

Minutes of the Work Session of the Ogden Valley Planning Commission for February 1, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/85773694345>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair; Shanna Francis, Vice Chair, Jeff Burton, John (Jack) Howell, John Lewis, Jared Montgomery, and Justin Torman.

Absent/Excused: none.

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

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

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

WS1: Review of Ogden Valley General Plan: Presenter Charlie Ewert

Principal Planner Ewert provided the Commission with a report of the recent action of the Weber County Commission to create a form-based village overlay zone to implement village areas and provide design standards as directed by the Ogden Valley General Plan. He emphasized that development/growth in the Ogden Valley area is dictated by the property owner, not the County; the role of the County is to guide that development using tools like the General Plan and zoning ordinances, but private property rights should be upheld. Adoption of a General Plan does not create a legal requirement on the part of the County, but the County does have a general obligation to follow the Plan as development applications are received. The General Plan is essentially a guiding document for growth. He then provided the Commission with a link to review the updated General Plan on Weber County's website, after which he facilitated a high-level review of the Plan document; he highlighted the 'intent section' of the Plan, land use strategies, housing plans, commercial development, transportation, utilities and public services, parks and recreation, and resource management. He also reviewed the maps included in the document, which are based upon the text of the Plan. He then focused on implementation of the strategies included in the Plan document and reported to the Commission the efforts of Planning staff to pursue such implementation; there was focus on the following strategies:

- Accessory Dwelling Unit (ADU) regulations and transfer of development rights (TDR) guidelines; implementation of a mapping tool to track TDR actions.
- Water resources/usage and natural resource studies responsive to drought conditions; creation of a committee to evaluate natural resources in the Ogden Valley and advising on the creation of a culinary and secondary water ordinance.
- Storm Water Master Plan creation and implementation of an impact fee or utility fee to help pay for storm water projects.
- Cluster Subdivision ordinance creation.
- Creating updated street cross section regulations for residential areas of the Valley.
- Dark Sky lighting compliance.
- Transportation connectivity and fire-sprinkling requirements to improve public safety response.
- Parks and Recreation improvements.
- Short-term rental regulations.

Mr. Ewert then focused on the directives of the form-based village zoning ordinance; he identified the area of the Valley in which the zone would be appropriate according to the General Plan and identified the types of land uses allowed within the zone, focusing on the regulations ensuring quality development and architecture that blends with the history of the Old Town Eden area of the Valley. He also discussed concepts for transportation and other public improvements in the area; he specified the differences between street layouts and concept for residential versus commercial areas and also summarized signage, landscaping, and pedestrian access regulations.

Mr. Ewert then engaged in high level discussion with the Commission regarding topics such as the role of the public in dictating a cap on the number of development rights to be created in the Ogden Valley area; creation of new fees to cover the improvement of existing and the creation of new parks and recreation amenities in the Valley; opportunities for creating affordable housing in the Ogden Valley.

Chair Shuman then invited public input.

Jan Fulmer stated she hopes that there was not a limit on the number of people that could participate in tonight's meeting; it appeared as if no more than 100 people could join at one time. Mr. Ewert stated there may have been a limit and if that was the case, he can find a time to replicate his presentation for those who missed it. Ms. Fulmer then stated there has been a discrepancy relative to the total number of units that can be located in the Valley at buildout. She asked the total number of units the planning division relies upon. She then asked if the County has a clear-cut definition of what 'village' means. She added that the population in the Valley is declining; there is no longer a sense of community in the valley and there will not be enough residents to work at the resort and ski areas that are being built. She stated that in 2021 there was a work session meeting in which a hold was placed on any future short-term rental units, but since February of 2020, 51 percent of all dwellings built in the valley are for short-term rental use. This is the reason for a loss of the sense of community and a decrease in population.

Mr. Ewert stated the total number of units at buildout varies in different modeling tools, but the planning division relies on 15,000 units for the Ogden Valley. This is based upon a calculation using the developable area of the valley floor divided by zoning standards. This does not include bench and mountainside areas. About 5,000 units have been built, meaning there is a potential for another 10,000 units. He then stated that the commercial chapter of the General Plan captures the definition of the term 'village'; that information was used to create the form-based village ordinance.

Jim Bird stated that recently the zoning was changed on two lots on the east and west sides of Highway 39 and Old Snow Basin Road; the zoning change was from commercial to forest residential to allow for high density residential without a commercial component. He is not sure the Planning Commission was informed that by approving the zone change, the village use would be eliminated from the area and that there was no community input on that fact. He then added that Mr. Ewert stated the only village area that has sewer access is the Wolf Creek area, but that is mistaken as there is a sewer access near the lots he mentioned, but that was eliminated by the village node. When he was attending the meetings regarding the rezone of those lots, it appeared the planning division did not inform either the Ogden Valley Planning Commission or the County Commission that the corner lot next to the Catholic Church, which was zoned CV-2 and owned by Snow Basin, of the plans for what would be built on the property. He stated that if the Ogden Valley Planning Commission knew of these zoning issues, it may have influenced their vote, which clearly had an impact on the Ogden Valley General Plan because of the elimination of commercial zoning. If the planning division wanted to drop the village designation for the area he is referencing, that should have been presented to the community to avoid the appearance that the Ogden Valley General Plan can be changed simply because a developer requests it, and the planning division supports it. In the future, if the planning division moves to change zoning based upon a developer's request, the County should notify residents prior to sending that request to the Planning Commission.

Mr. Ewert presented a map to identify the area referenced by Mr. Bird; the village designation at that area was an 'afterthought' in planning for the area in the General Plan. When the landowner learned of that designation, they expressed that they wanted to change to the FR-3 zone to accomplish their development plans. Commercial services cannot succeed without an adequate number of residential units nearby. The zoning that was planned for the corner will make it possible to achieve residential and commercial development on the property, but the direction that planning staff received was to support single-family development of the area by allowing the landowner to move in the direction they desired. He was under the impression that those plans would receive greater support from the community, and he feels that the implications of the zone change and subsequent project were clearly communicated to the Ogden Valley Planning Commission and the County Commission during public meetings.

James Defenderfer stated he has lived in Eden for five years and he thanked Mr. Ewert for the great information included in his presentation. He referenced the concept of improving recreation amenities in the Valley, including pathways along roads. He is very interested in this amenity as a road cyclist, but wondered who will be responsible for cleaning them, especially during the winter.

Mr. Ewert stated that the adjoining landowner is responsible to clean the pathways, just as a resident or commercial property owner is required to clean sidewalks in front of their home. This ordinance has been made very clear for property owners, but there is an exception for large property owners, such as farmers. When working with the public on providing an employee to plow the pathways, the public has indicated they would rather see the snow stay on the pathway because they use it for Nordic skiing. He advised Mr. Defenderfer to reach out to the County's Community Development Director to express their desires regarding maintenance of the pathways.

Mr. Defenderfer then referenced water resources in the Valley; Mr. Ewert based his water reporting on data from 2019, which is not pertinent given the current drought conditions. He asked how often the County reevaluates that issue. Mr. Ewert stated that there has only been one hydro-geology study in the Ogden Valley in recent history to create a 'water budget' for the Valley. The creation of that plan was \$250,000 and was funded by multiple agencies and he does not anticipate it being updated within the next 10 years. He then stated that the General Plan is intended to be a dynamic document that is updated routinely as needed, but he has been surprised by the length between General Plan updates in Weber County. He would like to evaluate the metrics of the Plan each year, but that is dependent upon resources.

Kevin Erwin stated he is from Huntsville, and he referred to the same properties as Mr. Bird; Mr. Ewert's map identified the CV-2 zoning for the properties, not CVR-1 as mentioned by Mr. Ewert. He stated that having the right zoning designation in the presentations may have changed what was approved by the Planning Commission. He then stated that economics are commonly cited as justification for developments, but he has yet to see any reporting after a project is completed to communicate the impact that a project has had on the local economy. This should be required to ensure that developers are not coming to the Valley to complete a project that will depress surrounding property values in order for them to take that money from the Valley in their own pocket. Development plans for the property have not moved toward single-family development with no short-term rentals and he wondered why a residential zoning designation was not assisted to the property rather than the FR-3 zone. The definition of the FR-3 zoning is essentially changed by allowing residential development that does not border forest.

Mr. Ewert acknowledged that one of the maps that includes the property is incorrect, but the use of that property has been hashed out by the Planning Commission and the County Commission and it is not prudent to continue to debate it. As far as economics, sometimes the County does not ever see economic data for a development plan. Decisions are based upon past experiences, but if he is able to get a developer to provide pro-forma and economic information for a project, he will share it with the public.

