

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for September 23, 2025. Pre-meeting – 4:30 p.m./ Regular Meeting commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Janet Wampler (Chair), Jeff Barber (Vice Chair), Jeff Burton, Bryce Froerer, Heidi H. Gross, James (Jim) Morgan, and Laura Warburton.

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

- **Pledge of Allegiance**
- **Roll Call:** Chair Wampler conducted roll call indicated all Commissioners were present.

Chair Wampler called for Commissioners to declare any conflicts of interest or ex-parte communications. Commissioner Burton indicated he will recuse himself from participating in discussion and action on agenda item 3.1.

Chair Wampler asked for a motion to amend the agenda to rearrange the order of the legislative items as follows: 3.2, 3.5, 3.1, 3.3, and 3.4.

Vice Chair Barber moved to amend the agenda to rearrange the order of legislative items as follows: 3.2, 3.5, 3.1, 3.3, and 3.4. Commissioner Froerer seconded the motion, all voted in favor.

1. Minutes: July 22, 2025.

Chair Wampler introduced the minutes of July 22, 2025 and asked if any member of the Commission had any suggested edits. Hearing no feedback from the Commission, she introduced her own edits to the minutes to correct a few typographical errors in the document. She noted she will provide her edits in writing to Planning staff and declared the minutes approved as amended.

Chair Wampler then noted that for the Administrative items on tonight's agenda, she will accept public comments, but she advised the public that their input cannot be considered by the Commission when they are making a decision regarding an application.

2. Consent items:

2.1 CUP 2025-11: Request for approval of a conditional use permit for a sewer lift station (a public utility substation) to service 17 lots in Osprey Ranch Subdivision Phase 2, located at approximately 1940 N Shamy Way, Eden, UT, 84310.

A staff memo from Planner Aydelotte explained the Applicant is requesting a conditional use permit for a sewer lift station for Osprey Ranch Subdivision, to service 17 lots within Osprey Ranch Subdivision Phase 2. This proposed lift station will be owned, operated, and maintained by Wolf Creek Water and Sewer Improvement District. The lift station is considered a public utility substation. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews. The staff memo discussed staff's analysis of the application to determine compliance with the General Plan, zoning regulations, and conditional use standards and concluded staff recommends approval of this conditional use application subject to the applicant meeting the review agency requirements and the following conditions:

1. Any outdoor lighting must meet the requirements of the Ogden Valley Outdoor Lighting Ordinance (108-16).
2. All architectural requirements shall be followed, and shown in the final engineered plans, prior to issuance of a building permit.

This recommendation is based on the following findings:

1. The proposed use is allowed in the FV-3 zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Commissioner Gross moved to approve CUP 2025-11, a conditional use permit for a sewer lift station (a public utility substation) to service 17 lots in Osprey Ranch Subdivision Phase 2, located at approximately 1940 N Shamy Way, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Vice Chair Barber seconded the motion. Commissioners Burton, Froerer, Gross, Morgan, Warburton, Vice Chair Barber, and Chair Wampler voted aye. (Motion carried on a vote of 7-0).

2.2 CUP 2025-12: Request for approval of a well pump house to serve the Cobabe Ranch and Eden Crossing developments, through the Ogden Valley Mutual Water Company (DDW System #29132). Wells have been drilled and plans for the well house have been submitted to the State Division of Drinking Water for approval.

A staff memo from Planner Aydelotte The applicant is requesting approval of a conditional use permit for the installation of a well pump house to serve the Cobabe Ranch and Eden Crossing developments. The FV-3 Zone allows a “public utility substation” as a conditional use. The proposal has demonstrated that the operation will comply with the applicable regulations, with reasonable conditions imposed. The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews. The staff memo discussed staff’s analysis of the application to determine compliance with the General Plan, zoning regulations, and conditional use standards and concluded staff recommends approval of the Village Nests East 2025 Subdivision. This recommendation for this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements, and is based on the following findings:

1. The proposed use is allowed in the FV-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Vice Chair Barber moved to approve application CUP 2025-12, approval of a well pump house to serve the Cobabe Ranch and Eden Crossing developments, through the Ogden Valley Mutual Water Company (DDW System #29132). Wells have been drilled and plans for the well house have been submitted to the State Division of Drinking Water for approval, based on the findings and subject to the conditions listed in the staff report. Commissioner Morgan seconded the motion. Commissioners Froerer, Gross, Warburton, Vice Chair Barber, and Chair Wampler voted aye. (Motion carried on a vote of 5-0). Commissioners Burton and Morgan were not present when this vote was taken.

3. Legislative items:

3.2 ZDA2025- 02: a request for a public hearing, discussion, and possible recommendation regarding an application for a zoning map amendment to rezone approximately 4 acres in the Nordic Valley area from the Forest Valley (FV-3) zone to the Form Based (FB) zone. Such rezone would apply the Form-Based zone’s Small Lot Residential (SLR) street type to the property. Applicant: Dan Mabey. Staff Presenter: Charlie Ewert.

Chair Wampler invited input from the applicant.

Dan Mabey stated his request is for some additional density in an existing subdivision that has two undeveloped lots totaling six acres in size. His motivation is to protect his land to make it available for future homes for his children and grandchildren. He is seeking the form-based zoning designation to allow for an additional 10 lots on the property, and the density will be similar to the density of properties surrounding him. He referred to exhibit A to the Planning Commission staff report included in the meeting packet and highlighted different possible configurations of the 10 lots and roadway to be located on the property and the Planning Commission grants approval of his application. The Commission and Mr. Mabey engaged in discussion about transferable development rights (TDRs) for the project; water availability; and existing development/density in close proximity to the subject property.

Commissioner Gross asked Mr. Mabey if his plan is still to create a subdivision for his family or if lots will be sold to others. Mr. Mabey stated that he still plans to provide the land for his family, but he must follow the subdivision process for his proposal. Chair Wampler stated that in past discussions of this matter, the proposal was fairly straightforward, and Mr. Mabey was asking for 10 lots for single family homes on six acres; however, some of the development concepts included in the packet include up to 11 twin homes or a mixture of single family and multi-family units on the subject property. Mr. Mabey clarified that his preference is the concept plan that includes 10 single family homes on the property; he was asked to present several different development options to support his application, but his intention is a 10-lot subdivision with single family homes. He stated it is problematic to

perform design work before having approval of a zoning designation from the County. This led to brief discussion of the various development concepts allowed in the FB zone.

Commissioner Froerer asked Planning Director Grover if the Commission can include a condition in their motion that would limit the density of the proposed development to no more than 10 single family units. Mr. Grover answered yes; that condition could be included in the development agreement for the project and the future subdivision application would need to comply with the development agreement.

