

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for October 25, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/89595999398>, the time of the meeting, commencing at 4:30 p.m.

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

Absent/Excused: Commissioner Dayson Johnson

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 Commissioner Dayson Johnson was excused from the meeting.

Commissioner Wampler declared a conflict of interest relating to agenda items 1.1 and 2.2; she has a family member who is involved with those applications.

Commissioner Burton stated that during the Commission's last discussion of the Parkside Subdivision, he recused himself because his wife owns a lot in the neighborhood. However, he does not believe this will keep him from being impartial and he would like to participate in discussion of the project this evening. Chair Shuman called for a vote of all in favor of allowing Commissioner to participate in the discussion of agenda item 1.1; all Commissioners present voted aye.

Petitions, Applications, and Public Hearings:

1. Administrative items:

1.1 UVP080922 Request for a recommendation of final approval of Parkside Phase 3 PRUD Subdivision, consisting of 16 lots. Planner: Tammy Aydelotte

Commissioner Wampler excused herself from the meeting at this point.

Planner Aydelotte explained the applicant is requesting a recommendation of final approval of Parkside PRUD Phase 3 Subdivision in the RE-15 Zone. The proposed development consists of 16 lots with common area surrounding each lot. The Parkside PRUD Phase 3 is part of the master planned community within the Wolf Creek Resort known as "The Bridges PRUD" which consists of a multi-phased development including six communities (364 units) with a variety of housing options and approximately 143 acres of open space. The proposed subdivision "Parkside PRUD Phase 3" is one of the three phases (72 units) in the Parkside community. The Uniform Land Use Code of Weber County (LUC) §106-1-8(f) identifies the approval process for final subdivision approval. The proposed subdivision exceeds the number of lots that can be administratively approved as part of a phasing process; therefore the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission, at final approval. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC. She summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; Ogden Valley Sensitive Lands Overlay districts; common areas; Natural Hazards Overlay zoning; culinary water, irrigation water, and sanitary sewage disposal; additional design standards and requirements, and tax clearance. She briefly summarized the recommended preliminary conditions of approval and concluded staff recommends final approval of Parkside PRUD Phase 3 Subdivision, consisting of 16 lots located at approximately 4843 Howe Dr., Eden, UT, 84310. This recommendation is subject to all review agency requirements and based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances.

Chair Shuman invited public input.

Commissioner Burton moved to grant approval of application UVP080922, final approval of Parkside Phase 3 PRUD Subdivision, consisting of 16 lots, based on the findings and subject to the conditions listed in the staff report. Commissioner Torman seconded

the motion. Commissioners Burton, Montgomery, Shuman, Stefanik, and Torman, and all voted aye. (Motion carried 5-0). Commissioner Wampler was not present for this discussion due to recusal.

Petitions, Applications, and Public Hearings:

2. Legislative items:

2.1 ZTA 2022-02: A public hearing for consideration of a county-initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review. Planner: Steven Burton.

Commissioner Wampler rejoined the meeting.

Planner Burton explained the Weber County subdivision code currently requires all subdivision amendments to receive an administrative subdivision approval at a formal meeting. This process can add several weeks to the approval timeline once an application is submitted to the county. There is currently no expedited process for individuals who are proposing to amend lot boundaries with adjacent lots, or who propose to remove plat restrictions that are no longer applicable. This proposal will exempt lot line adjustments and plat restriction removals that are no longer applicable from the formal preliminary and final plat approval meeting. Under the proposed subdivision code change, a lot owner can submit a lot adjustment to the county for review and receive formal review comments, print a mylar plat, get county signatures, and record the plat without a formal approval meeting. He summarized staff's evaluation of the request; this proposal is not anticipated to impact the Western Weber General Plan. The proposal will shorten the review period for lot adjustments, the fee of which will be less than the normal subdivision review fee. This proposal can be considered to be a benefit to lot owners who simply want to adjust boundaries or remove irrelevant plat restrictions. Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed text amendment ZTA 2022-02. This recommendation may come with the following findings:

1. The proposal is an additional subdivision option for lot owners.
2. The proposal is not contrary to the goals and principles of the general plan.

Legal Counsel Erickson facilitated a review of the proposed text amendments; there are a few additional minor adjustments he would recommend to ensure compliance with State Law. Mr. Burton stated that he accepts and supports the amendments recommended by Mr. Erickson relative to meeting requirements for lot adjustment applications.

Commissioner Burton presented a hypothetical situation where two landowners wish to adjust their lot lines responsive to the incorrect placement of a fence or structure; he inquired as to the process they would follow to complete the lot line adjustment. Mr. Burton stated that one or both property owners would complete an application, and both landowners would need to sign the plat and acknowledge the lot line adjustment.

Commissioner Stefanik inquired as to the catalyst for this proposed change. Mr. Burton stated that he manages planning projects and applications that move through the Planning Division office and he has noticed that some simple applications take a significant amount of time to move through the process and receive approval; for minor applications, he feels that shortening the process is appropriate and he believes the County Commission will support this change.

Commissioner Montgomery moved to open the public hearing. Commissioner Torman seconded the motion, all voted aye.

There were no persons appearing to be heard.

Commissioner Stefanik moved to close the public hearing. Commissioner Wampler seconded the motion, all voted aye.

Commissioner Torman moved to forward a positive recommendation to the County Commission regarding application ZTA 2022-02, county-initiated text amendment to the Subdivision Ordinance to exempt lot adjustments from preliminary and final subdivision review, allowing Legal Counsel Erickson to make minor edits to the text before it is presented to the County Commission. Commissioner Wampler seconded the motion. Commissioners Burton, Montgomery, Shuman, Stefanik, Torman, and Wampler all voted aye. (Motion carried 6-0).

2.2 ZMA 2022-01: Consideration of a request for approval of a zoning map amendment to rezone property from RE-15, RE-20, FR-3, O-1, F-5, CVR-1 and AV-3 to the Master Planned Development Overlay zone. The areas are referred to as The Exchange, Eagle Crest, and Cobabe Ranch. Planner: Steven Burton.

Planner Burton explained on August 23, 2022, the Ogden Valley Planning Commission tabled a decision on this application so that a work session could be held in September of 2022, in which the Cobabe development would be discussed to better understand how it relates to the county's Form-based zoning and small area plans. During the work session held on September 27, 2022, the Planning Commission discussed with the applicant how the proposal relates to the county's small area planning. The Planning Staff pointed out that the proposal takes place in what will be the Wolf Creek area boundary for small area planning. The applicant showed an exhibit that included a plan that could be platted under the existing zoning and compared it to the proposed layout, which includes 70 acres of open space, 68 townhomes, and 33 single family lots (2 to 3 acres in size each). He reviewed the maps of the subject property, which were included within his staff report. He identified development option one, proposed by the applicant, and noted that after the August 23 work session, Planning staff have met with the applicant and have discussed creating another optional layout that brings the townhomes further south, away from Trappers Ridge development. Mr. Burton identified development option two on one of the maps and also presented a map from the General Plan, which was the focus of the discussion during the work session. Planning staff has added several recommendations for the Planning Commission to consider in making a motion to forward a recommendation to the County Commission. Mr. Burton then summarized the development history; Wolf Creek Resort has been a Master Planned Resort Community since the early 1980's. In October of 2002, the developer of Wolf Creek Resort petitioned the County to rezone certain development areas, within the resort, and amend the original master plan and agreement. The 2002 Wolf Creek master plan amendment was approved as Contract# C2002-139 and recorded with the Weber County Recorder's Office as Entry# 1883524. In March of 2016, an amended development agreement was approved and recorded that clarified the density rights of certain developers, including John Lewis, of property in the boundaries of the Wolf Creek resort. This agreement was recorded as Entry number 2784398 and is used as a basis to understand John Lewis's development rights as they pertain to this application. There are three areas that are proposed to be rezoned to the Master Planned Overlay zone. The developer refers to them as The Exchange, Eagle Crest, and Cobabe Ranch and is proposing to transfer existing density to these areas so that there is no increase in density units. The developer will use their existing entitlements from the wolf creek development agreement as well as other entitlements outside of the development agreement. The Exchange will include 144 units, Eagle Crest will include 192 units, and Cobabe Ranch will include 101 units. A total unit count of 437. Out of these 437 units, the developer is proposing to transfer 80 units from outside of the Wolf Creek Resort and to include them in the Eagle Crest development plan. These units would come from the Ogden Valley Floor and the developer would not be able to plat these 80 units until they show the units have been successfully transferred in accordance with the land use code. The remainder of the proposed Master Planned Development units (357) come from the developer's existing entitlements. Out of the 357 units, 216 come from the developer's pot of units outlined in the Wolf Creek Resort development agreement (Entry # 2784398). These are known as Wolf Creek Resort entitlements. The exhibit below shows the hi-lighted units owned by John Lewis that will be assigned to the three Master Planned development areas proposed. As part of the rezoning to MPD overlay zoning, the developer will enter into a development agreement with the County that clarifies that the hi-lighted units from E# 2784398 are now part of the MPD overlay and can no longer be developed elsewhere. The agreement will include maps of The Exchange, Eagle Crest, and Cobabe Ranch to show what will be developed. He then summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; architecture design; cluster development; open space; street configuration; general uses; short-term rental uses; and transfer of density. In reviewing a proposed development agreement, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

