant’s new higher-intensity streets. While there are a few specific reasons streets are laid out as they are in each alternative, the Planning Commission should feel at liberty to explore other ways streets can be configured and designated that might make for a better future village area. Based solely on the following proposals, staff recommends Alternative D. It has the greatest ability to cluster mixed use commercial streets both where commercial opportunities currently exist, as well as where the applicant is proposing.

Mr. Ewert then presented staff’s proposed Alternative A: “Reduce River Bottom Impact”



Mr. Ewert presented staff’s Proposed Alternative B: “Spaghetti”



Mr. Ewert presented staff’s Proposed Alternative C: “Shift East”



Mr. Ewert presented staff’s Proposed Alternative D: “Street Connections”



Mr. Ewert engaged in discussion with the Commission regarding the notes about each optional street regulating plan included in his staff report, after which he concluded his presentation by summarizing staff's analysis of the application, including compliance with the Ogden Valley General Plan.

Commissioner Barber asked if one of more of the street regulating plan alternatives would be better suited for the easier provision of sewer and other infrastructure in the New Town Eden Village area. Mr. Ewert stated no; there are many options available for building and installing adequate infrastructure to serve the area.

Commissioner Burton inquired as to the differences between the different architectural types included in the matrix referenced by Mr. Ewert. Mr. Ewert stated that the text provides descriptions of the types of architectural elements to be included in each of the architectural types. Commissioner Burton stated it is his understanding that the old Blacksmith Shop in Old Town Eden was renovated, and the government did not tell him how to perform those renovations; however, the government liked the work when it was done and decided that the same standard should be imposed on the rest of the buildings in the area. He stated that just because the applicant proposes a certain design does not mean that the same design or similar designs should be imposed on everyone. Mr. Ewert stated that is a policy decision for the Planning Commission and County Commission to make. The Commission engaged in philosophical discussion and debate of appropriate language to include in the ordinance that could help to ensure reasonable compatibility with design standards throughout a Village area. Mr. Ewert stated that when the market stimulates design, design standards are not required; however, the most common occurrence is for someone to try to build in a most cost-effective way, which results in design that is not aesthetically pleasing. He presented images to serve as examples of the architectural styles included in the matrix, after which he emphasized that the ordinance text is very descriptive in listing specific elements that must be included in a building's architecture to ensure it meets the definition of a certain architecture type.

Commissioner Burton then stated that the General Plan indicates the Ogden Valley should be rural, but he does not feel that the plans that are being presented fit the definition of rural. He asked where the regulation for walkability comes from, to which Mr. Ewert answered the General Plan. Mr. Ewert explained there is a misconception about the General Plan; it does not state that the Ogden Valley must be rural, but it does talk about walkable villages surrounded by rural areas. The village nodes should be walkable according to the General Plan. Commissioner Burton voiced his concern about what is needed to make a village successful as a commercial endeavor; he is concerned about how this type of project will impact the surrounding rural areas and he asked what is applicant driven and what is the desire of staff to plan commercial endeavors. Mr. Ewert stated the Commission can choose to only take action on the applicant's requests and not consider staff's recommendations. Chair Shuman summarized the matters before the Commission and the options available to them tonight.

Commissioner Wampler asked what would become of the two form-based zoning applications in the Old Town Eden area if the Commission chooses to proceed with the amendments that have been recommended tonight. Mr. Ewert stated that if the proposed ordinance is eventually adopted, those applicants would be able to design a project according to these changes. Commissioner Wampler clarified that the matter before the Commission tonight is an amendment to the Form Based Zoning ordinance, not consideration of a zoning application. Mr. Ewert stated that is correct; but this amendment could place 'lines on a map' that could create an easier path for certain property owners to pursue a zone change.

Commissioner Montgomery stated that the purpose of the applicant's request is for him to secure a transfer of development rights (TDR) and he asked if it is concerning to anyone else that the Planning Commission has not yet acted on the TDR element of the Form Based Zone. Chair Shuman deferred to Mr. Ewert. Mr. Ewert stated the County Commission considered the Planning Commission's recommendation on the Form Based Zone from their last meeting and they were told that the TDR element was tabled and not part of

that recommendation. The County Commission asked staff to communicate to the Planning Commission that they did not need to spend any additional time on the TDR issue and that they would take action on the TDR element along with action on the whole Form Based Zone ordinance. Commissioner Torman stated that it would be nice for the Planning Commission to have some time to review what the County Commission adopted regarding TDRs.