The Commission then heard from Principal Planner Ewert, who summarized the staff report regarding the application. He discussed staff's analysis of the application and review of the six general decision criteria for determining whether a rezone is merited; after reviewing the proposal within the intended context of the Ogden Valley General Plan and the Form-Based Zone, it is staff's opinion that this rezone will help advance the vision and goals of the plan. Staff is recommending approval of the rezone. This recommendation is offered with the following findings:

1. The proposal generally supports and is anticipated by the vision, goals, and objectives of the Ogden Valley General Plan.
2. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Ogden Valley General Plan and the purpose and intent of the Form-Based Zone.

Chair Wampler asked Mr. Ewert if the optional development concepts provided by Mr. Mabey had been requested by staff. Mr. Ewert answered yes; he wanted to be sure the Commission understood the different development options that would be allowed in the FB zone, but he believes Mr. Mabey's intent is to pursue the development concept he has discussed tonight.

Commissioner Burton asked Mr. Ewert if the development concept is compliant with the Street Regulating Plan for the area. Mr. Ewert answered yes; he also noted that in order to achieve clustering of the development of the property and preservation of open space, Mr. Mabey would need to secure transferable development rights (TDRs) for the project. Commissioner Burton asked if Mr. Mabey currently has development rights to achieve 10 single family lots. Mr. Ewert answered no and indicated he believes Mr. Mabey currently has sufficient development rights to develop two lots. This led to continued high level discussion of the regulations of the FB zone and the nature of surrounding properties and existing developments.

Chair Wampler invited Mr. Mabey to address the points raised during the discussion between Mr. Ewert and the Commission. Mr. Mabey confirmed that he does have two sources of the TDRs – one will provide eight development rights, and he is unsure of the exact amount of the other source. He is confident he can secure sufficient TDRs for his proposal. He is also pursuing the purchase of needed water rights for the project, but will not finalize that deal until he is certain he can secure the zoning needed for his proposal.

Commissioner Froerer moved to open the public hearing. Vice Chair Barber seconded the motion; all voted in favor.

Sylvia Smith, 2871 Abbeyon, stated she lives next to the subject property. She understands that the application may be compliant with the County's land use ordinances, however it is important to note that Mr. Mabey has already built a road on the property and he has not used any silt fencing to prevent sediments entering the creek. She thinks it is a great idea for Mr. Mabey to preserve his property for his children and grandchildren, but the original property size was 18 acres, and he should have thought about what he needed to do to develop a certain number of lots for his grandchildren when he first bought the property. Her concerns related to transportation issues in the area of the subject property; many people walk and ride their bikes on Nordic Valley Drive and increased traffic will cause safety concerns for those people. The recent approval of a large resort/village project has already been cause for concern for residents, and Mr. Mabey's proposal only increases those concerns. She then noted that Mr. Mabey was issued a fire permit in June of 2023, and he decided to take it upon himself to start a fire well after the burn season. The Fire Department had to respond to the area and fire got within two feet of other homes in the area. She stated that she is concerned about Mr. Mabey's track record and the potential for him to change direction after getting approval or support from the Council for his current proposal. She asked that the Commission consider the interests of other Nordic Valley residents when making a decision on this project.

Jan Fullmer, 3741 Red Hawk Circle, stated that it is important to respect Mr. Mabey's private property rights, but she encouraged the Commission to reject the zone change request for FB zoning. She understands Mr. Mabey believes he has secured TDRs and water rights, but granting FB zoning does not provide a clear direction for the future of the property as Mr. Mabey could sell it and a future owner could develop according to the FB zone standards. She encouraged the County to require commitment letters

from Mr. Mabey about the water and sewer service in the area. The area is already extremely dense and that should be considered when determining if the FB zone is appropriate for the property.

Peggy Dooling Baker, 2619 North Nordic Valley Drive, stated that she has submitted the following written statement and she read it for the record: "I'd like to begin by addressing the planner's narrative that this is in alignment with the general plan. The general plan states in multiple places that development should complement and not overwhelm or compete with the rural character of our battery. This request will overwhelm and compete with the character of our neighborhood; a neighborhood that's already under stress. I see this request as twofold one to expand the form-based village, and the second is the applicants request to get increased density on his property. I'd like to orient this statement by asking you to look at page 74 of the packet; this is for 52 acres that are already zoned form-based village. And this plan the proposal is to build 867 units in the Nordic Valley plan budget and stated there'll be 230 hotel rooms, 428 condos, 195 chalets, and 15 workforce service units, with a total of 867. All projected to be short-term rentals. This was pitched to us initially as housing for the neighborhood. I remember Commissioner saying, Oh, this will be great to have my kids be able to afford a place in the valley. This is projected to be short-term rentals, all of it. So, I'm very concerned about that. So, and with the housing conversation because we haven't seen that happen. And 50,000 square feet of commercial. I count the hotels and condos and then people don't because the occupants use the water, they leave their garbage they come and go at all. They make noise and they need the lights and the common spaces in the parking lots. This is overwhelming for us. We are subdivision 300 homes. Mr. Mabey's application for a rezone at the end of Nordic Valley Road is across the street not contiguous with this property. And I've heard before that they're very careful about the words they choose, this is not contiguous. The map on the top shows what is, and that is three, four, five, all the homes surrounding that; this is an FV3 zone, it's usually one acre lots in the subdivision that we've all put single homes on. By approving the zone change to lots in this residential area, we will begin the form-based village sprawl. The applicant's acreage as I mentioned is surrounded by residential blocks. There's no road that goes through there right now that was projected on the form-based village street regulating that there are houses on the backside. What will happen next is what the planners alluded to disgruntled homeowners who moved up there for peace and quiet will sell to developers who will put a higher density, and then on and on, and then we will have a park city. The planners admit that this will change the visual nature, and I assume that refers to removing the vegetations on the lots, there's five-foot setbacks front and back, they can cover 80 percent of the lot. That's a big change in our neighborhood with single homes on one acre lots. The traffic volumes and patterns, which means an increase in traffic and noise potential, amplified noise that echoes off the mountains at all hours. I also believe there's going to be an increase in light pollution and disturbance with wildlife migration. Along with that, residents may not have the property rights to keep the zoning they believe to stay in place when they bought a place in the subdivision, but equally the applicant does not have a property right to resume. I believe the long-term impacts to the neighborhood far away the impacts to the applicant. He still has the right to sell the land for single family homes. I ask that you make a motion to deny the application to rezone, and to not expand the FB village past its current boundary. I asked this because I do not see aligning with the general plan. It is allowing for density sprawl past the FB village zone, which is large to begin with, and I believe the adverse effects to the neighbors outweigh that of the applicant's request. She then asked what will happen if Mr. Mabey secures the zoning he is requesting but later sells his property; she wondered if the development agreement will follow the land or if a future owner could build anything that complies with the FB zone.

Keith Smith, 2871 Abbeyon, reiterated the comments made by Ms. Smith regarding some of the damage that Mr. Mabey has already done to the property in terms of building a road that caused sediment to enter the creek bed; this has changed the flow of the creek, which goes through the middle of the property. This should be taken into consideration. He noted that Mr. Mabey does not have the water rights he needs to proceed with his development concept. He stated that he feels Mr. Mabey has been very dishonest in his dealings with the residents in the area and the County and what he has done to affect others' property is personal.

Marty Walker, 3534 East Nordic Valley Road, stated he has lived in his home for one year after having built his new home. He was well aware of the plans for the Nordic Village development across the street from his home. There will be plenty of homes in that project and he advised anyone who needs a home in the area to buy one in that project. He lives on the north side of Nordic Valley Road and the Nordic Village that Mr. Mabey has referred to as being similar to what he would like to do on his property is not contiguous to his property. He asked that the Commission consider a line of demarcation for appropriate development on the north and south sides of Nordic Valley Road. He has a vacant lot on either side of his property, and he is concerned about the precedent that could be set by approving this application; he could potentially end up with high density housing on either side of his home. He would not have built his home if he had known of that potential. He understands change is coming, but he feels this is an inappropriate expansion of high-density development that has already been approved in the Village.

Tiffany Merrill, 3764 East Nordic Meadows Drive, stated that when she bought her three acres of land on the corner of Carroll Street and Nordic Meadows, she was told that it was just part of a subdivision named Asgard Heights. This subdivision was supposed to include six three-acre lots. She later found out about the Nordic Valley Village property, and she was not happy about it, but felt her subdivision was adequately buffered from the high-density project. Now, Mr. Mabey wants to rezone again, and this will result in greater density in the area. She feels lied to and would not have built her home on this property if she had known this was a possibility. She wants this to be her forever home but is concerned about the potential for increased density on Mr. Mabey's property.

Jenny Vossberg, 2834 Nordic Valley Road, asked for a point of clarification based upon the last meeting during which this proposal was discussed; the suggested round-a-bout is not being built by Nordic Village Venture Association, but the round-a-bout at Viking Drive is. This means the traffic mitigation discussed by Mr. Mabey will not be in place. She then referenced comments made by other residents regarding the FB zoning and indicated her concern is the risk of an increase in short term rental (STRs) in the area; she has done some research and found that STRs are prohibited in certain areas of the Nordic Valley Village, except for the ski resort area. She believes that the documents that indicated these prohibitions have not been updated to reflect recent decisions regarding other STR projects in the area. If, in the future, Mr. Mabey or any of his grandchildren approach the County to ask for approval of STRs on their property, she wondered if that would be denied based upon the property being part of the Asgard Heights subdivision.

David Zorn, 2735 Nordic Valley Drive, stated he is seeking clarification on lot sizes; Mr. Mabey has indicated that the 10 lots will be roughly three-quarters of an acre in size, but they are actually closer to 0.6 acres, which is closer to half-acre in size. There are only a handful of acre lots in the entire Asgard Heights subdivision. He stated that the area falls under the Forest Valley zone, and he believes that approving the request to change to FB zoning will set a precedent for other property owners in the future.

David Merrill, 3764 East Nordic Meadows Drive, stated that he and his wife were sold on the property based upon the commitment that lots in the project would be three to six acres in size; never once was he told that Mr. Mabey would be preserving smaller lots for his family. If the County decides to approve the zone change, this will be opposite of what the other people who have bought lights in Asgard Heights were told. If he had known that of the potential for this to occur, he would have never bought his property and home. He is already very upset about what is happening with the Nordic Village above his property, but more disturbing to him is the dramatic increase in high density housing in the Ogden Valley. The Valley is very special, and it is because it is not like other areas that have too many units crammed into one space. He feels Mr. Mabey lied to the people that bought lots from him and he does not believe the Planning Commission can trust what he says regarding his plans for the property.

Laura Zorn, 2735 Nordic Valley Drive, stated that she would encourage the Planning Commissioners to visit the subject property and the area surrounding it; every home in that area is on at least one to two acres of property. She has requested a tiny home on her property to give her son an affordable place to live in the Valley and that request was denied because of the zoning. If the County is going to allow people who have property in the existing Asgard Heights neighborhood to rezone their large lots to allow for smaller lots, she wondered if that will be allowed throughout the entire Valley.

Steve Muddy, 2811 Abbeyon Drive, stated that he also purchased a one-acre lot and built a house in the subdivision; he moved to the Ogden Valley from the Park City area and is well aware of what is happening there to the detriment of the residents. His mind is blown by the fact that the County has approved up to 800 units a block away from his home in a small, quiet neighborhood. That is more than The Canyons project in Park City, and he asked how that is even possible in the Ogden Valley given that there is not a ski mountain that will draw people to the area. He feels these decisions are asinine. Now, the County is considering allowing someone who owns property in the middle of a large lot subdivision to build 10 homes. He discussed the existing traffic conditions in the area and expressed concern that increased density will make matters much worse. The area has already been 'blown up' and he asked that the Commission recommend against any additional increases in density.

Chase Carter, 3725 East Nordic Meadows, stated that he lives directly north of the property and his backyard touches the subject property; his concern, which he has communicated to Mr. Mabey, is that the area is very porous and springs pop up everywhere in the area. Putting 10 homes on the area will push the groundwater to other lots or into the creek, which he is not sure can handle increased volume.

Tiffany Merrill, no address given, stated she has the same concern as Mr. Carter regarding redistribution of ground water; she recently bought a lot in the area and is concerned about the increased cost of water mitigation.

Chair Wampler stated the Planning Commission also received a number of written public comments via email; she did not read the comments for the record but indicated they will be attached to the minutes of this meeting when approved. There were two emails sent in support of the application from the owner of the Nordic Village project, and Brad Ferris. Those who sent emails opposing the project were Marty Walker, Stephen Walker, Michael Coburn, Melanie Judd, Bill William, Dina Snipes, Sarah Merrill, and Beth Peswick.

Vice Chair Barber moved to close the public hearing. Commissioner Morgan seconded the motion; all voted in favor.

The Commission's discussion and deliberation of the application centered on whether the proposed rezoning request aligned with the Ogden Valley General Plan and the character of the surrounding area. They considered several elements, including:

- **General Plan Compliance:** The discussion emphasized whether the proposed form-based development would complement the goals outlined in the general plan. The plan highlights preserving the valley's rural character and had measures to cluster higher density building projects away from the valley floor.
- **Neighborhood Compatibility:** The Commission evaluated how the introduction of a higher density project could impact existing homes in the Nordic Valley area, which predominantly consist of single-family residences on larger lots. Critics feared that turning the space into densely packed homes or multiple units per lot could disrupt the established neighborhood character.
- **Infrastructure and Traffic:** Concerns were raised regarding the potential increase in traffic and whether the area's current infrastructure could handle the demanding requirements of a more densely populated zone. Issues like runoff and traffic patterns were also weighed.
- **Community Opponents' Perspectives:** Commission members acknowledged the residents' concerns regarding changes to the neighborhood, including promises made when they purchased their properties and the increased potential for short-term rentals.

These intensive discussions led the Commission to question the appropriateness of moving forward with the rezoning request, after which Chair Wampler called for a motion.

Vice Chair Barber moved to forward a negative recommendation to the County Commission for application ZDA2025- 02, an application for a zoning map amendment to rezone approximately 4 acres in the Nordic Valley area from the Forest Valley (FV-3) zone to the Form Based (FB) zone. Such rezone would apply the Form-Based zone's Small Lot Residential (SLR) street type to the property, with the finding that form-based zoning was not intended to bring high-density development into existing single-family home areas and therefore is not in accordance with the general plan, and that the proposal is not supported by infrastructure. Commissioner Gross seconded the motion. Commissioners Gross, Morgan, Warburton, Vice Chair Barber, and Chair Wampler voted aye. Commissioners Burton and Froerer voted nay. (Motion carried on a vote of 5-2).

3.5 ZMA2025-04 and ZTA2025-02: request for a public hearing, discussion, and possible recommendation regarding an application to rezone approximately 8.73 acres of land from the AV-3 zone to the FB zone, to amend the Eden Crossing development agreement, and to amend the Eden Street Regulating Plan in county code. *Applicant: Eden Crossing LLC. Staff Presenter: Charlie Ewert.*

John Lewis of Eden Crossing LLC presented a request to rezone approximately 8.73 acres from AV-3 to FB zone, amend the Eden Crossing development agreement, and update the Eden Street Regulating Plan. He explained this would incorporate two additional parcels into the existing development, providing a buffer between higher-density areas and the Eden Acres neighborhood. The amendment would maintain the 350-unit maximum density already approved but would relocate some of those units to create medium-sized lots as a transition zone. Mr. Lewis clarified several points about the development agreement changes:

- The \$1 million contribution for community improvements would now go to the new city entity;
- Building heights would adjust based on what had been constructed nearby; and
- A crash gate would be installed at the connection to Eden Acres to restrict vehicle traffic while allowing pedestrian and bicycle access.

Chair Wampler facilitated discussion among the Commission and Mr. Lewis to seek clarification on the implications of the proposed development agreement amendments and how the changes will impact any previous decisions related to the project that is already vested.

Principal Planner Ewert then presented staff's analysis of the applications, noting the project would add the 8.73 acres to the street regulating plan with appropriate street connections. He outlined several proposed changes to the development agreement, including modifications to setbacks, construction management requirements, and parking standards. He offered images of the existing street regulating plan and compared it with the applicant's proposed changes to the street regulating plan; staff has suggested changes to the applicant's proposed street regulating plan, which he illustrated with an additional aerial image of the subject property. He concluded there are some requirements of the FB zone that the applicant is requesting modified or waived that were mindfully and deliberately adopted to help shape the public realm of the village areas. The Planning Commission should evaluate each carefully to determine whether these changes are warranted. If they are, staff anticipates that this contains the same recommendations and findings as initial offered in the 2022 Eden Crossing rezone decision.

Commissioners inquired about details such as modifications to setbacks and construction management requirements within the development agreement. Mr. Ewert clarified that the proposal might affect window and door openings on street-facing facades, emphasizing architectural and aesthetic considerations. Additionally, considerations were discussed about potential parking arrangements, aimed at ensuring that parking areas do not impact the character of the streetscape. Mr. Ewert noted staff has worked to balance regulatory flexibility with predictable outcomes for the community.

Vice Chair Barber moved to open the public hearing. Commissioner Froerer seconded the motion; all voted in favor.

Troy Bruner, 5268 East Highway 166, Eden, expressed concern about the road connection to Eden Acres, emphasizing a potential impact on an existing irrigation ditch and property access issues to his land, which is adjacent to the proposed connecting road.

Robert Lombardi, 2453 North Sierra Drive, Eden Acres, supported the proposal for a crash gate at the Eden Acres connection to restrict cars while allowing emergency access, in an effort to maintain the quiet residential nature of the neighborhood.

Ron Gleason, Sunrise Drive, Eden, raised issues with construction activity times, stating they should remain consistent with those specified in the existing Cobabe Ranch development agreement and noted that noise restrictions should be retained to protect the community.

Peggy Dooling Baker, 2619 North Nordic Valley Drive, mentioned current challenges with keeping roads clear of snow and questioned the ability of the proposed new streets to remain accessible without higher operating costs for the proposed city. She stated she would ask for a crash gate, or no connection to Eden Crossing.

Jan Fulmer, 3741 Redhawk Circle, Eden, expressed concern about expanding the form-based zone, highlighting the flexibility it gives developers and urging the commission not to approve it. She recommended ensuring literal zoning for any proposed changes to prevent future alterations. Additionally, she highlighted the concern around infrastructure commitments, specifically pertaining to water and sewer connections, urging the requirement of written commitments from the developer.

Alan Wheelwright, 6154 E. 1800 N., Eden, expressed his support for a crash gate at the location that has been discussed; he is most concerned about accessibility for walkers and bikers in the area and he emphasized the importance of the applicant's contribution to Eden Valley Trails system.

Kelly Booth, 2834 East Hibiscus Lane, Eden, expressed concern about the increase in the area marked as commercial, finding discrepancies with parking space allocations. She also flagged concerns regarding inconsistencies in the development agreement's language about short-term rentals.

Tina Allred, Eden, highlighted the existence of an unrecorded easement for a residential tank crossing on one of the subject parcels, and she noted difficulties already affecting local governance whenever changes occur in the project area. Any new roads added to the area will be the responsibility of the new city that will be responsible for those improvements starting next year; there will be limited funding and adding more roads will unfairly burden the new city. She also expressed concerns about availability of water for the proposed development in addition to other developments that have already been approved.

Peggy Dooling Baker, 2619 North Nordic Valley Drive, reapproached and expressed strong opposition to the proposed zoning change. She argued that the rezoning would compete with and overwhelm the rural character of the area. She highlighted how the existing Nordic Valley Village plans already include a substantial number of hotel rooms, condos, and other short-term rental units—up to 867 more—all of which strain the local capacity and disregard housing affordability for permanent residents. She

pointed out that this property is not contiguous with the nearby form-based village area and stressed that allowing such zoning changes could potentially lead to more high-density sprawl. Further, she emphasized that existing residents purchased their properties under the assumption of maintaining a certain level of residential serenity and argued that those expectations should be preserved. Finally, she questioned whether this development aligns with the community's vision and requested the commission deny the zoning change to prevent future adverse effects.

There were no additional persons appearing to be heard.

Chair Wampler stated the Planning Commission also received a number of written public comments via email; she did not read the comments for the record but indicated they will be attached to the minutes of this meeting when approved. The emails opposed the zone change and they were sent by Nikki Wolthuis, Kelly Booth, and Bill (last name inaudible).

Vice Chair Barber moved to close the public hearing. Commissioner Froerer seconded the motion; all voted in favor.

After extensive discussion, the commission evaluated several critical aspects of the Eden Crossing proposal before recommending various conditions. They paid particular attention to:

- **Zoning Continuity and Buffer Zones:** The discussion emphasized how the incorporation of additional parcels into the development would create a suitable buffer between Eden Crossing's high-density zone and the neighboring single-family residential area of Eden Acres. The additional land would be designated for medium-sized lots to facilitate a smoother transition in density.
- **Street Connectivity:** There was a focus on ensuring street connections between the development and adjacent areas, specifically addressing the connection to Eden Acres. The commission deliberated on traffic implications and recommended conditions ensuring a balance between connectivity and community tranquility, such as implementing a crash gate to restrict unnecessary vehicular traffic while allowing emergency access and pedestrian and bicycle paths.
- **Community Response and Engagement:** The commission took into account public sentiment from residents who were concerned about traffic, neighborhood character, and potential short-term rentals. By recommending these conditions, they aimed to address the main area of opposition and preserve the residential fabric of the neighboring communities.
- **Height and Visual Impact:** The commission addressed building height restrictions, maintaining that only the hotel could exceed 40 feet up to a maximum of 50 feet. They acknowledged visual impact concerns, ensuring the design stayed in harmony with existing structures.

Through these discussions, the Commission carefully weighed public input and planning principles to arrive at a balanced set of conditions for their recommendation.

Vice Chair Barber moved to forward a positive recommendation to the County Commission for application ZDA2025- 04 and ZTA2025-02, an application to rezone approximately 8.73 acres of land from the AV-3 zone to the FB zone, to amend the Eden Crossing development agreement, and to amend the Eden Street Regulating Plan in county code, based on the findings and subject to the conditions listed in the staff report, as well as the following additional twelve conditions of approval:

- Installation of a storm sewer line;
- Reducing the maximum residential units from 350 to 300;
- Prohibiting short-term rentals in the added 8.73 acres;
- Limiting building height to 40 feet except for the hotel;
- Requiring TDRs for additional hotel rooms;
- Maintaining code requirements for setbacks;
- Implementing a crash gate at the Eden Acres connection; and
- Stipulating the \$1 million contribution be used for public improvements

Commissioner Warburton seconded the motion. Commissioners Froerer, Gross, Morgan, Warburton, Vice Chair Barber, and Chair Wampler voted aye. Commissioner Burton voted nay. (Motion carried on a vote of 6-1).

Commissioner Burton offered an explanation for his opposing vote; he is in favor of the application moving forward to the County Commission, but he is concerned about some of the conditions recommended by Vice Chair Barber as he feels it is an overreach by the Planning Commission. He does not believe the conditions are rooted in the health, safety, and welfare of the community and are arbitrary and capricious.

3.1 ZDA2025-07: A request from Mountain Dreams LLC for a public hearing, discussion, and possible recommendation regarding a development agreement to preserve development rights, timing of project development, and overall project layout for approximately 45.53 acres, located at 4200 E 4100 N, Eden, UT, 84310 in the FV-3 Zone. Staff Presenter: Tammy Aydelotte

Lacey Richards represented Mountain Dreams LLC, explained her family has owned the 45.53-acre property for 47 years with the intention of providing homes for family members. The property is zoned FV-3, which would allow fifteen 3-acre lots. Instead, they proposed clustering smaller lots near the road to preserve 22.5 acres of open space that has historically been used for grazing. Ms. Richards clarified that there were no immediate plans to develop the lots, but the family sought certainty about future development rights. She mentioned that they had recently been annexed into the Powder Mountain Water and Sewer District.

Brief discussion among the Commission and Ms. Richards centered on proposed lot sizes and road configuration/access to the lots.

Planner Aydelotte presented staff's analysis of the application, noting that while cluster subdivisions typically require 60 percent open space, this proposal would preserve about 50 percent. She explained that the development agreement that would accompany the zone change would vest development rights and allow for extended timelines, giving the applicant up to 30 years rather than the standard requirement to plat one lot per year. She concluded that after reviewing the proposal within the constraints of existing development agreement and Weber County Ordinance, it is staff's opinion that this proposal may help maintain the vision and goals of the Ogden Valley General Plan, specifically regarding residential development in the Forest Valley (FV-3) Zone. Staff is presenting analysis of the proposal above, with possible conflicts in existing ordinance. This analysis is offered with the following considerations:

1. Staff's comments, suggestions, and edits regarding the DA should be more fully addressed prior to County Commission approval.

Staff would recommend approval of this request with the following findings:

1. After the listed considerations are applied, the proposal helps advance the goals and objectives of the Ogden Valley General Plan.
2. The proposed changes are not detrimental to the overall health, safety, and welfare of the community and provide for better project outcomes.
3. A negotiated development agreement is the most reliable way for both the jurisdiction and the applicant to realize mutual benefit.

Commissioner Warburton expressed concern about insufficient maintenance of open spaces that are part of cluster subdivisions; she referred to this condition as 'rural blight' and noted that some open spaces grow a significant amount of weeds and other vegetation that can become a fire hazard. She asked if the proposed development agreement includes language regarding maintenance requirements for open space in the proposed project. Ms. Aydelotte stated that those issues are typically considered as the time of subdivision approval but given the extended review time frame for the proposal, that may not occur as frequently. Planning Director Grover added the County has an ordinance that prohibits the presence of noxious weeds on open spaces and the owner of this property will be expected to comply with that ordinance. This led to high level discussion among the Commission regarding the appropriate amount of open space for a property of this size and a brief focus on whether the applicant is entitled to receive approval of their request based upon guidance in the County's land use code and General Plan.

Commissioner Froerer moved to open the public hearing. Vice Chair Barber seconded the motion; all voted in favor.

Ron Gleason, Sunrise Drive, Eden, highlighted concerns about the land being donated for the road widening of 4100 North. He questioned details regarding the equivalent amount of donation in terms of the road's partial cost. He noted that costs to improve 4100 North is approximately \$2.2 million, with developers obligated to cover \$552,670. He requested staff to explain how much the donated land equated to this cost to justify possible removal from the road's financial contribution obligation. He then raised questions regarding the applicant's recent sewer district annexation with Powder Mountain Water and Sewer District and whether this is a partway plan compared to septic systems/construction options. He also asked if there are intentions involving the use of the sewer amenities of Powder Mountain Water and approaches to addressing installing water tanks privately. He emphasized the need for clarity of these topics for proper understanding, highlighting the intricate interactions in community planning notably impacting the future of the newly formed city in the Ogden Valley.

Tina Allred, Eden, addressed concerns about open space, highlighted a potential problem with open space easements. She cautioned that these easements, which are often assumed to be perpetual, might not be as permanent as expected. By drawing from her experience, she pointed out that legal disputes and changes in land use planning or ordinances can sometimes override such easements, leading to unintended consequences for the community and leaving the promised open spaces at risk.

There were no further persons appearing to be heard.

Commissioner Froerer moved to close the public hearing. Commissioner Warburton seconded the motion; all voted in favor.

Commission discussion centered around the applicant's request to establish a development agreement aimed at preserving 22.5 acres of open space while clustering smaller residential lots closer to 4100 North. The Commission and staff evaluated the alignment of this proposal with the goals of the Ogden Valley General Plan, considering aspects such as the benefits of retaining significant open space, how the proposed layout compared to the existing zoning that permits three-acre lots throughout the property, and the potential impact on neighborhood continuity. The Commission also received counsel from the Attorney regarding the regulation of conservation easements.

Chair Wampler invited additional input from the applicant regarding the land that was donated for 4100 North. Ms. Richards stated that land was donated a few years ago when building permits were pulled and impact fees were paid; she assumes 4100 North is in the capital facilities plan for the Valley. Planning Director Grover indicated there is not a capital facilities plan for this area. Ms. Richards stated that it is her understanding that most people that build a home along a roadway that has already been constructed are not required to donate as much land for the right-of-way, but about 1.5 acres along the north side of the existing road was donated in total. Vice Chair Barber asked who facilitated the acceptance of the land donation given that staff was not aware the donation had occurred. Ms. Aydelotte noted that planning staff is not aware of the donation, but that does not mean that it was not handled by someone else in the County, perhaps the Engineering Division. Mr. Grover discussed efforts of the County to work with other property owners to secure sufficient land to allow for more road improvements and the extension of the road to Wolf Creek. There was additional high-level discussion regarding the ability of the applicant to secure will-serve letters from utility service providers in the Valley. Ms. Richards concluded that her family feels the proposed project is a 'win-win' scenario for them and the County; it is in line with the goals of the General Plan and will provide an appropriate transition between other uses in the area.

Commissioner Warburton moved to forward a positive recommendation to the County Commission regarding application ZDA2025- 07, development agreement to preserve development rights, timing of project development, and overall project layout for approximately 45.53 acres, located at 4200 E 4100 N, Eden, UT, 84310 in the FV-3 Zone, based on the findings and subject to the staff recommended considerations listed in the staff report, and the following additional condition that the open space easement be transferrable to the new city when incorporation takes place. Commissioner Gross seconded the motion. Commissioners Froerer, Gross, Morgan, Warburton, and Chair Wampler voted aye. Vice Chair Barber voted nay and Commissioner Burton recused himself from discussion and action regarding the application. (Motion carried on a vote of 5-1).

Vice Chair Barber stated that he voted against recommending approval of the Mountain Dreams LLC Development Agreement because he believes that if every landowner were able to lock in current zoning indefinitely, it would create significant challenges for land-use planning. He expressed concern that the ability to preset development rights might undermine the state of Utah's approach to managing zoning and planning. He saw the request as contrary to how zoning is typically managed and was worried that allowing such agreements could lead to complications and unintended consequences for future development in the Valley.

Commissioner Warburton acknowledged Commissioner Barber's concerns while emphasizing that she believed the adjusted terms should adequately address the flexibility the applicant needed without departing significantly from the existing code provisions. She noted the importance of maintaining balance between development rights and the interests of the community.

3.3 ZDA2024-02: a request for a public hearing, discussion, and possible recommendation regarding an application for a zoning development agreement for the Gateway Estates subdivision intended to vest the property in current zoning and development rights. Applicant: Matt Lowe. Staff Presenter: Charlie Ewert.

Matt Low presented the request for a development agreement for Gateway Estates, explaining that he had received preliminary plat approval over 12 months ago and was seeking to vest those approvals. The key request of the current application is for more flexible timing, allowing him to plat one lot every three years instead of annually. Mr. Low also noted that his application includes an offer of a \$50,000 donation to the Eden Valley Trails system.

Chair Wampler expressed concern regarding the language in the development agreement that essentially freezes the current law, preventing the application of future laws or ordinances to the project. She found it problematic that the agreement aims to lock in existing rights comprehensively, which she perceived as freezing the statutes in time, encompassing all encompassing issues of taxes and their modification. These future laws would not apply under the proposed agreement, which was a point of contention for her. Overall, she had difficulty with the broad scope of the language that would prevent any and all future changes from applying to the project. This led to philosophical discussion among the Commission and the applicant regarding the planned timing of the project through build-out and whether it is problematic to ensure that the project will abide by current laws rather than future laws. Mr. Low specified that he does not want to have to worry about spending a great deal of time in the future amending his project plans in the event that certain land use laws change. The Commission engaged in discussion with staff regarding any precedents for this type of development agreement elsewhere in Weber County.

Principal Planner Ewert presented staff's analysis of the application, explaining that the development agreement would vest current ordinances for a 10-year period with automatic 5-year renewals unless the newly formed city gives notice of non-renewal. He reviewed several aspects of the proposed development agreement including road designations (public versus private) and exemption from potential future moratoria. He concluded that with the reduction in the applicant's ask from the county, it is staff's opinion that this proposal might strike a reasonable balance between the applicant's interests and the interests of the public. If so, staff is recommending the planning commission forward a positive recommendation for the proposed development agreement to the county commission for their final deliberation on the matter. Staff's recommendation is based on the following findings and considerations:

1. Staff's comments, suggestions, and recommended edits for the DA should be more fully addressed prior to county commission approval.
2. After the listed considerations are applied, the proposal helps advance the goals and objectives of the Ogden Valley General Plan.
3. The proposed changes are not detrimental to the overall health, safety, and welfare of the community and provides for better project outcomes.
4. A negotiated development agreement is the most reliable way for both the jurisdiction and the applicant to realize mutual benefit.