1. Public impacts and benefits.
2. Adequacy in the provision of all necessary public infrastructure and services.
3. Appropriateness and adequacy of environmental protection measures.
4. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.

Staff has developed three recommendation options; under option one, staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZMA 2022-01, based on the layouts of Eagle Crest, The Exchange, and Cobabe Development option 1, as represented in this report. The recommendation is based on the following condition:

1. The O-1 area be preserved as O-1 and not rezoned to MPD overlay zoning.

This recommendation is based on the following findings:

1. The proposal implements a meaningful element from the general plan, specifically the transfer of density rights and providing important public street connections that allow for pedestrian and vehicle connectivity.
2. The proposal was considered by the Legislative Body, in conformance with Chapter 102-5 of the County Land Use Code.

Under option two, staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZMA 2022-01, based on the layouts of Eagle Crest, the Exchange, and Cobabe Development option 2, as represented in this staff report. The recommendation is based on the following condition:

1. The O-1 area be preserved as O-1 and not rezoned to MPD overlay zoning.

This recommendation is based on the following findings:

1. The proposal implements a meaningful element from the general plan, specifically the transfer of density rights and providing important public street connections that allow for pedestrian and vehicle connectivity.
2. The proposal was considered by the Legislative Body, in conformance with Chapter 102-5 of the County Land Use Code.

Under option three, staff recommends that the Planning Commission table the proposal, so that a more specific plan, based on development option 2, can be presented to the Planning Commission. This recommendation is based on the following findings:

1. A more detailed concept plan has not yet been provided for development option 2, to know how the lot and street layouts would fit into the area.

Commissioner Torman asked Mr. Burton to expound on his understanding of the definition of the term 'development rights'. Mr. Burton stated that a developer does not have a right to have their property rezoned; they have a right to build a home and use their property according to its current zoning, but they are not necessarily entitled to a zone change. A zone change is a legislative decision.

Chair Shuman invited input from the applicant.

John Lewis, Eden, stated this is a very large application and trying to accomplish overlay zoning of the entire area is fairly complicated. He stated he feels it would be smart to focus on the Cobabe Ranch area and some of the changes that have been made since the Commission's last review of this project. He believes the new plan makes more sense for the surrounding community as well as himself. Cobabe is made of up of two halves; there is a lower area and upper area. For the lower area, according to options one and two, nothing would be rezoned to allow for anything smaller than three acres. For the upper area, he would switch the locations of the townhomes and the two-acre lots; this would provide a greater buffer for the Trappers community. He feels this is a reasonable compromise and he met with several members of the Trappers community today to discuss possible parameters that he can abide by when redrawing the plan for the project and the things that both sides have agreed to include the following:

1. Two acre lots (15) will be above the townhomes, but below the powerlines – no homes will be above the powerlines.
2. Anything built in the less dense area must be at least 200 feet away from another structure or home in the Trappers community.
3. Barns will be constructed of wood rather than metal; no more than 25 feet tall with a gabled roof. No barns can be used as accessory dwelling units (ADUs). Barn cannot be larger than the footprint of the primary dwelling.
4. Fences will be existing barbed wire or buck and rail fence that he has used at his other projects.
5. Green-belt space will be maintained in option two; it is important to maintain the trails and open space connectivity in the area.
6. Where Cobabe road connects to the Trappers community, he would like to install a crash gate and advertise the road as accessible in emergencies only rather than as a pass-through road.
7. The parcels, once developed, will be prohibited from further subdivision.
8. Three night minimum for short term rentals.

He stated that these parameters will be used to develop the covenants, conditions, and restrictions (CCRs) for the project and he advised the Commission to condition their approval of the application upon these parameters. He then noted that he feels this project is meaningful as it will 'start the ball rolling' for upper valley sewer; this project, coupled with the Osprey development, will provide the 200 connections needed to spur future sewer infrastructure improvements at no cost to the average taxpayer. He stated that he also feels the project will improve transportation connectivity in the area, while not increasing the overall density. There will be approximately 50 acres of open space, as opposed to no open space if the property were developed according to the current zoning designation; he feels good about the compromises that have been made responsive to the concerns expressed by the Trappers community and he asked for the Commission's support of the project.

Commissioner Stefanik thanked Mr. Lewis for locating the larger lots in the upper area of the project; he asked if all of them will be two acres in size. Mr. Lewis answered yes; the houses will be below the power lines, but their backyards will extend to the

fence. Commissioner Stefanik stated that two acres is not very large; he asked if there is any way to include language in the CCRs to prohibit the owners of those lots from driving motorcycles/all-terrain vehicles/snowmobiles on their property. Mr. Lewis stated that he has done that in his other developments, and he would do the same in this project.

Commissioner Torman asked Mr. Lewis if he is attempting to transfer development rights to this project in order to achieve the proposed density. Mr. Lewis answered no; his development rights are coming from the core for the subject property. He noted he actually has excess development rights that he will eventually transfer to another area at some point in the future.

Commissioner Stefanik asked for confirmation that the zoning for the lower lots will not be changed as part of this application. Mr. Lewis stated that is correct; the lower lots are three-acres in size and the zoning will not change; however, there will be some improvements to the open space and connectivity in the area.

Commissioner Burton thanked Mr. Lewis for his willingness to work with neighboring property owners and residents to address their concerns regarding his original application. Mr. Lewis stated this has been a good lesson for him, and could be a good lesson for other developers as well, that compromise is a good thing and sometimes people have good ideas that can benefit all parties. Chair Shuman echoed Commissioner Burton's gratitude to Mr. Lewis.

Commissioner Stefanik moved to open the meeting to public comment and to limit each speaker to two minutes. Chair Shuman seconded the motion. Commissioner Stefanik and Chair Torman voted aye. Commissioners Burton, Montgomery, and Shuman voted nay. The motion failed on a three to two vote. Commissioner Wampler did not vote due to recusal.

Commissioner Montgomery asked if the County is willing to accept the recommendation of a crash gate on the road that connects from Cobabe to the Trappers community as mentioned by Mr. Lewis. Planning Director Grover stated that matter would be addressed by the Engineering Department when the subdivision review is being considered.

Commissioner Shuman asked Mr. Grover to expound on Mr. Lewis's explanation of the development rights being transferred within the project area. Mr. Grover stated that development rights are being transferred within the project area; this is essentially a transfer of development rights (TDR) action, but it is administered through a development agreement for the project.

Commissioner Burton moved to forward a positive recommendation to the County Commission regarding application ZMA 2022-01, option two, zoning map amendment to rezone property from RE-15, RE-20, FR-3, O-1, F-5, CVR-1 and AV-3 to the Master Planned Development Overlay zone. The areas are referred to as The Exchange, Eagle Crest, and Cobabe Ranch. Motion is based on the findings and subject to the conditions listed in the staff report. Commissioner Montgomery seconded the motion. Commissioners Montgomery, Shuman, Stefanik, and Torman, all voted aye.

The Commission briefly discussed the differences between the optional layouts included in the staff report; Chair Shuman indicated options one and two appear to be very similar, though the layouts are slightly different. Since the zoning will be the same under either option, the Planning Commission is basically communicating to the County Commission that they like option two better than option one. Mr. Burton stated that is correct; if the Commission would like to include a finding that the option conforms with the General Plan, that would be reasonable. Commissioner Burton asked if the motion should include findings that the applicant has given testimony that he prefers option two. Mr. Grover stated that he feels the four findings included in the staff report are sufficient, but the Commission can include additional findings as they deem appropriate.

Commissioner Burton amended his motion to include an additional finding that the applicant prefers option two. Commissioner Montgomery seconded the amendment. All voted in favor. (Motion carried 5-0). Commissioner Wampler did not vote due to recusal.

Chair Shuman called for a vote on the amended motion. Commissioners Burton, Montgomery, Shuman, Stefanik, and Torman voted in favor. (Motion carried 5-0). Commissioner Wampler did not vote due to recusal.

Commissioner Wampler rejoined the meeting.

3. Public comment for items not on the agenda.

Ron Gleeson, Eden, stated he has been attending Planning Commission meetings for well over 15 years, and this is the first time he can recall that public comment was not allowed for an item that was advertised as a public hearing. He finds that personally offensive; he wasted his time and money to attend the meeting in person and he was not allowed to provide input. Staff and the applicant were able to review all materials and provide their input; he has also reviewed the project materials, but he was not given the ability to ask questions and provide input. In the future, when a public hearing is advertised, the public should be allowed to speak; if they are not going to be allowed to speak, that should be stated up front so that people do not waste their time.

4. Remarks from Planning Commissioners.

There were no additional remarks from Planning Commissioners.

5. Planning Director Report.

During the pre-meeting, Planning Director Grover reported that the County's Code Enforcement Officer received the "National Code Enforcement Officer of the Year" award during a recent code enforcement conference; she was recognized by the County Commission for her receipt of that award. He also briefly reported on the recent land use actions of the County Commission. He concluded by summarizing the Planning Commission's meeting schedule for the remainder of 2022.

Mr. Grover then noted that on tonight's agenda, there was only one item that was noticed as a public hearing: item 2.1, application ZTA 2022-02. The Planning Commission did open the public hearing for that item. The item referenced by Mr. Gleeson, ZMA 2022-01, was not advertised as a public hearing; a public hearing for that application has already been held.

6. Remarks from Legal Counsel.

Mr. Erickson had no additional remarks.

Adjourn to work session: WS1 – Discussion on Moderate Income Housing Report. Planner Bill Cobabe.

Planning Director Grover introduced Planner Cobabe, who was hired to fill the vacancy created by Scott Perkes' resignation. Mr. Cobabe has been working on long-range projects and one of his first assignments was the Moderate-Income Housing Report. Mr. Cobabe was previously employed by the State of Utah and was charged with overseeing all moderate-income housing plans submitted to the State.

Mr. Cobabe stated the proposal is to adopt the Moderate-Income Housing Report as an addendum to the General Plan; he provided an overview of the history of legislative changes relating to affordable housing. Due to laws enacted in 2018 regarding affordable housing, cities and counties must develop a moderate-income housing plan and select three options from a menu of 26 options for addressing the lack of affordable housing in a community. The most recent changes to that law require action oriented plans and there are now penalties for non-compliance with the law. The County must review its current moderate income housing plan and adopt new language to comply with the updated law; the County must also develop implementation strategies for the menu options selected. He has reviewed the menu options that were previously selected by the County and he has developed draft implementation strategies that, once adopted, can be incorporated into the General Plan. He then provided a high-level overview of the draft Report; during the State's review of the Report that is ultimately submitted to them, they will focus on the implementation strategies and associated timelines. He facilitated discussion among the group regarding components of the Report, noting he is looking for input and feedback regarding the implementation timelines; the Commission and staff discussed and debated the deliverables of the draft Report and indicated they feel most timelines should be based upon when zoning decisions are made. They also discussed previous actions taken by the County regarding the regulation of accessory dwelling units (ADUs), noting that changes to those regulations should likely be reviewed to determine if they are being complied with or if adjustments would be appropriate.

There was then comparison of previous drafts of the Report and the current draft of the Report for the purposes of identifying the changes to the document since the Commission's last review of it; Commissioner Burton expressed concern that some of the deliverables of the Report are incompatible with the General Plan. This led to high level discussion of matters such as transfer of

development rights (TDRs), density, and ADUs, and whether a General Plan amendment is needed responsive to the commitments made in the Moderate-Income Housing Report.

Additionally, the group discussed the definition of the term 'affordable housing' and whether housing affordability is attainable in the Ogden Valley. Commissioner Wampler asked if government entities that own pieces of land can place restrictions on those lands to ensure the future development of affordable housing. The Planning Commission debated this concept, noting they are more comfortable allowing the market to dictate development in the Valley.

Mr. Cobabe discussed the drivers behind the State Legislature's focus on housing affordability, after which he asked the Commission to take the week to review the document and be prepared for continued discussion of the Report at a future work session.

**Meeting Adjourned: The meeting adjourned at 6:28 p.m.
Respectfully Submitted,**

Weber County Planning Commission