Commissioner Wampler stated that as a matter of form, a matter that has not been acted upon by the Planning Commission should not be forwarded to the County Commission. If the Planning Commission tabled an issue, it should not have been forwarded to them and in the future she would prefer for staff to clarify that even though they may table a specific issue, if it is part of a larger package it will be submitted to the County Commission. She stated it sounds as if the Planning Commission understood the TDR issue was being tabled, but because it was part of a larger issue, it went forward. Mr. Ewert stated that TDRs were already part of the Form Based Zone ordinance and when staff told the County Commission that the Planning Commission was still debating the recommendation they wanted to make regarding TDRs in the Ogden Valley, the County Commission decided they did not want further debate and that they were ready to make a decision, which is their prerogative. Planning Director Grover added that when the County Commission offers directives, the staff must follow those. The Planning Commission can make recommendations, but the County Commission makes the final decision, and the staff must follow that decision. Commissioner Wampler stated that the Form Based Zone matter was broken into smaller parts by the Planning Commission and the TDR element was specifically tabled; she asked if the TDR issue was still presented to the County Commission. Mr. Ewert stated that it was 'paused' due to the recommendation of the Planning Commission, but the County Commission essentially 'unpaused' it to make changes they desired. Commissioner Barber stated that he watched the work session meeting during which the matter was discussed with the County Commission and the work done by the Planning Commission was not really considered; the discussion centered around the General Plan and the County Commission did not want to hear the Planning Commission's concerns. He heard specific direction for staff to tell the Planning Commission to 'forget it'. Mr. Ewert stated that if the question is whether a part of the current application that is not voted upon tonight by the Planning Commission will be forwarded to the County Commission, the answer is 'probably'; once the Planning Commission has given any kind of recommendation, the County Commission has full discretion to make any decision they deem appropriate. Commissioner Wampler stated that it was her understanding that a recommendation of approval or denial will be forwarded to the County Commission, and they can make any decision they choose, but if an issue is tabled, it should not move forward. Mr. Ewert stated that the particular section that was tabled by the Planning Commission did not move forward. Legal Counsel Erickson stated that the legal statute that governs this process does not explicitly state that a tabled matter cannot move forward to the legislative body; the only provision prohibiting a legislative body from making an amendment would apply in an instance when the legislative body solicits a recommendation from the Planning Commission. This is often interpreted to mean that the County Commission must wait for a recommendation from the Planning Commission on all matters, but it does not state that if the Planning Commission fails to take action on a specific part that the County Commission cannot move forward.

Mr. Ewert then summarized the TDR regulations that are now included in the Form Based Zone; anyone who owns property in a form-based zone can transfer development rights to their property and anyone who owns anywhere else on the Valley floor can send rights to a form-based zone property. It does not matter whether the receiving party wants to build, and this is where banking comes in and the presence of the total number of development rights assigned to a property will be recorded. Commissioner Torman asked if development rights can be transferred from one village to another. Mr. Ewert stated that the properties must be in the same planning area, meaning that rights cannot be transferred from Western Weber to Ogden Valley or vice versa; however, rights can be transferred from one form-based property to another. Commissioner Barber stated that his understanding of the County Commission's conversation was that they did not want to 'get in the way' of any prospective banking as they felt that a restriction on banking would change the development playing field for the Valley.

Chair Shuman invited input from the applicant.

Eric Householder stated Eric Langvardt is stuck in traffic and is joining via Zoom; after a short pause, Mr. Langvardt joined the meeting and indicated that Mr. Ewert did a good job of clarifying the purpose of his application. The two main points of his application relate to architecture and the street regulating plan for the northeast corner of the village area. He feels that having an additional architectural option is positive as long as each of the architectural options are high quality and set a high standard for developing in the Ogden Valley. The new style he has proposed is very similar to the mountain modern style, which lends itself much more to mixed-use and higher density development. He then discussed the street regulating plan; he noted that the northeast corner of the area is best suited for a village overlay and the uses allowed in a village. It is not located in a sensitive area, and it is essentially flat, and he feels the proposed street regulating plan is ideal as it preserves multiple options for different parcels. He does not believe that his proposal will result in undesirable creep of certain uses. Mixed-use and multi-family uses are 700 and 1,000 feet, respectively, from the nearest four-way intersection and he feels that distance will prevent creep. He added that he will bring sewer and water infrastructure into the plan area, which should address previously voiced concerns about the existence of septic systems in the area and the need to replace those systems with modern infrastructure. The Ogden Valley General Plan includes a statement on the front page that states 'the

future decision making should be supported by evidence that it is the right time, right place, and right set of circumstances for the implementation...’ and when he thinks about the subject property, he views his proposed changes as meeting that directive of the General Plan. The changes proposed by Mr. Ewert are a good example of ‘give and take’ relative to suitable development in the northeast corner of the planning area. He added he will provide a variety of housing options, which also aligns with one of the directives of the General Plan relating to housing affordability. The adjustment to the street regulating plan will help to facilitate those options now.

Commissioner Johnson moved to open the public hearing. Commissioner Barber seconded the motion. All voted in favor. There were no additional persons appearing to be heard.

Hugh Shaw stated he has lived in his home in Eden for approximately 29 years. He asked the Commissioners to consider why each of them moved to the Ogden Valley; aside from Commissioner Montgomery who grew up in the Valley, the rest of the Commissioners are likely transplants. He stated that he moved to the Valley because he raises horses, trains dogs professionally, and he farms his ground. The Commission is being asked to make a decision tonight relating to architecture and road configuration; he referenced a project that is underway across the street from his property where the applicant is also requesting a change to road configuration. The nine-acre property was bought by John Lewis from the previous owner and for about nine years, it was a flood plain. It is still a flood plan with water that is about 1.5 feet deep. He asked the Commission to research the flooding that has occurred due to the presence of the water on that property. He stated that residents do not want these types of projects in their community, and he asked that the Commission not change the street regulating plans; he stated this application is an example of ‘putting the cart before the horse’. In past Commission meetings, Commissioner Burton has asked if certain roads are wide enough to accommodate a swather and the answer is no. Mr. Householder was asked by Commissioner Barber how many housing units he plans to include in his subdivision and Mr. Householder answered that it was not the appropriate time to discuss that matter. He stated that was shocking to him and other residents. He noted that Commissioner Barber also asked how many transfer of development rights (TDRs) were associated with the property and where the development rights were transferred from, and again Mr. Householder answered that it was not the right time to discuss the issue. He stated that now is the time to act and deny the application; he asked the County to maintain the current street regulating plan. He and many other residents oppose the changes involved in this application because it is not good business, and it does not make sense. The applicants have bought land understanding the development capacity, and now they should be forced to abide by those regulations.

Keith Hill stated he has been a lifelong resident of Eden and this is his ‘worst nightmare’; everyone that lives in the Valley has chosen their home because of the rural feeling. He asked that high density housing be kept near the resort areas instead of on the Valley floor where farming is performed. He stated that everything that Mr. Ewert said tonight ‘made him sick to his stomach’ and he wondered if anything the Planning Commissioners say or fee matters. Last month there was discussion about the design of the project and Mr. Ewert stated that the County Commissioners have already decided what they want, and the Planning Commission’s opinion did not matter. He noted he has pretty much said the same thing tonight and it feels as if these meetings are a formality. He concluded he would like things to stay the same in the Ogden Valley. He referenced a project in Ogden City where an applicant was trying to build a carwash; enough residents got together to get the project shut down, even though the property was already zoned for commercial use. There are many citizens in the Valley who do not want this project to happen, and he feels it is wrong to change the zoning to allow apartments on the Valley floor.

Kurt Langford stated that this is not property that should have been rezoned for higher density; everything that Mr. Ewert said is his opinion and not necessarily a fact. He did say that the traffic at the area will be so bad that it will be necessary to eliminate the round-about and Commissioner Burton is correct in his assessment that it will not be possible to drive a swather through the area. However, the zoning has been changed in the hopes that an engineer could design appropriate drainage and infrastructure; the property was an old ranch and it had a detention pond that held a great deal of water that ran off of Wolf Creek. The pond was not engineered correctly, resulting in water flowing to other properties flooding them out. The County will be forced to step in and fix the problem and putting new roads in the area is not the right thing to do. One does not have the right to do whatever they want, especially when it has an adverse effect on others’ private property rights. He grew up in the Valley and it is no longer the place it once was, but this is egregious and the applicant is asking for new road configurations and architectural designs that would never be approved in other resort towns similar to the Valley. The residents are depending on the Planning Commission to protect them, and he encouraged them to deny the proposed road system in this area because it will lead to high density. The applicant believes they are entitled to do whatever they want; the definition of entitlement is when one is ‘inherently deserving of privileges or special treatment’. The infrastructure that irrigates hundreds of acres to the east was ripped out over the winter without permission and there were alterations to the canal that provides water to farmers. He asked why it is that open space

gets dismissed so easily; no one that has participated in developing of the Ogden Valley General Plan would have every imagined a village of this size with so much traffic. Everyone thought it would be a small village similar to Huntsville, but that is not the case.

Troy Bunker stated he lives directly east of the subject property and the planned road development will make it impossible for him to drive his large equipment to and from his property. He urged the Commission to leave the road configuration as it currently is. The Planning Commission just heard that when they send a recommendation of denial to the County Commission, the County Commission has the ability to override that recommendation and grant approval. He suggested that the Planning Commission send nothing to the County Commission and, instead, stop the application at this point.

Dave Carver stated he lives across the street from Mr. Bunker; his suggestion would be to table the application for at least 10 years because this proposal is way too much for the area in its current condition. There will not be one single resident that would support this application.

Elizabeth Bunker also encouraged the Commission to deny the application and she noted that she agrees with all who have spoke before her on the reasons why the application should not be approved.

Kelly Roundy stated he and his wife, Sara, live in Eden and they have owned property there for about 10 years; they would also like for the road configuration to remain unchanged.

Kelly Booth stated she lives directly south of the proposed development. She read through the Ogden Valley General Plan, which cites the need for peace and quiet repeatedly. However, Mr. Ewert keeps referring to a city center, which sounds, looks, and feels much different than a village. The General Plan also mentions the rural agricultural nature of the Ogden Valley, yet there is nothing agricultural about the proposed architectural styles, putting a commercial building in a residential area, or building high density housing in a residential area. There is an abundance of high-density housing just 20 minutes from the subject property and it is not needed in this area. She has lived in the Ogden Valley for 45 years and she has never seen it more torn apart than it has been over the last 10 years; it seems the cause of this is allowance of TDRs and she challenged the Commission to reconsider that loophole in order to preserve what makes Eden what it is. She referenced village areas in Park City and noted that it takes 30 minutes to travel from one village to another in that City because of the traffic. There is only one Eden, and it needs to be preserved. She then referenced the pathway that was built between the elementary school and junior high; it was created to get school children safely from one school to the other and now the County is considering building a three-lane road in that area. It will be very dangerous for the school children walking and riding their bikes in that area. Additionally, a sewer system being pulled through the middle of town does not sound like Eden. She stated that Mr. Ewert discussed the amount of water in the area; it did not simply appear after a road was built and, instead, it has always been there. She used to ice skate on the field during the winter months because it has always been full of water. She is opposed to new roads and changing the planned road configuration for the area; she is supportive of more swathers using the roads and the preservation of Eden as it was intended. Her great grandfather was part of the naming of Eden and the name was chosen because 'surely there could be a place no more beautiful than this, surely this must be what Eden is'.

Chad Booth stated he has lived in the Valley for 43 years and his main concern is the magic of the Valley; over the last 10 years there has been an influx of new residents who have visited the area and fallen in love with it. That is wonderful, but appropriate planning to accommodate increased development is needed before the development is allowed. Growth must be handled in a smart way and that is not what is happening. He asked that the street configuration be maintained and for an appropriate plan to be developed.

Dave Carver inquired as to the road widths on the new road configuration proposal; according to the plan, some of the roads could run through his yard and that is concerning. The Valley is no longer the same as it was when he grew up here; the residents still enjoy seeing farm equipment in the area. People who have visited have spoken of the calm and peacefulness of the Valley and that is why they love it. It is not like other large resort towns and residents want to avoid that. He has tried to maintain the history of his property and to pay homage to its character; the same should be true for the architectural designs that are being considered for Eden.

Shane Phelps stated he has lived in the Valley for quite a long time. He spoke to the amount of time that the Planning Commission spends doing their job and the fact that there is the potential for the County Commission to dismiss any recommendation they make or take action without having a recommendation from the Planning Commission. It was concerning tonight to learn that a Planning Commission was the applicant for the first item on the agenda. He lives in Eden, and this is where he is raising his kids

and he does not want an increase in density. He owns tractors and enjoys the farming community and that is why he lives where he does. He noted that Mr. Ewert's presentation was well done, but it would be good for him to have the opportunity to make that same presentation to residents in the Valley, perhaps at the junior high school. He only found out about this meeting yesterday and many other residents do not know this is happening. He is committed to be part of the discussion of this project and it is not right for the Planning Commission to move it forward without better advertising of this issue.

Sara Roundy stated she lives east of the subject property, and she moved to the Valley for the peace and quiet and to provide a safe home for her children. It is so easy to get out and walk in the current environment of Eden and it is not necessary to push through improvements that would include sidewalks and curb/gutter; these improvements will only make the Valley look like a city. Many moved to the Valley to get out of the city, and they understood they would need to travel for things like youth sports, entertainment, and leisure, but when she comes back to the Valley, it is peaceful and that is where she wants to be. She noted change can be good and sometimes it is inevitable, but she asked that the County consider smart planning for the Valley and opportunities for preserving the current feeling. She asked that the roads stay the same and that they are wide enough to accommodate farming equipment.

Talia (no last name given) stated that she and her family built a home in the Valley eight years ago and they have been visiting the area for over 25 years with a dream of eventually living here. One of the reasons they fell in love with the Valley was because of the peace, beauty, and rural nature. She recognizes there is a lot of pull towards high density and commercial development, but she and her husband made a huge sacrifice to build their home in the Valley with their own hands; it is unfortunate that the Valley will be changed. Preserving the rural nature of the Valley is the focus of the General Plan and it should be followed. She noted she lives a half-mile from the property where this new development is being proposed and her children will be forced to travel through the development area to get to school and to their friends' homes; this will decrease the safety for her children. In addition to changes to road configuration, she is also concerned about proposed building heights because this will impact the views of the beauty of the Valley. She asked when the County will start caring as much about residents as they do about developers who want to build here; the people who live and work in the Valley are more invested in what the Valley is becoming. She feels betrayed by the County Commission and she hopes that everyone will get the word out about their motives and actions so that they can take action in an upcoming election to select leaders who will listen to residents.

Jim Bird stated he has been participating in the Planning Commission's meetings for the past six weeks, some of which have lasted upwards of five hours. What he has found is that the Commission is being presented with too much information and it is difficult for anyone to digest and understand that much information. What everyone learned tonight is that if the Commission does not understand or feel comfortable with a certain section of an ordinance and they decide to table that section, the matter will still be passed along to the County Commission, and they can take action. He noted that infrastructure in the Valley has been extremely ignored; he lives on Old Snow Basin Road and even with increased development in the area, the County has done nothing to improve the road to accommodate increased traffic. He cited a meeting held October 4, 2022 where Mr. Ewert stated that the County needs to incentivize developers by assisting them in receiving 20 percent or more on their investments and he asked what other businesses the County is assisting in that way. He is opposed to form-based zoning because it is more of a 'one-size-fits-all' with no clear definition of specific areas. He asked why residents in the New Town Eden area get a public meeting like the residents in the Old Town Eden area did; maybe the County Commissioners would listen to the feedback in a more public meeting with those residents. He added that Mr. Ewert has said that a new main road will run through a storage shed facility that was approved over three years ago and the Sterling auto shop, which has been in its location for over eight years. He stated there should have been an understanding that the road was not adequate at the time that other uses were approved. He added that form-based zoning is not limited to just village areas; it allows for dense housing, short term rentals, and 40-foot-tall buildings. The form-based project that is being proposed now is just a quarter-mile away from the Valley Market, with five parcels between the two. If the County approves this project, he believes developers will be able to dictate the boundary of the village. Another village application is for property that is over a half-mile from any other commercial development, and it is surrounded by residential uses. This is not an appropriate location for a village. He added that instead of tabling something, which will give the County Commission the opportunity to take action, he would suggest that the Planning Commission schedule a public meeting to allow residents to voice their thoughts and ideas as they pertain to the New Town Eden area.

Robin Adams stated she has lived in the Valley for 38 years and she lives directly south of the proposed development; she is strongly opposed to the high-density housing element as well as changes to the road configuration that will result in roads running directly through her neighborhood. She does not want to see another Park City; she was born and raised in Eden, and it is very upsetting to her that there is a good chance that her voice and the voice of her neighbors will be ignored. She stated that the maps that have been presented tonight will have a very real impact on the residents, while the developers only care about doing

a project that will make it possible for them to line their pockets. This community has been part of the lives of the residents and the same is not true for the developers.

Ron Gleason asked that the Commission table the request specific to architectural styles and road configuration; the reason is that there is no specific information available to the public to help them understand the changes. He has read the packet and has listened to past meetings about this topic and there has been discussion about getting ready for when rezone applications come forward; at this time, there is no such rezone application and there are no details about the specific plans for the project. However, the Fire District has already had something to review and approve and it is concerning that those same details have not been shared with the public. Residents need to understand specifics so they can provide feedback and it appears the process is backwards. He asked that the application be tabled and that the public have more information and more time to review it.

Corby Young stated she has lived in the Valley for 36 years and has seen a lot of changes in that time. She has tried to look up the documents explaining form-based zoning and it is confusing for someone who is not well versed in land use laws. Several different projects have been stopped in the Valley, for which she is grateful, but being so close to Ogden makes the Valley attractive to developers. However, many businesses that have been started in the Valley have eventually closed because there is not enough business or people do not patronize it. She would gladly pay farmers to drive on the roads daily just to slow down the traffic; there are still many people in the Valley who love the farming and rural lifestyle. She stated that the Valley is in the middle of 'slack season', which means there is not an overabundance of visitors to the resort areas and the actual residents can drive on the roads without too much traffic. The Valley already has enough commercial businesses and many condominiums that are not filled and it does not need any more.

Mike White stated that he lives in Eden as well and he would like to know how many slices of heaven can be sold before heaven is no longer heaven. He stated that the Pineview Dam has so many boats on it that it is no longer fun to go out there. He stated that he is also familiar with what residents refer to as 'slack season'; his parents live at the end of a long driveway and they deal with noise of increased traffic during peak times. It is getting so loud that people are uncomfortable; the Valley is at a tipping point and these types of changes will only increase in their speed and scale. There are other mountain communities that have experienced overwhelming growth, and this will spread to the Ogden Valley and the quality of life will be dramatically diminished. It is time to put a stop to this and he would be willing to help reroute the developers to Park City.

Kyle Champfield stated that he was contacted by one of his neighbors about this meeting at just 2:45 this afternoon; he would have loved to see the turnout at the meeting if it had been better advertised and residents were aware of what is happening. He also moved to the Valley for a reason and trying to change it to something it is not is not sitting well with existing residents. He urged the Commission to vote to recommend denial of the application.

Casey Quinn stated that he lives in Eden and also owns property southeast of the subject property. He has known John Lewis for some time, and he is generally a good person; he has defended him against outlandish claims relating to other projects. However, he does not agree with the proposed project, and he is concerned about who will live in the residential units because they will have a different way of life; they are not committed to rural life, but to village life and he would prefer to keep the area rural.

Mike Gillespie stated that it is apparent that it does not matter what the Planning Commission recommends to the County Commission, so he would prefer that the Planning Commission send a message indicating that 'we the people' are not in favor of these changes. Rather than table, he would rather the Planning Commission just say no.

Dave Carver stated a few years ago he asked the County to change the speed limit between Snowcrest Junior High and Valley Elementary and he suggested a lower speed limit would be more effective than flower planters in the middle of the street.

Robert Fuller referenced page 42 in the meeting packet, which contains five options available to the Planning Commission; option five is to make no changes and that is the option he supports. He suggested that the County first finish what it started before undertaking new projects. There are areas of unfinished storm drain infrastructure and before the County changes the roads, they should improve existing roads and make them more functional. He stated that he does not want to pay for new and fancy roads, and he would prefer that they be left as they are. He did not even know the County had a form-based zone, but it has strayed a long way away from the three- and five-acre minimum lot sizes that were formerly in place. He stated there is something inherently unfair about this matter; the form-based zone allows lot sizes as small as 3,000 square feet and he is unsure how someone could be allowed to build a home on that size of lot while others are required to have five acres in order to build. He stated that is unfair and he is not sure how decisions are made where to allow those lot sizes. Before accelerating new projects,

the County needs to examine existing development in the Valley to determine if they are adequate. He also suggested that TDR actions be slowed.

A resident, no name given, stated that she feels that more community input is necessary; people were not aware of this concept and of this application. She is concerned about the lack of long-term planning in the Valley and noted that tonight's subject matter is a 'hard left turn' from where she believed the Valley was going.

Commissioner Montgomery moved to close the public hearing. Commissioner Burton seconded the motion. All voted in favor.

Chair Shuman invited rebuttal from the applicant.

John Lewis stated that he has many friends and neighbors who understand this concept, but there are many who do not. But the bottom line is that life changes and growth occurs and there is not a valley in the entire country that is not growing and changing. The real issue for the Planning Commission to concern themselves with is how to manage that growth in the most responsible manner possible. In 2016, the Planning Commission worked with residents to develop the Ogen Valley General Plan and the outcome was a Plan that called for as much preservation as of the rural feeling of the Valley as possible, but unfortunately, people forgot about that Plan, or how to achieve it. He discussed specific directives of the Plan, including the identification of seven village areas in which the growth could be clustered in order to preserve as much open space as possible. He stated that development within those village areas is definitely open for debate, but villages are needed to transfer density out of other areas. He acknowledged that no one currently living within those village areas is going to be happy because it is inevitable that the village area will get easier, but he is unsure how else to carry out the General Plan besides transferring development rights in a way that is responsible and thoughtful. Villages cannot be developed without adequate utilities, such as updated sewer infrastructure. The reality is that it is necessary to figure out how to develop the village areas; perhaps the buildings do not need to be as tall as has been discussed and the density could be adjusted, but he wanted to offer an explanation as to why villages are being proposed responsive to plans that were developed nearly 10 years ago.

Commissioner Wampler stated that she is confused as to why the Commission is hearing from Mr. Lewis; the Commission is considering an ordinance amendment, not a development application. The Commission has not seen the Eden Crossing project, but that is what the public has spoke of tonight. She stated it is difficult for the Commission to differentiate from the many different subjects that have been discussed tonight. For better or worse, the County has adopted a form-based zone ordinance that is now an option to applicants; she understands that the question before the Commission tonight is whether to adjust the architectural styles listed in the ordinance. Mr. Lewis stated that he was acknowledging there several different architectural styles at play in Eden and there are some that he personally prefers over others and that is why he has asked that the Mountain Modern theme be added to the matrix as an option to developers. Then, when he comes forward with an actual design, the Commission can review the details.

Commissioner Burton stated that the applicant has requested the change to the ordinance, but not a zone change. Planning Director Grover stated that is correct. Commissioner Burton added that staff has also recommended some changes to the zone. Commissioner Torman added that if the ordinance amendments are approved and the street regulating plan is adjusted, the applicant can request a zone change. Mr. Grover stated that the applicant would still need to apply for a rezone, that change would not e automatic. And a public hearing will be held regarding that matter. Commissioner Burton stated that the Commission has been told that the form-based zone includes architectural standards and a street regulating plan and if someone secures approval of the form-based zone, they can build anything that is listed as permitted in the ordinance. Mr. Grover stated that the Commission can deny a rezone, but once a rezone is approved, a developer can build something as long as it complies with the street regulating plan and other regulations in the ordinance. This led to high level discussion of the regulations included in the form-based zone ordinance and the options available to the Commission this evening.

Mr. Lewis stated the General Plan very specifically states that rendering growth along utility lines and resources is the most responsible way to proceed; this is partly the reason that he has selected the site he selected because it is close to existing sewer and the nearby four-way intersection.

Continued discussion among the Commission and staff centered on the potential for the proposed ordinance amendments to be the catalyst for similar zone change requests and projects; the manner in which allowing TDRs has influenced current development of the Valley and anticipated future growth on the Valley floor; the requirement for a developer to prove that they can ensure adequate utility service to a development; and the age of the General Plan. Commissioner Burton stated that he feels that the

General Plan is old enough that it may need to be revisited, especially given the recent public outcry regarding the impact of TDRs. Mr. Ewert stated that Planning staff has frequently heard that TDRs must be successful in order to save the Valley and staff has heard support for the ratio of one unit per three acres for TDRs.

Commissioner Barber stated that he was recently told that the County does not want to invest in an update of the Ogden Valley General Plan at this time. Mr. Grover stated that is based upon direction from the County Commission; they recently finished an update to the Western Weber General Plan, and they do not plan to revisit the Ogden Valley General Plan for about five years. Commissioner Barber stated that he does not understand why there is any relationship between the Western Weber planning area and the Ogden Valley planning area; this is a perfect wake up call that it is necessary to revisit the Plan now rather than wait. Villages may happen, but it is possible that they should be scaled back. He stated that he feels that moving forward with the current General Plan and form-based zoning is a huge mistake and the politicians do not care about the Valley because they are not elected by residents from this area. Continuing to ignore the reality in the Valley, while continuing to move forward with current momentum is irresponsible; he is troubled by being a member of a Commission that must rely upon an eight-year-old General Plan that may be based upon good intentions but is not based upon detailed information. Commissioner Barber stated the County Commission is required to protect existing property rights and follow the laws that are in place. The General Plan provides for TDRs and it may not be good, but it is there. This led to discussion and debate among the Commission regarding the manner in which development rights are calculated and assigned to a given property. Commissioner Torman stated that as village projects are built, existing residents will move out of the area and their properties will become available to developers, which will just lead to more village projects. He stated there will be a snowball effect this growth pattern will quickly spread across the Valley floor. He stated that he also feels that an update to the General Plan is necessary at this time. This led to high level discussion regarding the potential cost of a project to update a General Plan.

Chair Shuman polled the Commission to determine their support for offering a recommendation to the County Commission to update the General Plan. All Commissioners voted in favor of sending that recommendation to the County Commission.

Commissioner Wampler stated she is very concerned about the actions taken by the County Commission to allow TDRs in the form-based zone. She noted, however, that no new development rights have been created and owners of development rights are not required to sell them. Mr. Ewert stated that is correct.

Chair Shuman then reiterated the options available to the Commission tonight; some time has been spent identifying appropriate village areas, but he does not believe enough time has lapsed since the adoption of the form-based zone ordinance to now consider a change in the dynamic in the form of an adjustment to the street regulating plan. Commissioner Torman agreed. Commissioner Johnson stated that he is not as opposed to an adjustment to the street regulating plan as others are; he would prefer to let the market dictate how a village area will be built out and he is not as concerned with the location of the center of the circle or what uses will be located on the edge of the village area. Commissioner Wampler stated she also wants growth to be market driven; however, it is important to consider arguments independent from one another. She would have liked for the street regulating plan to be separated from the architectural style amendment. Mr. Ewert stated the Commission can take an action on each item independent of one another. Commissioner Wampler asked that staff separate them for the Commission in the future.

Chair Shuman invited staff to address some of the questions asked during the public hearing. Mr. Ewert first summarized the differences between an application for a text amendment and a zone change and he clarified the adjustments that have been requested by the applicant and those that are recommended by staff. He agreed that speed limits should be adjusted to ensure safety of motorists and pedestrians on the streets. He also agreed that infrastructure needs to be improved and this is one of the challenges associated with sprawl; the County does not collect enough property tax revenue to improve or replace infrastructure in areas that have one dwelling unit per five acres. He stated it is important to recognize that staff is not recommending or promoting development; rather, they understand that development will occur, and they are trying to ensure that it happens in the most responsible way possible.

Commissioner Wampler moved to forward a recommendation of denial to the County Commission for application ZTA2023-03, applicant-initiated request to amend the Form Based Village zoning ordinance to adjust the New Town Eden Street Regulating Plan and to provide alternative design standards for New Town Eden, based upon the following findings:

1. The amendments are not supported by the general public; and
2. The area is not ready for the proposed changes.

Commissioner Torman seconded the motion.

Commissioner Barber offered input regarding the County Commission's deliberation of the TDR matter; however, his comments were inaudible.

Chair Shuman called for a vote on the motion; Commissioners Barber, Montgomery, Shuman, Torman, and Wampler all voted aye. Commissioners Johnson and Burton voted nay. (Motion carried 5-2).

Commissioner Johnson stated that he was not necessarily voting in favor of the project that the applicant would ultimately like to build, but he would have liked to have more deliberation about the actual ordinance amendments and give the applicant time to perform some public outreach to see if he could gain some support.

Commissioner Wampler stated that she voted to recommend denial because she does not like to vote on an ordinance amendment based upon the understanding that a project application is imminent. She added she feels that a public town hall meeting about the New Town Eden village area would be very beneficial so that the public has the opportunity to [provide input on how they feel that the area should develop. She was not concerned about the additional architectural style, but she was concerned about the adjustment to the street regulating plan.

Commissioner Burton stated he voted in opposition to the motion because he would have preferred to table to take additional time to evaluate the implications of the adjustments.

Commissioner Barber stated he feels the Commission will be hearing this item again and will have opportunity to consider a different action.

4. Public Comment for Items not on the Agenda:

There were no additional public comments.

5. Remarks from Planning Commissioners:

Commissioner Barber expressed he feels it would be better for this Planning Commission to hold their meetings in the Ogden Valley so that residents of the Valley have increased opportunity to attend. Commissioner Montgomery agreed and noted he is concerned by the comments from the public about the public not being aware of this meeting and the subject matter. Commissioner Burton agreed and suggested that the public get together and talk about what they would like to see in the Valley and how that differs from the current General Plan.

6. Planning Director Report:

Planning Director Grover discussed upcoming training opportunities for the Planning Commissioners. He added he will forward the Commission's recommendation to the County Commission regarding the desire to update the General Plan. He will also provide the recommendation about holding meetings in the Ogden Valley He added that he believes that the County Commission does listen to and carefully consider the recommendations they receive from the Planning Commission. However, they may not always agree with Planning Commissioners, and it is helpful for the Planning Commission to offer findings to support their actions. He concluded that on June 6 there will be a meeting about short term rentals and the County is seeking as much public input as possible.

7. Remarks from Legal Counsel

There were no additional comments from Legal Counsel.

Meeting Adjourned: The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Weber County Planning Commission