Commissioner Froerer moved to open the public hearing. Commissioner Warburton seconded the motion; all voted in favor.

Alan Wheelwright, 6154 E. 1800 N., Eden, representing Eden Valley Trails, expressed support for the \$50,000 contribution allocated for trail development. He explained the donation could provide funding for approximately two to three miles of single-track trail. Mr. Wheelwright emphasized the importance of building new trails within the valley, noting their role in facilitating various forms of connectivity throughout the community and contributing to the communal network of pathways suitable for biking, hiking, and horseback riding activities.

Tina Allred, Eden, voiced her opinion that the roads within the Gateway Estates development should remain private. She argued that making all roads private would prevent the new city from incurring additional infrastructure maintenance burdens, highlighting the challenges involved in city services reaching roads that are detached from more centralized areas within city limits.

There were no additional persons appearing to be heard.

Commissioner Warburton moved to close the public hearing. Commissioner Froerer seconded the motion; all voted in favor.

The Commission engaged in a high-level discussion regarding the Gateway Estates development agreement. Several key points were raised:

- **Phasing Timeline:** The commission examined the applicant's request to extend the timeline, allowing for platting once every three years. Concerns were voiced about whether this flexibility adequately balanced the applicant's aims with the new city's future ability to adapt or amend planning ordinances within the acceptance period.
- **Moratorium Exemption:** Members debated the inclusion of a clause that would exclude the development from future moratoria potentially imposed by a new city. If future circumstances warranted a building freeze, the commission questioned the appropriateness of excluding this development from all city-imposed moratoria for infrastructure setting purposes.
- **Public vs. Private Roads:** Discussion included whether roads should remain public or become private. Concerns over potential liabilities for road maintenance in areas not contiguous with existing streets were expressed, ultimately leading to suggestions to have them remain private.
- **Equitable Exchange:** There were differing opinions on whether the \$50,000 contribution to Eden Valley Trails sufficiently balanced the benefits the developer was receiving via the extended timeline and rights vesting, highlighting the complexity of determining an appropriate community benefit in return for requested flexibilities.
- **Language Clarification:** Commissioners pressed for clarity and preciseness in the language used for vesting rights, emphasizing that bond ordinances should be plainly specified, avoiding ambiguous terms such as policies, standards, and procedures that left room for future contention.

In discussing these elements, the Commission aimed to align the proposal more closely with the Valley's long-term goals while also ensuring new city interests were safeguarded.

Commissioner Burton moved to approve application ZDA2024- 02, an application for a zoning development agreement for the Gateway Estates subdivision intended to vest the property in current zoning and development rights, based on the findings and subject to the conditions listed in the staff report. Commissioner Warburton offered a friendly amendment to include the following additional conditions of approval:

1. That the current public road be vacated with all roads becoming private; and
2. That vesting language be clarified to apply only to ordinances (not policies and procedures).

Commissioner Burton accepted the friendly amendments. Commissioner Froerer seconded the motion. Commissioners Burton, Froerer, Gross, and Morgan voted aye. Commissioner Warburton, Vice Chair Barber, and Chair Wampler voted nay. (Motion carried on a vote of 4-3).

Commissioner Warburton spoke to her opposing vote; she expressed that she thought the application should pass but had concerns about certain provisions within the development agreement. Specifically, she believed that the moratorium should be allowed for six months if needed by the newly formed city, noting that provisions could permit them to do it twice. Additionally, she remarked on the appeal process, feeling that the route suggested for appeals was unwarranted. Commissioner Warburton hoped these aspects would be considered by the County Commission for potential denial, but she found the rest of the application to be acceptable.

3.4 ZDA2025-06: a request for a public hearing, discussion, and possible recommendation regarding an application for a zoning development agreement to memorialize and preserve zoning development rights for property at the end of Stringtown Road owned by Ogden City. Applicant: Ogden City; Representative: Brady Herd. Staff Presenter: Charlie Ewert

Brady Herd represented Ogden City stated the City is requesting a development agreement to memorialize 521 development rights on their property at the end of Stringtown Road. He explained the property was purchased in 2018 to protect the city's wells, which provide approximately 60% of Ogden City's water supply. Mr. Herd stated that while they don't intend to develop the property due to source water protection, they want to preserve the development rights for potential future transfer.

Chair Wampler indicated she had requested a market feasibility study to evaluate the viability of the proposed development rights on Ogden City's property at the end of Stringtown Road. She explained that the study was meant to assess whether the necessary infrastructure, such as sewer lines and secondary access roads, could realistically be implemented on the property to support the claimed 521 development rights. The goal was to determine if those rights could exist under the current zoning and environmental protection measures. Despite the request, Ogden City did not provide the study, leaving Chair Wampler unconvinced of the rights' valid existence, as significant constraints appeared to challenge the feasibility of full development. Mr. Herd explained the general feasibility concerns, such as the need for sanitary sewer amenities and adequate egress roads for developing the full buildout of

521 units, acknowledging that those would be significant obstacles without indicating that a detailed market feasibility study had been performed.

The Planning Commission then engaged in high level discussion with Mr. Herd, asking specific questions about several aspects of the application and subject property. They focused on understanding whether the rights could be realistically developed given noted infrastructure challenges, such as the need for sewage and road access improvements. Commissioners also probed Mr. Herd on the impact of existing zoning and source protection zones on construction viability, mitigating skepticism regarding granting development rights that may not be practical to exercise under current conditions.

Principal Planner Ewert presented the staff analysis, noting the potential challenges in actually developing the property, including the need for secondary access through 13 to 15 other properties and sewage infrastructure. He explained that the question was whether the development rights truly exist given these constraints, and whether Ogden City should be able to vest rights they may not be able to use on the property itself. He expounded on issues related to sanitary sewer infrastructure, access and egress to the subject property, size and scale of homes that could be built on the land based on the zoning designation, and viability and feasibility of developing the land. He concluded that so long as the property remains zoned CVR-1, whether development on the property is marketable today versus if the units were transferred elsewhere is not a topic staff recommends considering. This is because over time, as the valley builds out, site and local financial constraints (like the potential expansion of sewer and streets to the area) are likely to diminish, and market forces for development on property is likely to increase. Therefore, unless the development rights assigned to the property are in some other manner eliminated, the likelihood that a development on the subject site becomes feasible will continue to increase in time. Regardless of today's market motivations, if not taking the opportunity to transfer those units at this time from the property, to be assigned to a location better suited for it, the community risks missing the opportunity to do so in the future prior to shifting motivations. For this consideration, staff has ignored the fact that Ogden City's motivations as a city may not be the same as those of a prospective developer/landowner. While the differences in motivation are clear, a worst-case scenario for this property is if the city allows it to be developed in a manner of their choosing in an effort to recoup their costs of purchasing it. Thus, staff has approached the review as if the city may have the same motivations as other prospective landowners. Staff will have additional review comments for the proposed development agreement at a later time. It seems more prudent for the planning commission to address the above outstanding considerations before staff invests time in providing more detailed evaluation of the nuances in the proposed agreement. Should the planning commission desire to forward a positive recommendation to the county commission it may be prudent to do so after a more complete staff and legal review has been conducted.

During the Commission's discussion with Mr. Ewert regarding transferable development rights (TDRs) and zoning, there were several key points addressed. Commissioner Burton emphasized the importance of the TDR system in the general plan, where TDRs are meant to transfer development to more desirable zones, such as resort areas. Mr. Froerer confirmed that the general plan and zoning ordinances do not contemplate preemptive vesting of TDRs without a specific transaction, adding that TDRs should not be considered inherent property rights but are subject to the regulations set forth by the county. The concept of whether the currently requested vested development rights at Ogden City actually exist was questioned, as constraints like the source water protection zone were raised. Ultimately, the Commission members were divided over whether they could approve the request to preserve these development rights when they may not be viable under existing zoning regulations without further analysis.

Vice Chair Barber moved to open the public hearing. Commissioner Burton seconded the motion; all voted in favor.

Tina Allred explained that her own properties had been devalued by the well protection zone, which prohibits septic systems within certain distances. They questioned why Ogden City's development rights should be preserved when neighboring properties had essentially lost their development rights.

Ruby or Cassie, 973 N. 5900 E, provided personal insights into the impact of the well protection zone. She explained that her family's properties and her cousin's property were negatively affected in terms of value when the protection zone was established. Specifically, if she had not built her house when she did, she would not have been able to due to the restrictions imposed by the protection zone. Her mother's house, which has been there for many years, would also not be permissible under current regulations. Cassie also mentioned that to comply with regulations, her cousin had to build his house significantly far from the road. She criticized the lack of notification about the protection zone, revealing that her family only became aware of its implications when her cousin sought to build his house.

Justin Anderson, Ogden City's Public Services Executive Director, clarified that the wells had been in place since 1970-72 when the Bureau of Reclamation required their relocation. He emphasized the critical importance of the wells to Ogden City's water supply. The commission debated whether development rights that might not be viable should be declared as existing, particularly when a market feasibility study that had been requested was not provided.

There were no additional persons appearing to be heard.

Chair Wampler noted planning staff had received an email regarding the application from Ian Christensen; it will be attached to the adopted minutes of the meeting.

Vice Chair Barber moved to close the public hearing. Commissioner Morgan seconded the motion; all voted in favor.

Chair Wampler stated the question in her mind is whether the development rights on the subject property actually exist and the types of infrastructure improvements that would need to occur in order to make the land developable. She noted she had asked for a market feasibility study to accompany this application and since that did not occur, she has not changed her position regarding this application. She has not been convinced that the development rights cited by the applicant actually exist. She is convinced, however, that the presence of the well protection field has impacted the development rights and property value of neighboring properties.

Commissioner Burton explained that the general plan is based on a comprehensive count of potential development opportunities, and that's the context in which these transferable development rights (TDRs) need to be evaluated. As such, he noted that if the TDRs were counted in the 2016 general plan as part of the determined build-out capacity and incorporated in the total development rights available at that time, they should be considered as existing. He emphasized that this is the 'test' to ascertain whether they exist now. He further elaborated that the general plan is designed to account for growth by utilizing existing rights responsibly and is set up not to undue back-projects to meet arbitrary caps on development ceilings. Hence, acknowledging these rights as existing is consistent with ensuring planned, methodical growth. Commissioner Wampler interjected that while she understood the rationale, her stance was predicated on the need for substantial evidence to demonstrate actual feasibility for any of these rights to be realized on the property as zoned. The constraints imposed on the land, such as from protection zones, may render the rights unfeasible or difficult to achieve without significant investment. She elaborated that planning intrinsically involves discerning the realistic development opportunities. Without provisioning a realistic analysis or demonstrating the infrastructure capabilities, one can't rightfully declare these TDRs as present—even if they were once counted or assumed in a preliminary tally. This discussion led to philosophical debate among the Commission regarding whether the development rights actually exist and how the applicant arrived at the number of TDRs at 520.

Vice Chair Barber moved to forward a recommendation of denial to the County Commission for application ZDA2025- 06, an application for a zoning development agreement to memorialize and preserve zoning development rights for property at the end of Stringtown Road owned by Ogden City, with the findings that the request does not meet the requirements of the general plan, is not contemplated in existing county code regarding transfer of development rights, and a requested feasibility study was not provided. Commissioner Morgan seconded the motion. Commissioners Gross, Morgan, Warburton, Vice Chair Barber, and Chair Wampler voted aye. Commissioners Burton and Froerer voted nay. (Motion carried on a vote of 5-2).

4. Public Comment for Items not on the Agenda:

Richard Hyer stated he is a former Ogden City Planning Commissioner, and he shared some common planning acronyms including NIMBY (Not In My Back Yard), BANANA (Build Absolutely Nothing Anywhere Near Anyone), CAVE (Citizens Against Virtually Everything), and ABCD (Annoyed By Cave Dwellers). He stated he feels some of these acronyms have arisen during the Commission's discussion of applications this evening. He also expressed concern about the length of the meeting and suggested the Commission could be more efficient by avoiding overly detailed discussion of items that are already covered in the County's land use ordinance.

5. Remarks from Planning Commissioners:

Commissioner Warburton explained her vote on the Nordic Valley application, stating it would have blended well with surrounding areas. Chair Wampler clarified her opposition to that application, citing concerns about water instability, engineering issues, and compatibility with the neighborhood character.

6. Planning Director Report:

There was no report from the Planning Director.

7. Remarks from Legal Counsel

Legal Counsel addressed the Ogden City application, noting that the Commission's decision was reasonable given that Ogden City could still apply to transfer development rights under current code, and the new city would have authority to establish its own TDR ordinances.

The meeting adjourned to work session at 11:00 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission