

## OGDEN VALLEY PLANNING COMMISSION

### MEETING AGENDA

**October 25, 2022**

**Pre-Meeting 4:30/Regular Meeting 5:00**

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

#### **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**

#### **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**

**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**

##### **3. Public Comment for Items not on the Agenda:**

##### **4. Remarks from Planning Commissioners:**

##### **5. Planning Director Report:**

##### **6. Remarks from Legal Counsel:**

**Adjourn to Work Session**

**WS1: Discussion on Moderate Income Housing Report. Planner Bill Cobabe**

***The regular meeting will be held in person at the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.***

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/89595999398> Meeting ID: 895 9599 9398

**A Pre-Meeting will be held at 4:30 p.m.** The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761***

## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record will be left with the Planning Commission.

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Request for a recommendation of final approval of Parkside Phase 3 PRUD Subdivision, consisting of 16 lots.
<b>Type of Decision:</b>	Administrative
<b>Agenda Date:</b>	Tuesday, October 25, 2022
<b>Applicant:</b>	John Lewis, Owner
<b>File Number:</b>	UVP080922

#### Property Information

<b>Approximate Address:</b>	4843 Howe Dr., Eden, UT, 84310
<b>Project Area:</b>	4.184 acres
<b>Zoning:</b>	Residential Estates (RE-15) Zone
<b>Existing Land Use:</b>	Vacant
<b>Proposed Land Use:</b>	Residential
<b>Parcel ID:</b>	22-006-0039
<b>Township, Range, Section:</b>	T7N, R1E, Section 15 SW

#### Adjacent Land Use

<b>North:</b>	Vacant/Mountainside PRUD site	<b>South:</b>	Parkside PRUD site
<b>East:</b>	Parkside PRUD Phase 2B	<b>West:</b>	Vacant

#### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@webercountyutah.gov
<b>Report Reviewer:</b>	SB

### Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 108 (Natural Hazard Areas)
- Weber County Land Use Code Title 104 (Zones) Chapter 3 (RE-15 Zone)

### Background and Summary

7/19/2016 – Conditional Use Permit request for The Bridges PRUD was approved.

10/27/2020 – Parkside PRUD Phase 2B recorded.

9/27/2022 – Preliminary approval granted by Ogden Valley Planning Commission.

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 amount 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.

## Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Residential Estate Zone more particularly described as the RE-15 zone.

The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

*"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."*

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the RE-15 zone (LUC §104-3) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The proposed subdivision is one of several phases in the Parkside community and has received conditional use approval for "The Bridges PRUD" development.

The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to *"allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas"* (LUC§ 108-5-2). Parkside Phase 3 PRUD utilizes the allowed flexibility with lots ranging in size from 3,887 square feet to 6,778 square feet, and lot widths ranging in size from approximately 49 feet to approximately 75 feet. The various lot sizes will allow for the future lot owners to build custom homes ranging from 2000 to 4000 square feet. The approved minimum single family yard setbacks for the PRUD are:

Front Yard: 15 feet

Side Yard: 7.5 feet

Side; facing street on corner lot: 15 feet

Rear Yard: 20 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards, staff recommends adding the minimum setback standards on the final subdivision Mylar. A condition of approval has been added to staff's recommendation to ensure the minimum setback standards are added to the final subdivision Mylar.

Ogden Valley Sensitive Lands Overlay Districts: The development area falls within an area identified as an "Important Wildlife Habitat Area" that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The proposed subdivision has been designed to ensure that development standards in this area shall follow the principles established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance. A condition of approval has been added to staff's recommendation to ensure a note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.

Common Area: The general requirements for a PRUD identify the need to preserve common open space. The proposed subdivision layout identifies common area surrounding all lots. The proposed common area for this phase follows the overall PRUD open space plan (exhibit C). This area will be required to be dedicated upon recording by one or more of the following methods:

- (1) Dedication of the land as Public Park or parkway system;
- (2) Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or
- (3) Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.



Any CC&R's will need to comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivisions from the County Commission, the applicant will need to provide to the County a copy of the proposed CC&R's for review as well as a cash escrow to be held by Weber County for the proposed improvements including the amenities in the common area. The dedication language on the final plat will need to include language to grant ownership of the common area to the applicable ownership. A condition of approval has been added to ensure the final subdivision Mylar includes the correct dedication language for the common area located within the subdivision. A cost estimate for the improvements and a draft copy of any CC&R's will also be required prior to receiving final approval from the County Commission.

*Natural Hazards Overlay Zone:* The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain.

A geotech study has been submitted. The study contains recommendations regarding soil stability and excavation requirements. All recommendations outlined in the submitted report shall be followed. A geologic hazards report is required prior to appearing before the Planning Commission for a recommendation of final approval. A note shall be added to the plat to notify the future property owners of the geologic and geotechnical report on file with the Weber County Planning Division. A slope analysis has been submitted, and there are no lots with a slope of 25% or greater.

Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision Mylar.

*Culinary water, irrigation water and sanitary sewage disposal:* The applicant has provided a will-serve letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit B). The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

*Review Agencies:* The Weber County Surveyor's Office, and the Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. The County Engineer has not yet reviewed this proposal. A condition of approval has been made part of staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

*Additional design standards and requirements:* If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in the Parkside Phase 3 PRUD, a note will need to be added to the final Mylar to declare that the subdivision is approved for nightly rentals. A condition of approval has been made part of staff's recommendations to ensure that if the applicant desires to allow nightly rentals as part of the Parkside Phase 3 PRUD, a note will be added to the final subdivision Mylar to provide notice of the approved nightly rental option.

The applicant is proposing 60' wide public rights of way throughout the proposed development, which will include 24" of rolled curb and gutter.

*Tax clearance:* The 2021 property taxes have been paid in full. The 2022 property taxes will be due in full on November 30, 2022.

## Preliminary Conditions of Approval

1. In order to provide clear site standards, staff recommends adding the minimum yard setback standards on the final subdivision Mylar including the "Side; facing street on corner lot" setback. – Shown on final plat prior to recording.
2. A note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar. – Shown on final plat prior to recording.
3. The dedication language on the final Mylar will need to include language to grant ownership of the common area to the applicable ownership. – Shown on final plat prior to recording.
4. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission. – Required prior to County Commission approval.
5. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners. – Shown on final plat prior to recording.
6. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County prior to approval by the County Commission. – Required prior to County Commission approval.
7. A geo report shall be submitted prior to scheduling for a recommendation of final approval with the Planning Commission. This report has been submitted, and all recommendations contained in the submitted report (Christensen Geotechnical project no. 133-016) shall be followed as improvements are installed.
8. If the applicant desires, a note will be added to the final Mylar to provide notice of the approved nightly rental option. Shown on final plat prior to recording.

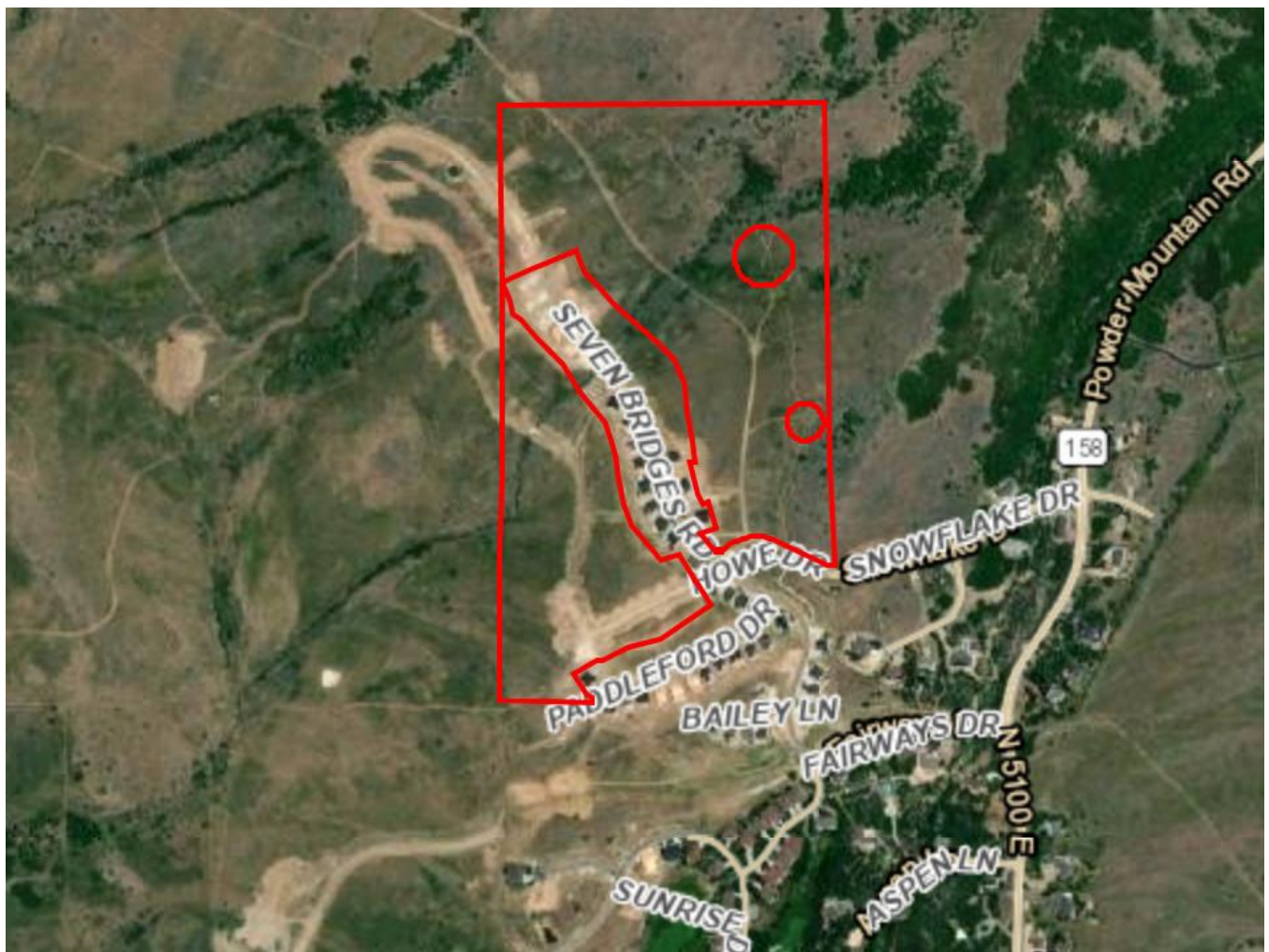
## Staff Recommendation

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

## Exhibits

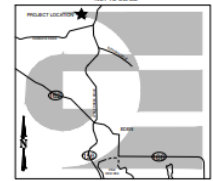
- A. Subdivision Plat
- B. Will-serve letters



# Exhibit A- Subdivision Plat

## PARKSIDE P.R.U.D PHASE 3 A PLANNED RESIDENTIAL UNIT DEVELOPMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH SEPTEMBER 2022

VICINITY MAP  
NOT TO SCALE



Scale in Feet  
1" = 40'

### LEGEND

- ◆ WEBER COUNTY MONUMENT AS NOTED
- ◆ SET 24" REBAR AND CAP
- MARKED GARDNER REBAR AND CAP
- FOUND GARDNER REBAR AND CAP
- SUBDIVISION BOUNDARY
- LOT LINE
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- - - - - EXISTING FENCE LINE
- ◆ CENTERLINE MONUMENT TO BE INSTALLED

LINE #	LENGTH	BEARING
L1	16.00	S87°23'00"W
L2	25.00	S77°38'15"W
L3	16.00	N67°00'00"W
L4	16.00	N67°00'00"W
L5	16.00	N67°00'00"W
L6	16.00	N67°00'00"W
L7	16.00	N67°00'00"W
L8	16.00	N67°00'00"W
L9	16.00	N67°00'00"W
L10	17.00	S87°43'00"W
L11	21.00	N67°00'00"W
L12	16.00	N67°00'00"W
L13	16.00	N67°00'00"W
L14	16.00	N67°00'00"W
L15	16.00	N67°00'00"W
L16	16.00	N67°00'00"W
L17	16.00	N67°00'00"W
L18	17.00	S87°43'00"W



## NOTES

- SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. PER FEMA MAP NO. 49057C0229F WITH AN EFFECTIVE DATE OF DECEMBER 16, 2005.
- "N" DESIGNATION DESIGNATES THAT RESTRICTED LOTS MAY HAVE TO COMPLETE ADDITIONAL GEOLOGIC AND/OR GEOTECHNICAL INVESTIGATION PRIOR TO APPLYING FOR A BUILDING PERMIT WITH WEBER COUNTY.
- REBAR AND CAP TO BE SET AT REAR LOT CORNERS. CURB NAIL TO BE SET IN CURB AT FRONT LOT LINE EXTENSION.
- ALL AREAS NOT WITHIN THE BOUNDARIES OF THE FOURTEEN (16) NUMBERED LOTS ARE COMMON AREAS AND FACILITIES, CERTAIN OF WHICH AREAS ARE MARKED AS "CA" HEREON PROVIDED, HOWEVER, APPURTENANT TO THE LOTS ARE PERPETUAL EASEMENTS FOR THE ENCROACHMENT OF EAVES OF THE BUILDINGS. THE DRIVEWAYS ARE RESERVED FOR THE USE OF THE LOT TO WHICH IT IS APPURTENANT.
- NIGHTLY RENTALS ARE ALLOWED.
- PARKSIDE P.R.U.D. PHASE 1 IS LOCATED WITHIN A NATURAL HAZARDS AREA. A GEOTECHNICAL INVESTIGATION HAS BEEN PERFORMED BY GSH ENGINEERING JOB NUMBER 1661-08N-16 DATED JULY 25, 2016. LOTS IDENTIFIED WITH AN "N" WILL REQUIRE FURTHER GEOLOGIC AND GEOTECHNICAL INVESTIGATIONS PRIOR TO SUBMITTING AN APPLICATION FOR A LAND USE AND BUILDING PERMIT. THE FINAL REPORT IS AVAILABLE FOR PUBLIC REVIEW AT THE WEBER COUNTY PLANNING DIVISION OFFICE.
- THE APPROVED MINIMUM SINGLE FAMILY BUILDING SETBACKS ARE:  
FRONT - 15.00' FROM RIGHT-OF-WAY LINE  
REAR - 15.00' FROM SUBDIVISION BOUNDARY LINE  
INTERIOR SIDE NO CLOSER THE 15.00 FEET TO ADJACENT LOT  
SIDE FACING STREET ON CORNER LOT - 15.00 FEET FROM RIGHT-OF-WAY LINE  
SIDE-7.5 FEET FROM SUBDIVISION BOUNDARY LINE



# Staff Report to the Western Weber Planning Commission and Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### APPLICATION INFORMATION

**Application Request:** 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.

**Agenda Date:** Tuesday, October 18, 2022 and October 25, 2022

**Applicant:** Weber County

**File Number:** ZTA 2022-02

### STAFF INFORMATION

**Report Presenter:** Steve Burton  
sburton@webercountyutah.gov  
801-399-8766

**Report Reviewer:** CE

## Applicable Ordinances

Weber County Code, Part II, Title 106

## Legislative Decisions

This is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments.

## Summary

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.

## Policy Analysis

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 Recommendation

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.

## Exhibits

Exhibit A. Draft ordinance language



1 ....

2 Subdivision Lot Adjustment

- 3 (a) **Exemption qualifiers.** A subdivision amendment is exempt from subdivision application  
4 submittal and typical preliminary and final plat review if in compliance with the following:  
5 1. The purpose of the amendment is only to amend a common boundary between lots or to  
6 amend an internal lot restriction that is no longer applicable pursuant to this Land Use Code.  
7 2. Each affected lot shall be within the boundaries of the same platted subdivision, or within  
8 the boundaries of a phased subdivision platted with an approved preliminary plan.  
9 3. All lots proposed to be amended shall comply with each lot's zoning requirements, or, if  
10 applicable, comply with the provisions of Sec 108-12-12 (Reconfiguring Nonconforming  
11 Lots).  
12 4. All lots proposed to be amended shall comply with any additional applicable standards as  
13 may have been adopted by previous approvals, including but not limited to a Master Plan, a  
14 Development Agreement, a Planned Residential Unit Development, etc.  
15 (b) **Application.** An application shall be submitted in a form as approved by the Planning Division.  
16 The application shall include:  
17 1. An electronic copy of the proposed subdivision amendment prepared by a surveyor licensed  
18 in the State of Utah.  
19 2. All information from the original subdivision plat referenced on the amended plat.  
20 3. An application fee.  
21 (c) **Procedure.**  
22 1. After all applicable review agencies have recommended approval of the proposed  
23 subdivision amendment, the applicant shall submit to the Planning Division a signed and  
24 notarized printed mylar copy.  
25 2. After collecting signatures from applicable review agencies, the Planning Division shall  
26 submit the proposed subdivision amendment for approval and signature by the Land Use  
27 Authority.  
28 3. The Land Use Authority for a subdivision lot adjustment application is the Planning Division  
29 Director.  
30 4. Upon signature of the Land Use Authority the applicant may submit the signed mylar to the  
31 County Recorder's Office for recordation.

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## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Consideration and action on 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.
<b>Application Type:</b>	Legislative
<b>Agenda Date:</b>	Tuesday, October 25, 2022
<b>Applicant:</b>	John Lewis
<b>File Number:</b>	ZMA 2022-01

#### Property Information

<b>Approximate Address:</b>	3718 N Wolf Creek Drive
<b>Zoning:</b>	RE-15, RE-20, FR-3, O-1, F-5, and AV-3
<b>Existing Land Use:</b>	Residential, Commercial, Resort
<b>Proposed Land Use:</b>	Master Planned Overlay Zone

#### Adjacent Land Use

<b>North:</b>	Resort	<b>South:</b>	Resort
<b>East:</b>	Resort	<b>West:</b>	Resort

#### Adjacent Land Use

<b>Report Presenter:</b>	Steve Burton <a href="mailto:sburton@webercountyutah.gov">sburton@webercountyutah.gov</a> 801-399-8766
<b>Report Reviewer:</b>	RG, CE

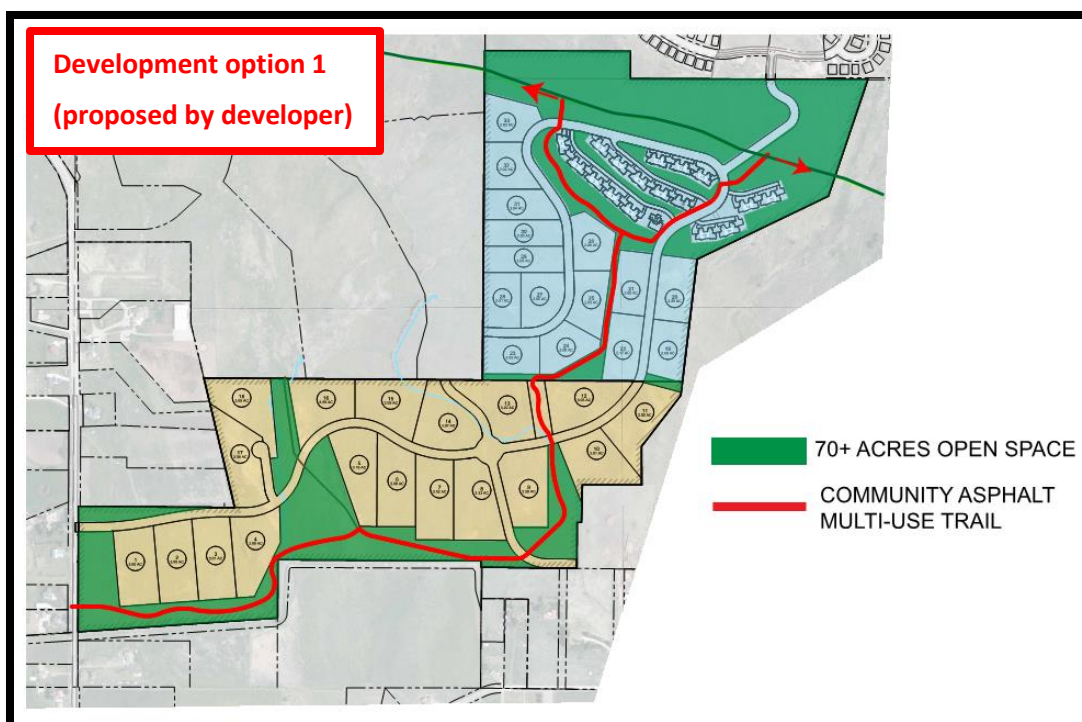
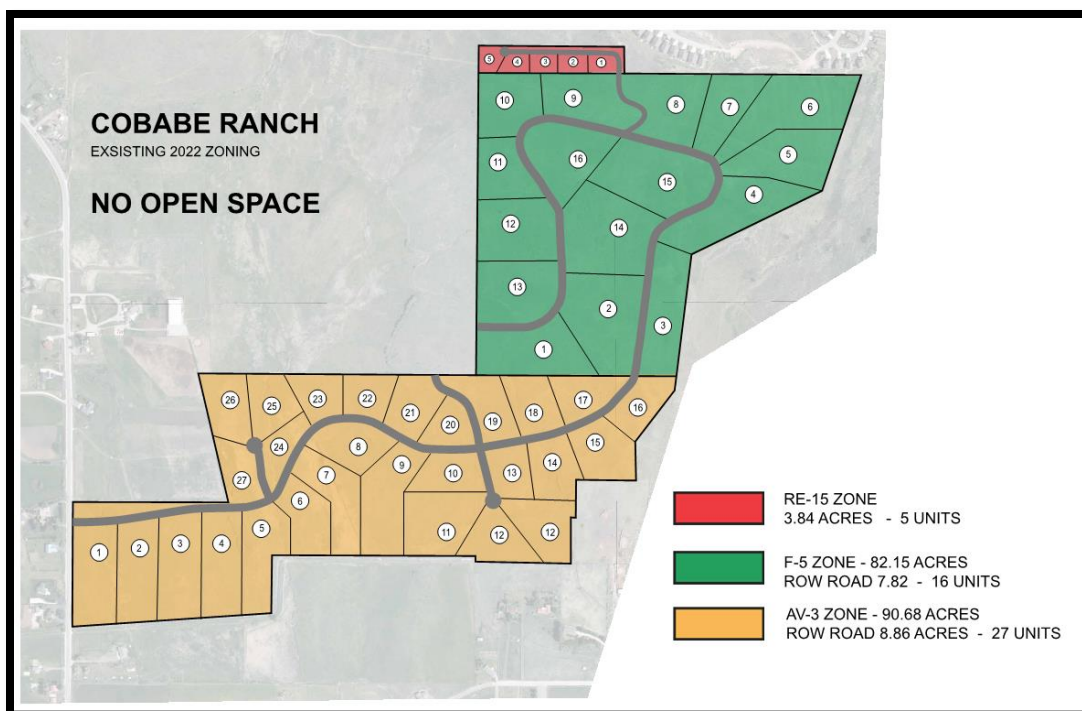
### Previous Planning Commission Action

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.

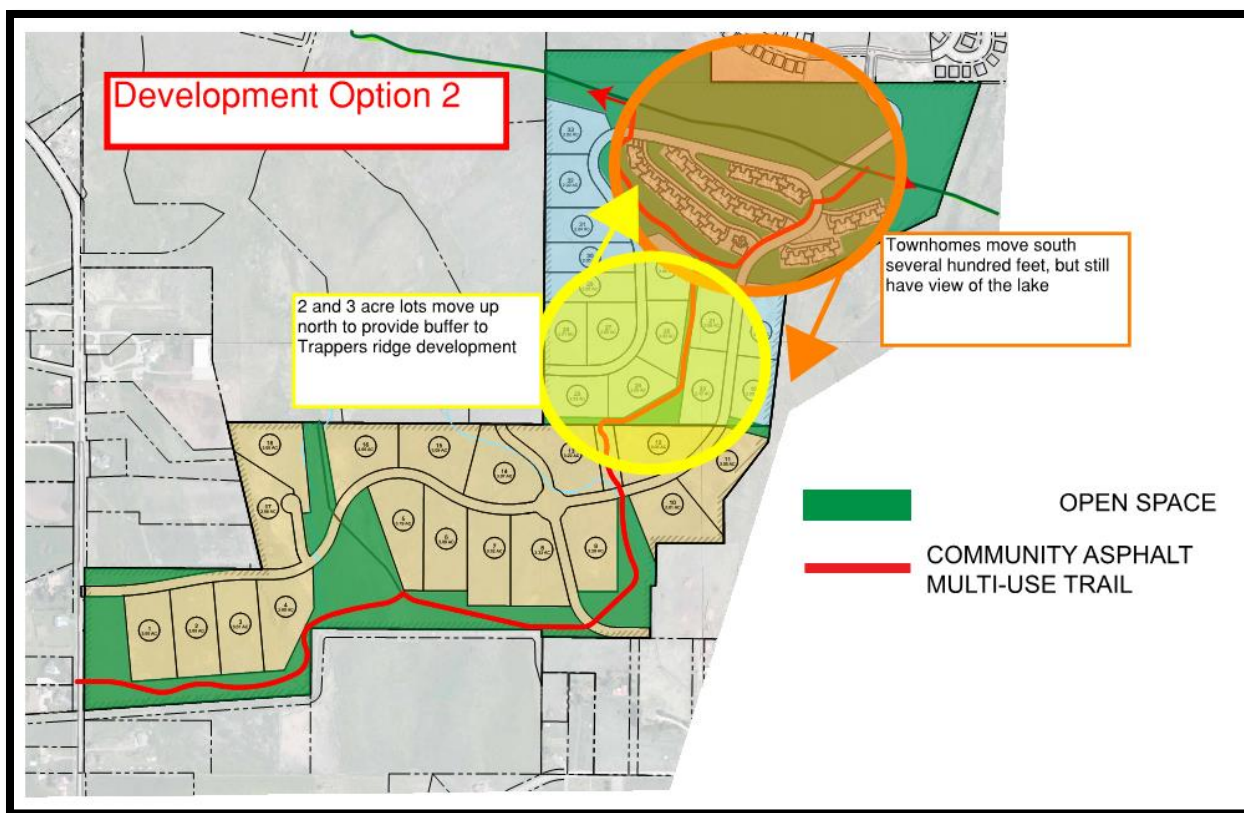
During the work session held on September 27, 2022, the Planning Commission discussed with the applicant how the proposal relates to the county's small area planning. The Planning Staff pointed out that the proposal takes place in what will be the Wolf Creek area boundary for small area planning. The 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).

These maps are included in this staff report on the following page.

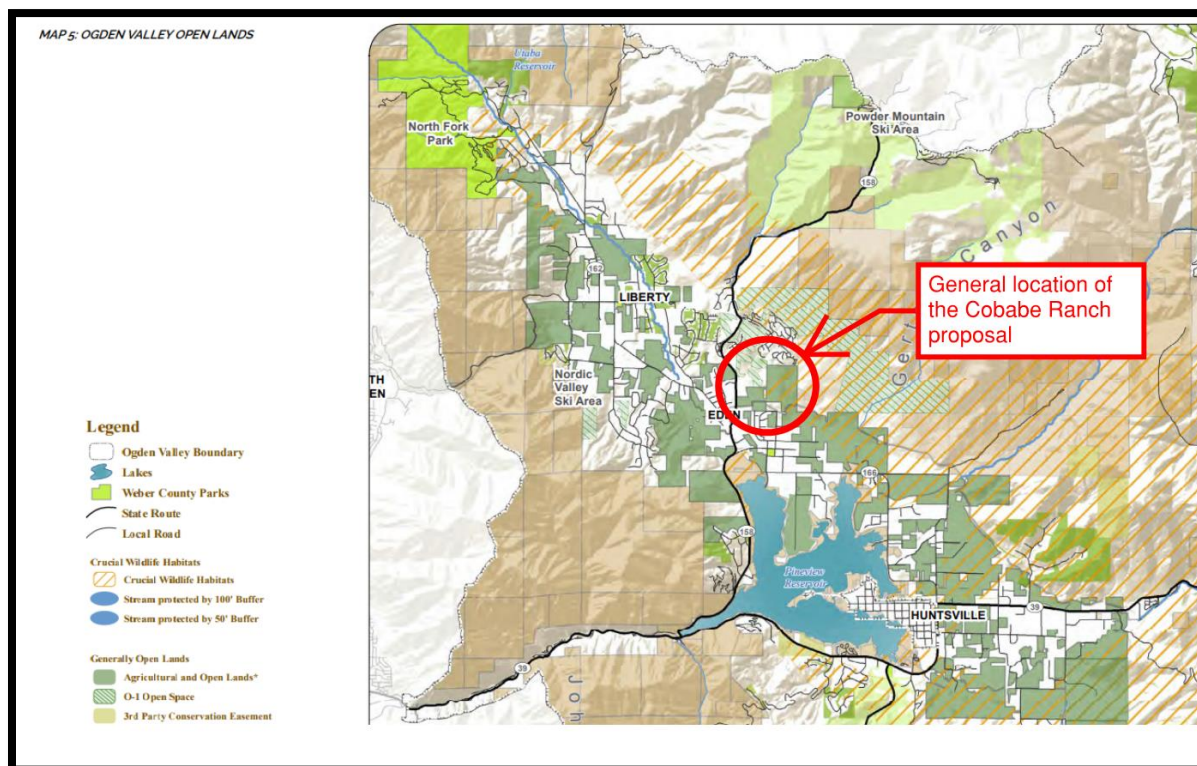




After the work session with the Planning Commission, Planning staff have met with the applicant and have discussed creating another optional layout that brings the townhomes further south, away from Trappers Ridge development.



During the work session with the Planning Commission the following general plan map was discussed.



Planning staff has added several recommendations to this report that the Planning Commission may make to the County Commission. The items in the rest of this staff report are the same as originally reviewed by the Planning Commission in August, with the exception of optional recommendations to send to the County Commission.

## 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.

## Summary

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.

Exhibit Showing number of John Lewis units from WC Resort development agreement e#2784398

DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	Bridges Holding LLC	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
Parcel 8	RE-15	Eden Village	13
Parcel 10	FR-3	Capon Capital	61
Parcel 12	CVR-1	WCU, LLC	101
Parcel 12	CVR-1	WCU, LLC	61
Parcel 12	CV-2	KRK Wolf Creek	40
Parcel 14	CV-2	KRK Wolf Creek	35
			798

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.

The following is an analysis of the request as it relates to the Ogden Valley General Plan and the Land Use Code.



## Analysis

General Plan: The Ogden Valley General Plan supports the “transfer of existing development rights as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas” (Land Use Implementation 1.1.1, Page 15). This proposal includes 80 development rights that will be transferred from outside of the Wolf Creek Resort Boundaries into the Eagle Crest development area. The transferring of units from the valley floor to Eagle Crest follows the TDR policy of the general plan.

The developer has also recently worked with surrounding landowners to dedicate sufficient right of way for Fairways Drive to connect out to 4100 N. This right-of-way dedication will allow for public street connectivity and mobility in the Eden area and will be a major public thoroughfare (80 feet wide) and will serve as a main connection from Eden to Liberty. Fairways drive will have at least one 10 foot wide multi-use paved pathway to provide a non-motorized connection to recreation areas and future commercial village areas throughout the valley. The dedication of Fairways drive follows Transportation Goal 1 of the general plan to “enhance mobility and connectivity, reduce congestion...” (Page 41).

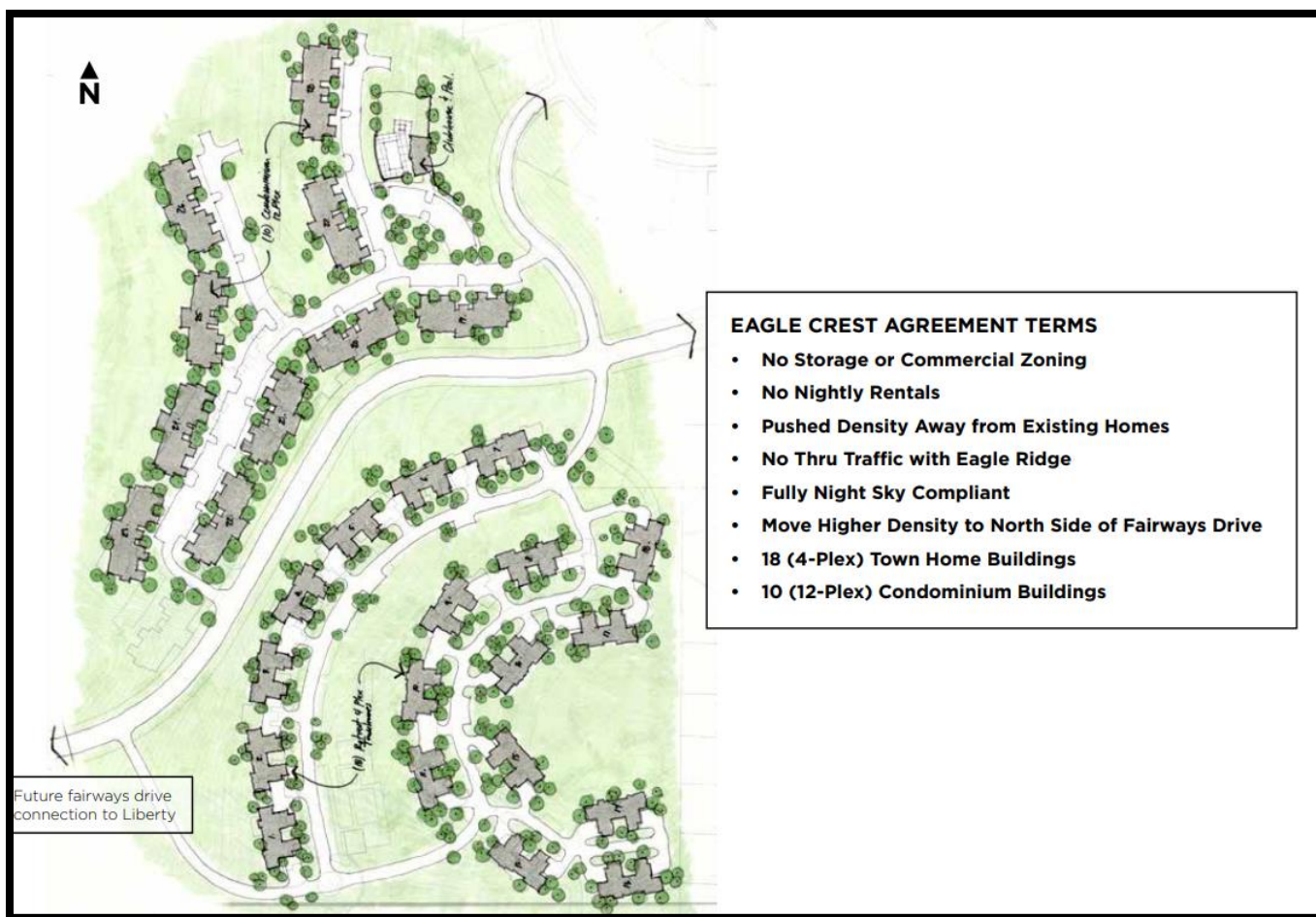
Master Planned Development Overlay Zone: The land use code section 104-27-1(b) offers the following as the purpose of the master planned development overlay zone:

*A master planned development overlay (MPDOZ) zone is intended to allow a legislatively adopted overlay zone that provides an avenue for the creation of a master planned development. The zone is intended to promote the diversification in the relationship of various uses and structures to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to encourage new and innovative concepts in the design of neighborhood and housing projects. To this end, the development should be planned and entitled as one complete land development plan, otherwise known as a master planned development. Phasing of the complete land development plan may occur over time if approved by the county commission and if in compliance with the entitlements of the complete land development plan.*

The MPD overlay ordinance allows deviations from the requirements of the underlying zone, if the proposal “substantially advances the implementation of a significant and meaningful general plan goal, principle, or implementation strategy”. There are proposed deviations from the lot standard requirements of the underlying zoning (RE-20 in Eagle Crest, F-5 in Cobabe, and RE-15 and O-1 in The Exchange). Staff feels that the public street connectivity and the TDR element of the proposal warrant an approval of the Master Planned Overlay Zone in the proposed areas.

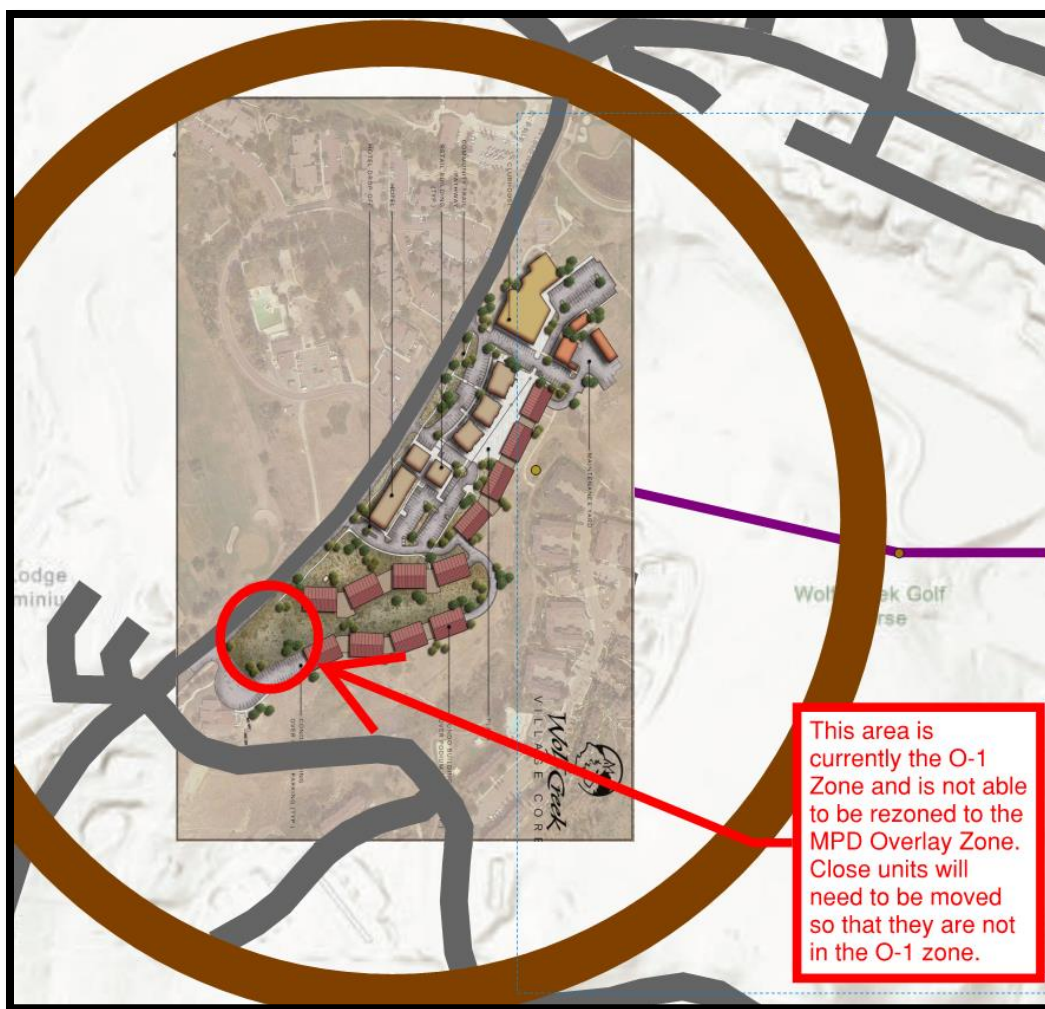
Eagle Crest: The Eagle Crest development area currently has 90 units that were granted as part of the Eagle Ridge Master Plan from the 1990’s. The previous master plan and development agreement showed 22 single family lots and 68 townhomes in the location of Eagle Crest. The developer is proposing to plat 10 twelve-plex units (120 condo units) and 18 four-plex units (72 townhome units) for a total of 192 units in this area. This means the developer needs to account for 102 units.

The developer is proposing to transfer 22 units from the John Lewis pot of Wolf Creek Resort units and is also proposing to transfer 80 units from the valley floor to Eagle Crest to be able to account for the 102. With the 90 original Eagle Crest units, the total unit count is 192. Below is an image of the proposed Eagle Crest Development Area.



The Exchange: The development area referred to as The Exchange will be a mixed-use area with 144 units proposed. There will be 8 ten-plex buildings and 4 sixteen-plex units. 139 of these units come from the John Lewis pot of Wolf Creek Resort units and 5 units come from adjacent RE-15 zoning owned by John Lewis.

There is an area currently zoned O-1 that cannot, under the master planned overlay zone, be changed to the MPD overlay. This area is shown in red on the exhibit below and the developer will need to move the units and roads entirely outside of the current O-1 zoning.

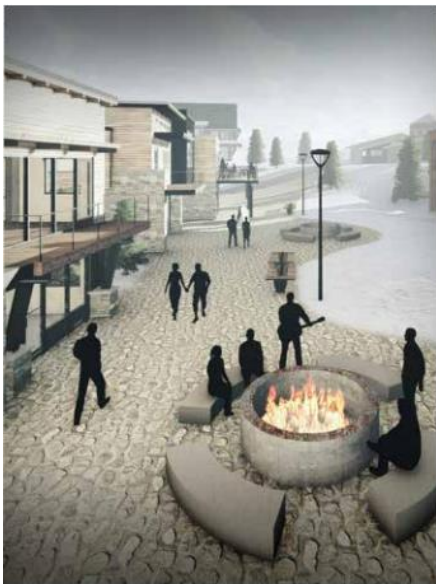


**Cobabe Ranch:** The Cobabe Ranch Subdivision consists of 33 single family residential lots between 2 and 3 acres in size with 150 feet of frontage. There are also proposed to be 17 four-plex townhomes (68 units) a total of 101 units. 46 units exist from the existing zoning of the property, and 55 are proposed to be transferred from the John Lewis pot of Wolf Creek Resort units.

**Architecture Design:** The style of architecture proposed for the single-family, townhome, multi-family and commercial buildings in these three areas is considered Mountain Modern. The developer has provided the following description of mountain modern for the Planning Commission consideration:

- Building form has a low maintenance design with sharp, modern edges and a neutral color pallet
- Low pitched metal or flat roofs
- Exposed wooden timbers with wood and stone siding with an emphasis on texture
- Abundance of large windows to take advantage of the natural light and scenic views
- Balconies for indoor/outdoor living
- Low water use, xeriscape landscaping with native plants









**Cluster Development:** MPD overlay zone states that subdivisions in a master planned development overlay zone shall comply with the requirements of the county cluster code, and that specific deviations from the cluster requirements can be granted by the planning commission and county commission if the deviation offers a better community outcome or better contributes to the implementation of a significant and meaningful general plan goal, principle, or implementation strategy.

The cluster code requires a minimum of 30 percent open space in the RE-15, RE-20, and FR-3 zones. The AV-3 and F-5 zone require up to 80 percent of a subdivision to be preserved as open space. The Cobabe Ranch development area contains 160 acres of net developable area, approximately 70 acres will be preserved as common area open space with public access trails.

The Eagle Crest and the Exchange development areas do not include enough open space to meet the cluster requirements. The planning commission and county commission may allow the deviation if they determine that the developer is implementing a meaningful element from the general plan.

**Open Space:** The proposal does not include significant open space preservation, with the exception of 48 acres that will be common area with trails in the Cobabe Ranch subdivision. The proposal also does not include much landscaping, other than natural landscaping and tree plantings around commercial and multi-family residential buildings. Staff recommends that the natural, xeriscaped, landscaping with trees be approved, to preserve water in this area.

**Street Configuration:** Prior to submitting the proposal, the developer met with staff to discuss street configuration. The proposal includes public street stubs to adjacent development areas. The proposal will provide a major connection from Liberty to Eden with Fairways Drive. The proposal will also connect the Trappers Ridge Subdivision and Bighorn Parkway to Wolf Creek Drive. A 10 foot wide paved pedestrian pathway will be required along the main connector in Cobabe Ranch and Fairways Drive.

**General Uses:** The proposed land uses are single family residential, two-family residential, multi-family residential, retail commercial, and hotel.

**Short Term Rental:** The Eagle Crest development will prohibit short term rentals. The multi-family and townhome units in the Exchange and Cobabe Ranch development are proposed to have short term rentals permitted. The single family lots in Cobabe Ranch will prohibit short term rentals.



Transfer of Density: Regarding the 80 units that the developer will transfer from outside of the Wolf Creek Resort, the MPD overlay zoning ordinance states that an MPD overlay zone may be designated as a receiving area for transferrable development rights. The developer will be required to show that the right have been successfully transferred and retired from a sending area before they are allowed to plat the first 80 units.

## Summary of Planning Commission Considerations

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.

## Recommendation Options

### Recommendation option 1

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.

### Recommendation option 2

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.

### Recommendation option 3

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.

## Exhibits

Exhibit A – Master Planned Overlay Zone Application

# Wolf Creek

R E S O R T





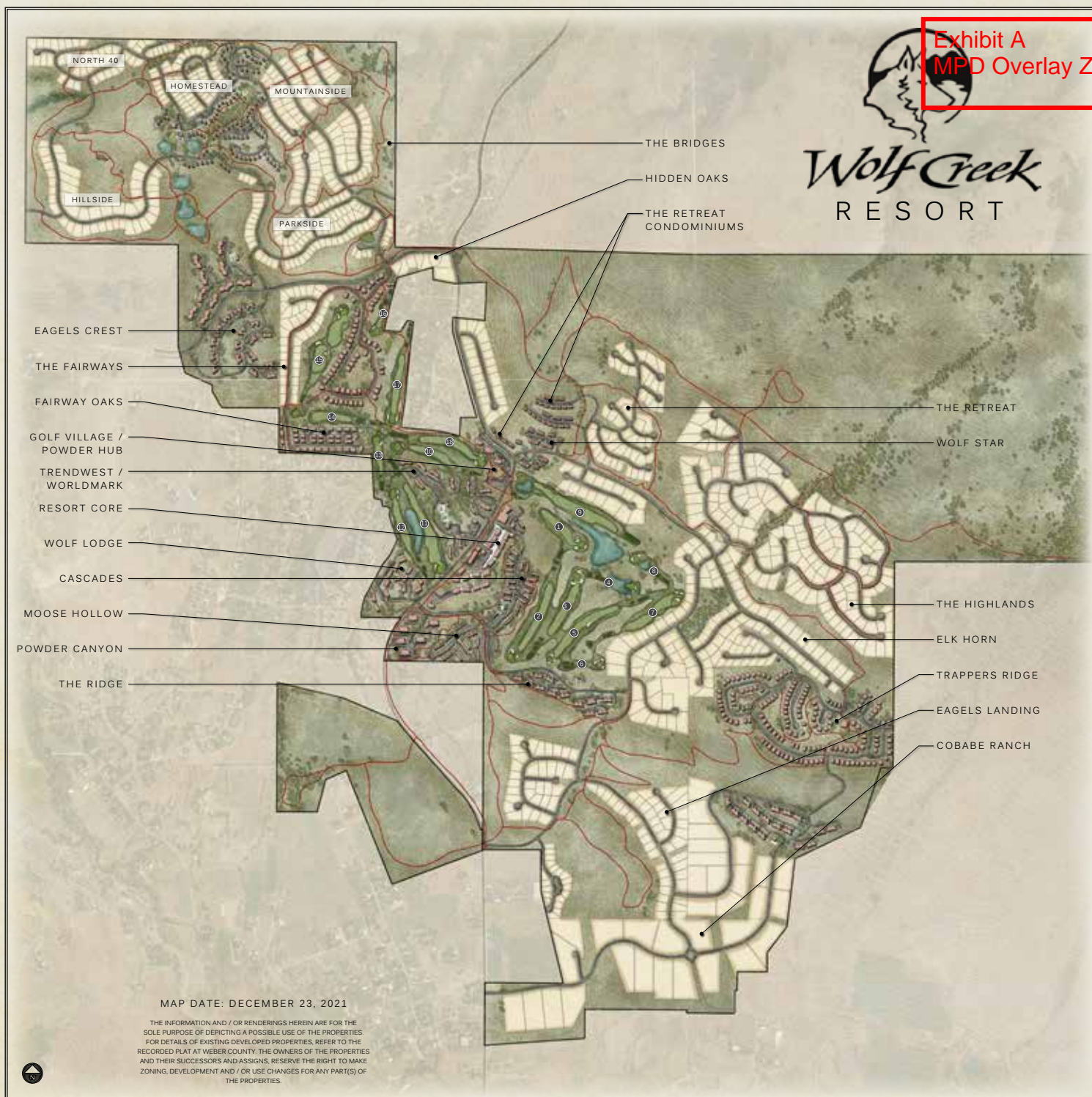
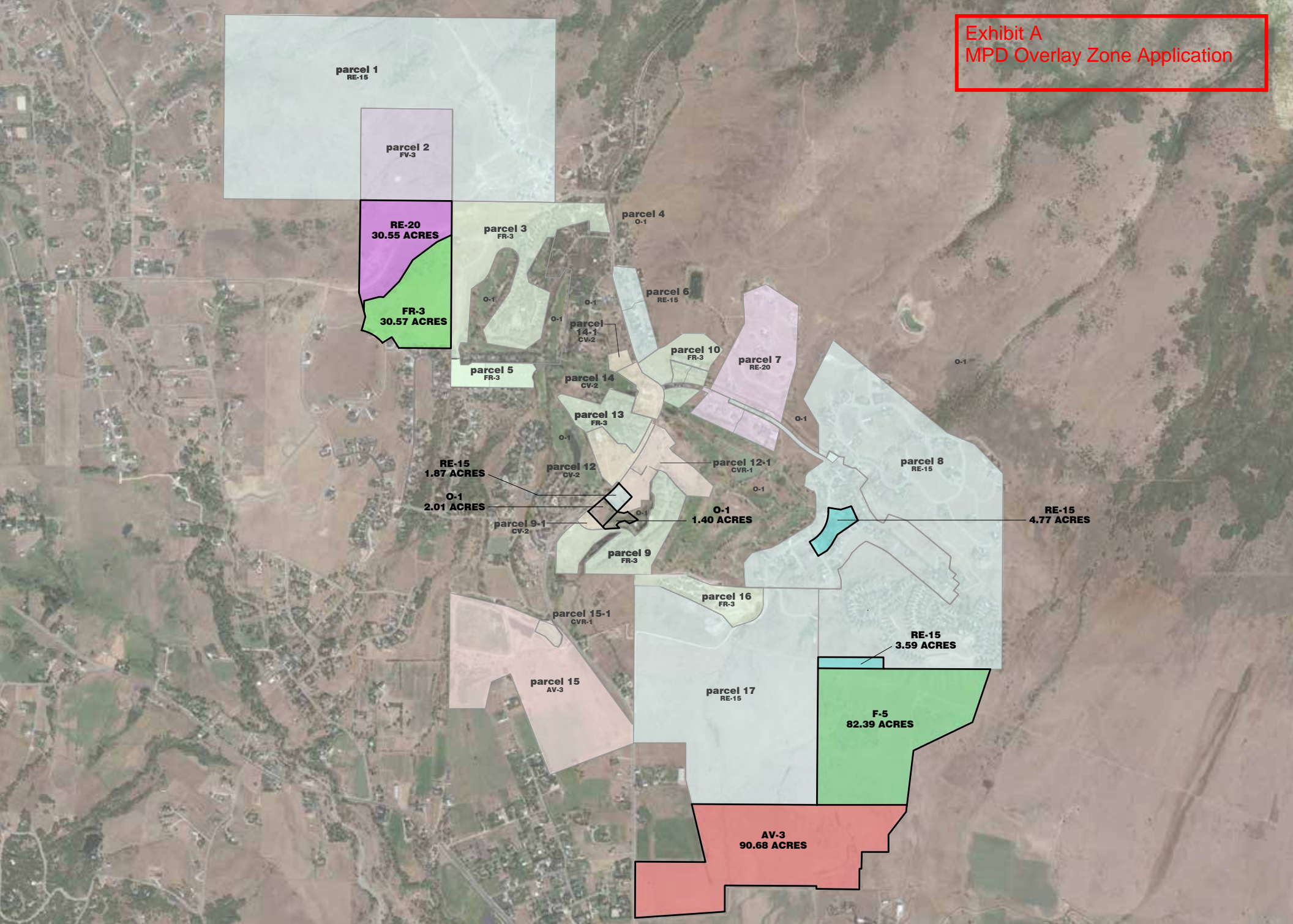
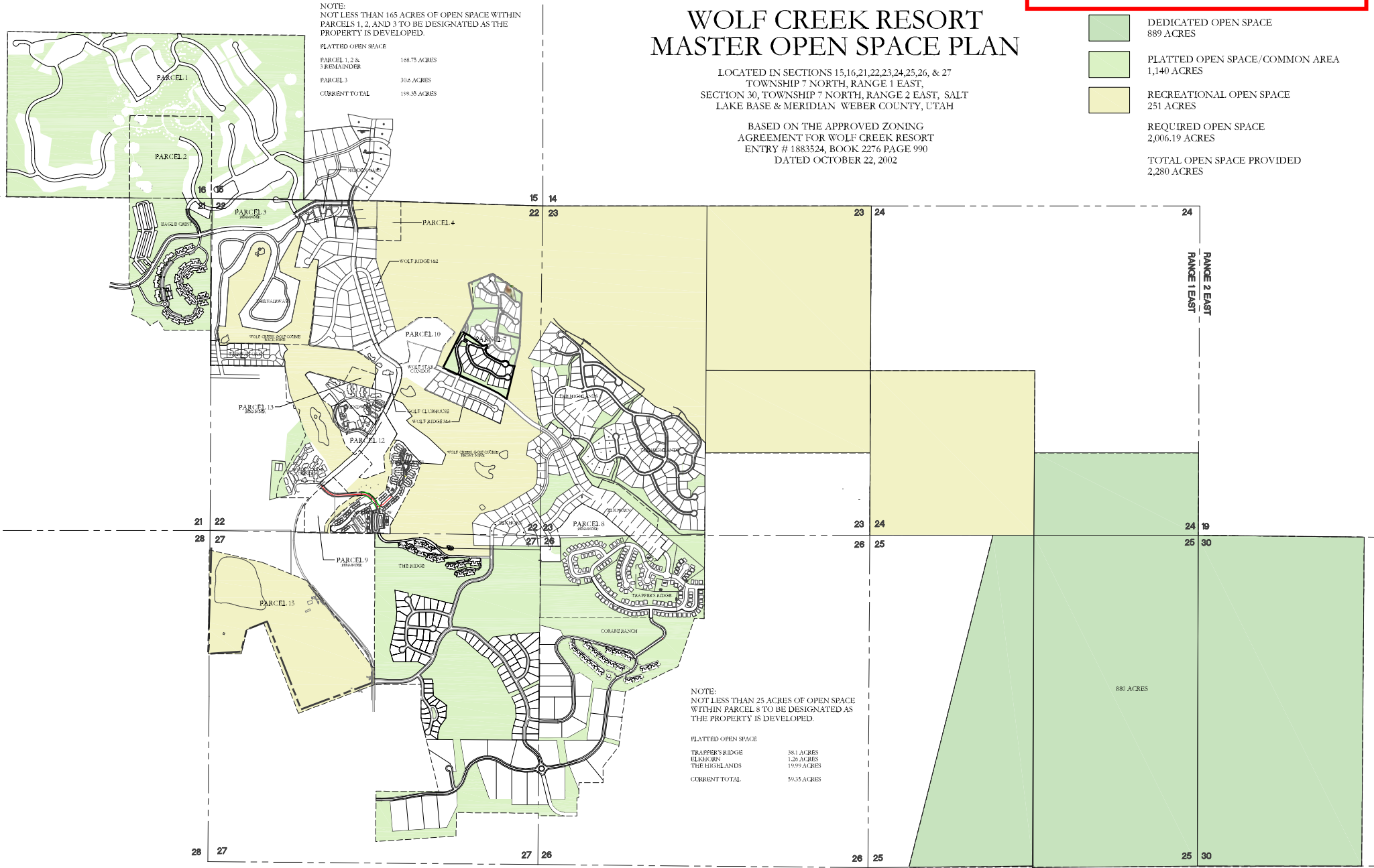


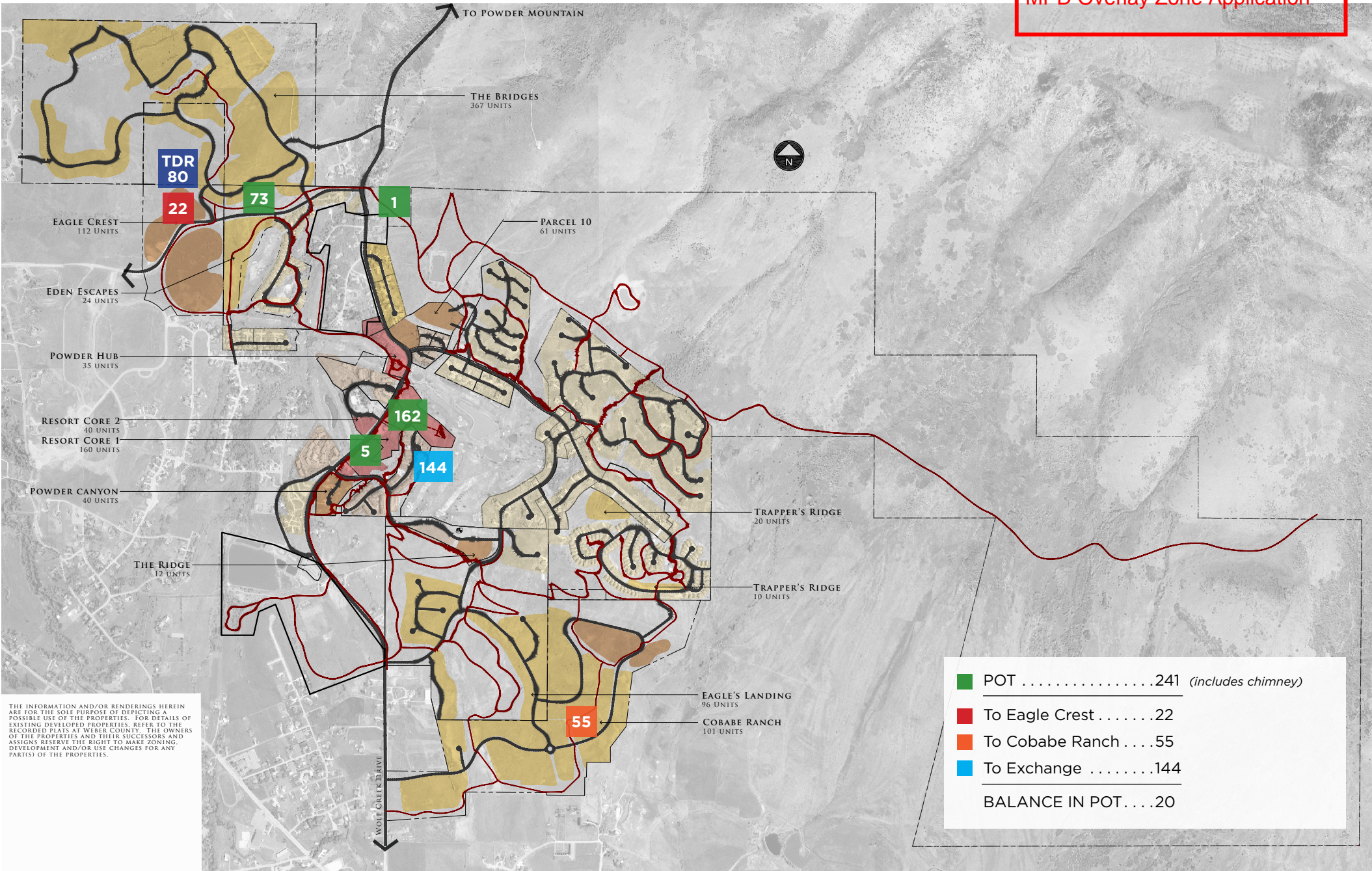


Exhibit A  
MPD Overlay Zone Application













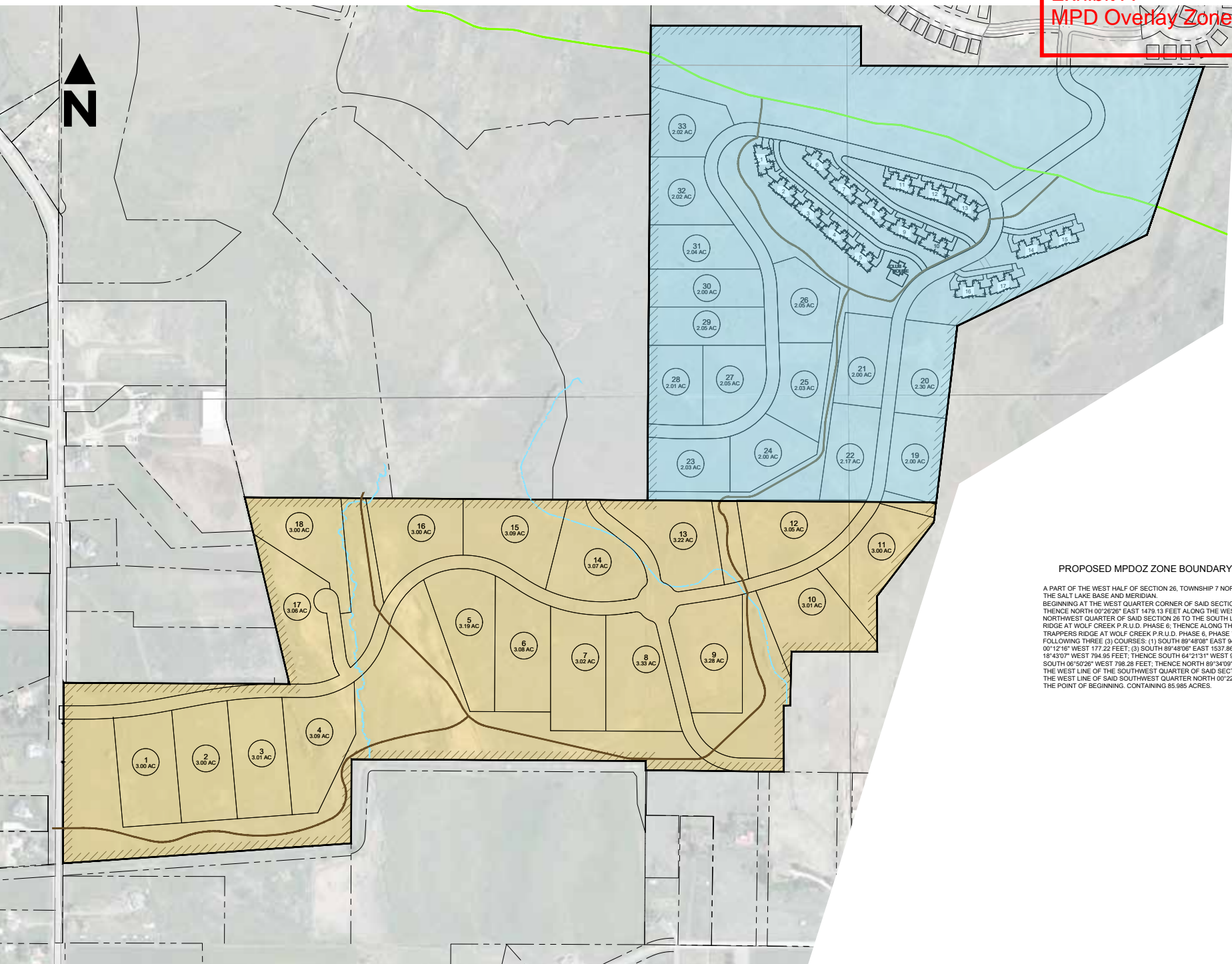
# Wolf Creek VILLAGE CORE







# Exhibit A MPD Overlay Zone Application

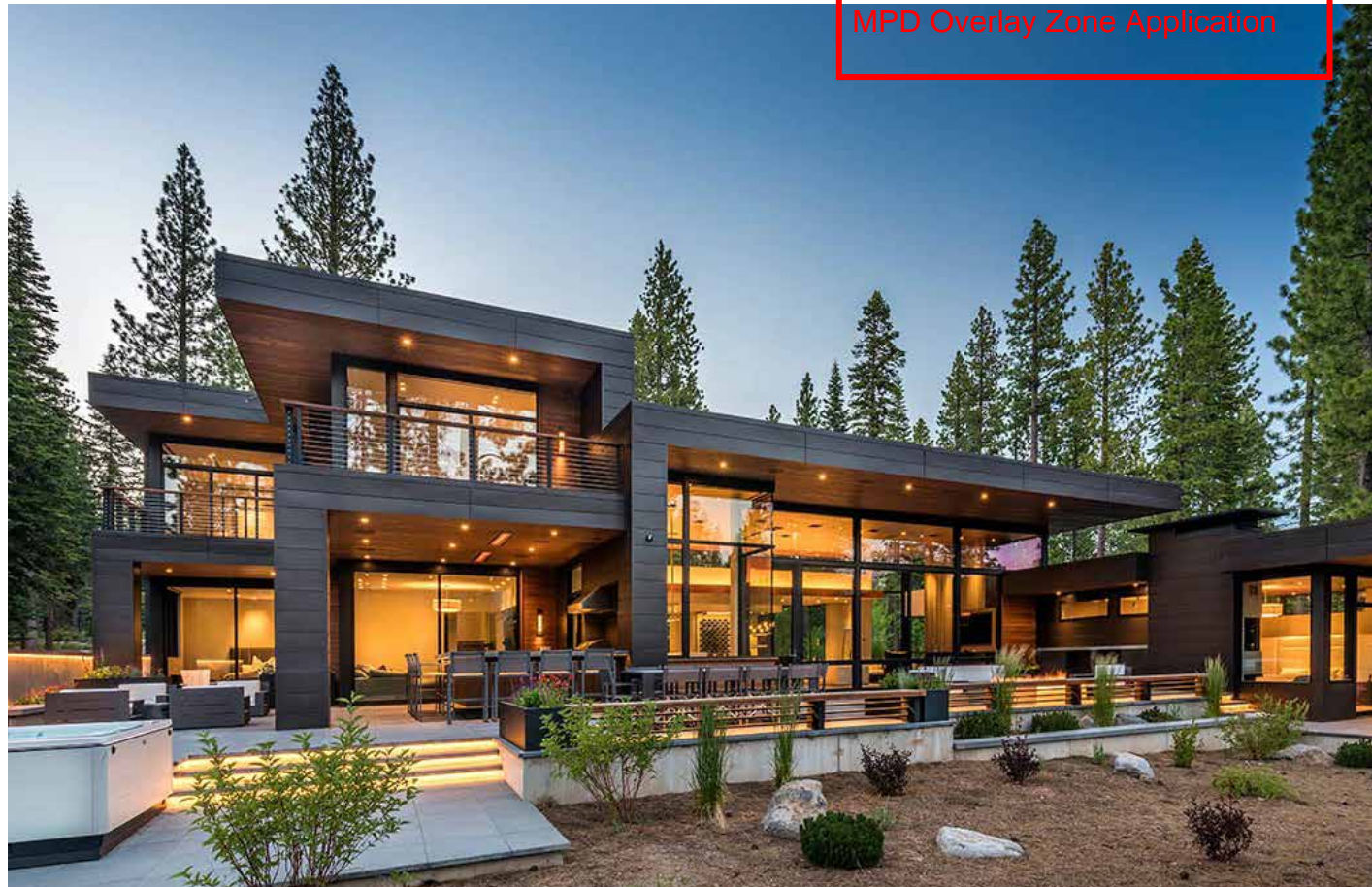


- AV-3 ZONE - 85.98 ACRES  
ROAD ROW 7.82 ACRES  
OPEN SPACE - 43.03 ACRES  
SINGLE FAMILY - 15  
MULTI FAMILY - 68
- AV-3 ZONE - 90.68 ACRES  
ROAD ROW 8.86 ACRES  
OPEN SPACE - 26.34 ACRES  
SINGLE FAMILY - 18

## PROPOSED MPDOZ ZONE BOUNDARY DESCRIPTION

A PART OF THE WEST HALF OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.  
 BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 26 AND RUNNING THENCE NORTH 00°26'26" EAST 1479.13 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO THE SOUTH LINE OF THE TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 6; THENCE ALONG THE SOUTH LINE OF SAID TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 6, PHASE 7A, AND PHASE 3 THE FOLLOWING THREE (3) COURSES: (1) SOUTH 88°48'08" EAST 942.48 FEET; (2) SOUTH 00°12'16" WEST 177.22 FEET; (3) SOUTH 88°48'08" EAST 1537.86 FEET; THENCE SOUTH 18°43'07" WEST 794.95 FEET; THENCE SOUTH 64°21'31" WEST 942.83 FEET; THENCE SOUTH 06°50'26" WEST 798.28 FEET; THENCE NORTH 89°34'09" WEST 1295.09 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER NORTH 00°22'02" EAST 650.49 FEET TO THE POINT OF BEGINNING, CONTAINING 85.985 ACRES.









#### EAGLE CREST AGREEMENT TERMS

- No Storage or Commercial Zoning
- No Nightly Rentals
- Pushed Density Away from Existing Homes
- No Thru Traffic with Eagle Ridge
- Fully Night Sky Compliant
- Move Higher Density to North Side of Fairways Drive
- 18 (4-Plex) Town Home Buildings
- 10 (12-Plex) Condominium Buildings





**Wolf Creek Resort**  
Zoning Development Agreement Amendment  
Master Planned Development Overlay Zone  
REVISED - July 2022

**Project Narrative**

*Describing the project vision*

The Zoning Development Agreement (ZDA) for Wolf Creek Resort was first established with Weber County in the early 1980s. The master plan has been altered and updated many times since it was originally approved. The intent of this request is to provide land use zoning in the commercial core area on newly acquired property and to incorporate both the Eagle Crest and Cobabe Ranch projects into the Wolf Creek Resort ZDA. The request also changes privately owned property in the Elkhorn Subdivision from RE-15 to O-1.

NO ADDITIONAL DENSITY is being requested with this zoning application. In conjunction with the underlining entitlements on properties outside of the Wolf Creek ZDA boundary, the request outlines the reallocation of density from the resort core to the Eagles Crest and Cobabe Ranch developments with an amended Zoning Development Agreement. The proposed changes will increase the Open Space acreage at the resort which is illustrated in the revised Master Open Space Plan exhibit.

The enclosed exhibits show the current and the proposed zoning changes at each project location. The Exchange is the commercial core of the resort. It contains restaurant, event, retail and office space. A condo hotel is part of the design plan consisting of 144 units in a 12 building phased layout. Along with the surrounding community, these condos contain the beds that will support the economic feasibility of the commercial and event activities. The Exchange is within the service area boundary of the Wolf Creek Water and Sewer Improvement District and will provide services when additional water source capacity becomes available.

Eagle Crest is on property that was part of the approved Eagles Ridge Planned Residential Development (PRUD) plan. The extension of Fairways Drive, which will connect 4100 North to Powder Mountain Road, goes through this area and is located west of the Fairways and south of the Bridges communities. The Master Planned Development Overlay Zone (MPDOZ) is now being proposed.

UPDATE: Concept plan revisions have been made by the owner after multiple community discussions which led to a design compromise. A summary of the changes are as follows;

- The storage facility component with 193 units north of Fairways Drive has been REMOVED and replaced with 10, 12 plex condo buildings (120 units). The extra 80 entitlements needed to support these units will come from TDRs.
- South of Fairways Drive, the 64 apartments and 48 townhomes were replaced with 72 townhomes. The layout of the units were pushed north to provide additional buffer space from the Eagle Ridge homesites.
- Owner has agreed the units will not permit short term rentals.

With this design change, the PRUD for Eagles Ridge will be updated to reflect the revised concept. The Wolf Creek Water and Sewer Improvement District will service the project when additional water source capacity becomes available.

Cobabe Ranch is located south of Trapper's Ridge and east of the Eagles Landing neighborhoods. The project is made of 18 three-acre homesites, 15 two-acre lots and 68 townhome units. The Master Planned Development Overlay Zone (MPDOZ) is being proposed to support variances to Weber County improvement standards. These include alternative parking standards, reduced front setbacks, lot size and widths, rolled curb and gutter, which are illustrated in the preliminary subdivision plans. To match the short term rental policy at Trapper's Ridge, the townhomes will require a three night minimum stay. Eden Water Works will provide culinary water, secondary will come from the Ogden Valley Canal and sewer will be treated by the Wolf Creek Water and Sewer Improvement District.