Kurt Langford stated he is from Eden, and he thanked Mr. Ewert for the information that he provided tonight; he commented on the number of people who participated in the creation of the Ogden Valley General Plan. Consultants who have worked on these types of projects for 30 years have indicated that the number of people who provided input and attended meetings for this project was record setting. This is not a Plan that just a few people care about and support; rather, the majority supported it and he sees it as the economic development plan for the Valley. He stated that architectural guidelines, short term rental regulations, and enforcement mechanisms are needed desperately. He noted that short term rentals are actually having a negative impact on businesses in the Valley because the people who are staying in them are bringing their own food and supplies so they do not patronize local businesses. This means that the number of rooftops does not necessarily drive the economy of the area; rather, businesses are supported by full time residents. He then noted there is the same amount of park space in the Valley as there was when he was a 10-year-old boy, which means that developers are not contributing to park and recreation amenities for future generations. Developers are only concerned about their own bottom line.

Mr. Ewert commented on Mr. Langford's mention of the public involvement in the creation of the General Plan and agreed that the turnout was great. He also discussed short term rentals and indicated that when he mentions the need for rooftops to support businesses, he is referring to full time residences, not short-term rentals. Efforts are underway to adjust the licensure and fee for short term rentals, which should generate some revenue that can be used to enforce the short-term rental ordinance. He stated that he does not believe it is appropriate to try to ban short term rentals in the Valley because doing so will cause property owners to simply pursue the use illegally; the County needs to be proactive in addressing short term rentals. He also noted that Commissioner Jenkins has asked staff to modify the subdivision ordinance to require a donation equal to five percent of the acreage of a total project area from each developer, which can be used for park improvements. Staff continues to work on that ordinance amendment.

Debra Hull stated she lives in Liberty and also thanked Mr. Ewert for the information provided tonight. She asked for a copy of the presentation materials from tonight's meeting. Mr. Ewert provided his email address for anyone to email him seeking the materials. He added that a copy of the audio recording will also be available on the County's website.

Deb Moddlemock stated she lives in Eden. She inquired as to the number of Planning Commissioners who actually live in the Valley, what their occupation is, if they are large landowners, and if the growth identified in the General Plan is intended to occur organically.

Mr. Ewert asked Ms. Moddlemock if she is referring to land in the village areas, to which Ms. Moddlemock answered yes. Mr. Ewert stated that all Ogden Valley Planning Commissioners are volunteers, and they all live in the Valley. The concept of Planning Commissioners emerged decades ago and is based upon the need for a citizen advisory committee advice on any government action. Ms. Moddlemock stated she is simply wondering if there is any conflict of interest on the part of any Commissioner if they are a landowner or developer and also advising on development of the entire Valley. Mr. Ewert stated that likely every member of the Planning Commission owns land, but they may not have the ability to develop it; there are one or two Planning Commissioners who have been in the development industry in the past, but that is not technically a conflict of interest unless a decision they make will result in a direct financial benefit for them. Ms. Moddlemock then asked if the County is directly contacting property owners in the village areas, or if development of that ground is intended to occur organically. Mr. Ewert stated that property owners have been informed of the plans for their property according to the General Plan; they were advised of when the County Commission would be voting on the proposal. He noted his recommendation to the Commission was to look at the commercially zoned properties and work to change them to mixed-use zoning so long as there is no resistance from the landowners. The landowners will be contacted to provide input and if they desire to remain in the commercial zone, that will be allowed. Otherwise, development and growth will be organic.

Julie Etringer stated she lives in Huntsville. She referenced the FR-3 zoning of the land at the intersection of Highway 39 and Old Snow Basin road and asked why the FR-3 was approved when it does not meet the requirement of the zoning in that it does not meet up with a recreational area.

Mr. Ewert stated that the zone across the street is CVR-1, which is a recreational zone; whether the development is recreational in nature, the FR-3 zone is intended to support recreational opportunities in those zones.

Chair Shuman then thanked Mr. Ewert and the public for their participation in tonight’s meeting. He referenced the question about the makeup of the Planning Commission and indicated that he has found his fellow Commissioners to be people of integrity who are doing what they can to make sure things are done correctly relative to the future planning of the Ogden Valley.

Vice Chair Francis also thanked Mr. Ewert and the residents who participated this evening.

Meeting Adjourned: The meeting adjourned at 8:22 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission