

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

Public comment may NOT be heard during Administrative items, the Planning Division Project Manager may be reached at 801-399-8371 before the meeting if you have questions or comments regarding an item.

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 shall 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.



WEBER COUNTY PLANNING COMMISSION MEETING

MEETING AGENDA

December 9, 2025

Pre-meeting 4:30/Regular meeting 5:00 p.m.



- Pledge of Allegiance
- Roll Call:

1. Election: Chair/Vice Chair
2. Minutes: September 23, 2025, October 14, 2025, November 18, 2025
3. Consent items:

3.1 CUP 2025-26: Request for approval of a conditional use permit for expansion and improvement of Powder Mountain's sewer lagoon site. This project is located in the Forest (F-5) Zone, at approximately 4000 E 5100 N, Eden, UT 84310
Applicant Representative: Brooke Hontz; Staff Presenter: Tammy Aydelotte

4. Legislative Items

4.1 ZDA2025-12: A request from Froerer Family Investment for a public hearing, discussion, and possible recommendation regarding a development agreement to preserve development rights, timing of project development, and overall project layout for approximately 19.32 acres, located at approximately 700 S 7900 E, Eden, UT, 84310 in the AV-3 Zone.
Applicant Representative: Ryan Froerer; Staff Presenter: Tammy Aydelotte

5. Administrative items

5.1 CUP 2025-24: A request for approval of a conditional use permit for an animal clinic located at 3709 East 3300 North, Eden.
Applicant Presenter: Beau Bradbeer; Staff Presenter: Felix Lleverino

5.2 LVTP7112825: Consideration and action on a request for preliminary approval of the Taylor Landing Subdivision Phases 7 & 8, consisting of 49 lots, public roadways, dedication of public pathways, and a detention pond. Located at approximately 1900 S 3850 W, Weber County, UT, 84401 in the R1-15 Zone.
Applicant representative: Selvoy Fillerup; Staff Presenter: Tammy Aydelotte

5.3 LVH110325: Consideration and action on a request for preliminary approval of Harper Haven Subdivision consisting of 74 lots, public roadways, and dedicated public pathways, located in the R1-15 Zone at approximately 550 South 4700 West, Taylor, UT, 84401.
Applicant Presenter: Trek Loveridge; Staff Presenter: Tammy Aydelotte

5.4 UVP111325: Consideration and action on a request for preliminary subdivision approval of the Prado at Powder Mountain Subdivision, a 38-lot subdivision located in the DRR-1 zone located at the end of Summit Pass Road in Eden.
Applicant Presenter: Erik Anderson; Staff Presenter: Felix Lleverino

5.5 DR 2025-16: Request for design review approval for a wastewater treatment facility for the Nordic Village area. Located at approximately 3651 Nordic Valley Road, Eden, UT, 84310. This is located in the Form-Based (FB) Zone in Ogden Valley.
Applicant Presenter: Nathan Schellenberg; Staff Presenter: Tammy Aydelotte

6. Approval of 2026 Calendar
7. Public Comment for Items not on the Agenda:
8. Remarks from Planning Commissioners:
9. Planning Director Report:
10. Remarks from Legal Counsel

Adjourn

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

Public comment may not be heard during administrative items. Please contact the Planning Division Project Manager at 801-399-8371 before the meeting if you have questions or comments regarding an item.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8371

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

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

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

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

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

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

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

1. Minutes: July 22, 2025.

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

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

2. Consent items:

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

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

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

This recommendation is based on the following findings:

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

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

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

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

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

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

3. Legislative items:

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

Chair Wampler invited input from the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no additional persons appearing to be heard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no further persons appearing to be heard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no additional persons appearing to be heard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no additional persons appearing to be heard.

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

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

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

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

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

4. Public Comment for Items not on the Agenda:

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

5. Remarks from Planning Commissioners:

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

6. Planning Director Report:

There was no report from the Planning Director.

7. Remarks from Legal Counsel

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

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

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission

DRAFT

Minutes of the Meeting of the Western Weber Planning Commission for October 14, 2025, Weber County Commission Chambers, 2380 Washington Boulevard 1st Floor, the time of the meeting commencing at 5:00 p.m.

Western Weber Planning Commissioners Present: Andrew Favero (Chair), Casey Neville (Vice Chair), Wayne Andreotti, Jed McCormick, Emily Rogers, and Sara Wichern

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; Tiffany Snider, Office Specialist.

Roll Call: Chair Favero conducted roll call and indicated Commissioner Clontz was excused; all other Commissioners were present.

1. Minutes: August 12, 2025; September 9, 2025; and September 16, 2025

Chair Favero introduced the minutes of the August 12, September 9, and September 16, 2025 meetings. There were no suggested edits to the minutes and Chair Favero declared them approved as presented.

2. Administrative items:

2.1 DR 2025-12: Request for approval on a design review application to construct two new buildings with parking and landscaping. Staff Presenter - Felix Lleverino. Applicant: Brett Preslar.

Nathan Harris, applicant's representative, presented the project, explaining that there is one existing building on the property located at 2367 Rulon White Boulevard, and it currently houses an eyelash business called Eyelash. He plans to develop the rest of the property with office warehouse units. He indicated there could potentially be 9 units, though this might vary depending on how tenants choose to utilize the space.

Commissioner Rogers expressed concerns about the limited parking, noting only two parking stalls appeared to be available per unit. Mr. Harris clarified there is additional land that could be developed for extra parking if needed.

Planner Lleverino then provided staff's analysis of the application; he first addressed the comments regarding parking, explaining that the parking requirement for warehouses is typically two spaces per three employees, and the current plan includes 32 spaces total, exceeding the minimum requirement of 22 spaces. He then used the aid of a PowerPoint presentation to provide detailed information about the project's location in the M1 (manufacturing) zone, traffic circulation, access points from Hemingway Street, and the proposed landscaping plan. He noted that the building heights conform with M1 zone requirements, and the storm water management plan utilizes subsurface storm tech chambers. Engineering reviews are still in process. He concluded staff recommends approval of the Thiros Design Review Application DR 2025-12. This recommendation is conditioned upon all review agency requirements, and the following conditions:

1. Written approval of the design shall not be issued until all review agency requirements have been met, specifically the comments from the County Engineer and Fire District.

This recommendation is based on the following findings:

1. The construction of new buildings within this legally platted subdivision lot is permitted under the land use code.
2. The proposal complies with applicable requirements from the M-1 zone.
3. The proposal demonstrates compliance with the applicable land use codes.

Commissioner Rogers indicated she still has concerns about the amount of parking included on the site plan; she is unsure there is a sufficient number of parking space to accommodate customer and employee traffic. However, she acknowledged that much of the work to be done in the site is manufacturing in nature and there may not be a significant demand for parking.

Chair Favero inquired about the placement of the buildings on the lot, as he found it difficult to determine from the plans. Mr. Lleverino referred to slides from his presentation that helped to illustrate the building placement.

Discussion among the Commission concluded with an agreement that the project would create jobs and was compatible with the General Plan and zoning regulations.

Vice Chair Neville moved to approve application DR 2025-12: Request for approval on a design review application to construct two new buildings with parking and landscaping, based on the findings and subject to the conditions listed in the staff report. Commissioner Andreotti seconded the motion. Commissioners Andreotti, McCormick, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 6-0). Commissioner Clontz was not present when this vote was taken.

2.2 DR 2025-07: Request for design review approval for a 23,800 square-foot fabrication shop located at 8052 W 900 S, Ogden, UT 84404 in the Manufacturing (M-1) Zone. Applicant: Nate Christensen; Staff Presenter: Tommy Aydelotte.

Applicant Nate Christensen presented his request for approval of a 23,800 square-foot fabrication and machine shop. Mr. Christensen explained that his company is currently located in Centerville and he wishes to relocate to Western Weber to be closer to his employees. The business fabricates items from handrails to small parts and uses CNC machines.

Commissioner Rogers inquired as to the number of employees that work at the business. Mr. Christensen stated that he currently employs 40 people and expects to add two to five more jobs with the new facility.

Planner Aydelotte presented staff's analysis of the application, noting that the applicant is proposing a structure with xeriscape landscaping due to soil conditions in the area. She explained that the landscaping plan had not been submitted yet but would be required prior to written approval. Ms. Aydelotte confirmed that the proposed uses are permitted in the M-1 zone and that the design meets all applicable standards. She concluded staff recommends approval of the request for Design Review approval for a 23,800 fabrication building in the M-1 Zone, located at 8052 West, 900 South, Ogden, UT, 84401. This recommendation is conditioned upon all review agency requirements, and the following conditions:

1. All review agency requirements must be addressed and completed before the written approval of the design review is issued.
2. A landscape plan shall be submitted prior to written approval of this design review application.
3. Occupancy shall not occur until all improvements, including landscaping, have either been installed or guaranteed.
4. That the building's setbacks conform to Code requirements.

The following findings are the basis for Staff's recommendation:

1. This proposal is listed as a permitted use within the M-1 Zone.
2. This proposal conforms to the Land Use Code of Weber County, Utah.
3. The owners will obtain the appropriate permits before construction begins.

The Commission discussed the surfacing requirements for areas around the building. Ms. Aydelotte explained that parking areas must be hard-surfaced (asphalt or concrete), but there was some ambiguity about loading areas and travel surfaces on private property. Mr. Christensen explained that they would use concrete for loading areas near bay doors, as asphalt doesn't hold up well under forklifts. Road base would be used for travel lanes around the perimeter of the building.

The Commission agreed that the road base would be sufficient for fire apparatus access as long as it was properly engineered, and that over time the applicant would likely hard-surface more areas as needed. They also discussed concerns about tracking dirt onto the public right-of-way, with Chair Favero noting that the applicant would be responsible for ensuring no mud is tracked onto 900 South.

Commissioner Wichern moved to approve application DR 2025-07, design review approval for a 23,800 square-foot fabrication shop located at 8052 W 900 S, Ogden, UT 84404 in the Manufacturing (M-1) Zone, based on the findings and subject to the conditions listed in the staff report. Vice Chair Neville seconded the motion. Commissioners Andreotti, McCormick, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 6-0). Commissioner Clontz was not present when this vote was taken.

3. Legislative items:

3.1 ZDA2025-03: A public hearing, discussion, and possible decision regarding an amendment to the zoning map that would expand the boundary of the C-2 zone within the property located at approximately 1402 South 4700 West. The expansion of the C-2 zone boundary is intended to cover the entire 2.06-acre parcel. Applicant: Dale Jordon; Staff Presenter - Felix Lleverino

Planner Lleverino presented the application to expand the C-2 zone boundary to encompass an entire 2.06-acre parcel at the corner of 1400 South and 4700 West. He explained that there is currently some ambiguity about where the C-2 zone boundary lies on this property, and rezoning the entire parcel would help resolve this issue.

Principal Planner Ewert noted that following the previous meeting, staff had met with the property owner and buyer (John Price) to address concerns about right-of-way dedication and non-conforming structures. Mr. Ewert explained that some existing structures are within the planned future right-of-way for both 4700 West and 1400 South. The proposal includes a development agreement with provisions for:

- Dedicating appropriate right-of-way widths (132 feet for 4700 West and 80 feet for 1400 South)
- Allowing existing non-conforming buildings to remain until either demolished by the owner or needed for roadway improvements
- Ensuring any new structures are placed outside the future right-of-way
- Addressing clear view site triangles for safe visibility at the intersection

Staff explained that while the current structures would be grandfathered in, once they are removed or if roadway improvements become necessary, the owner would need to comply with the new setback requirements. The development agreement allows the owner to continue using the buildings while they remain in place.

Vice Chair Neville requested that the Commission be provided with documentation for these types of applications in the future; it would have been helpful to see the draft version of the development agreement before discussing the matter tonight.

Chair Favero opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

Commissioner Wichern moved to forward a positive recommendation to the County Commission for application ZDA2025-03, amendment to the zoning map that would expand the boundary of the C-2 zone within the property located at approximately 1402 South 4700 West. The expansion of the C-2 zone boundary is intended to cover the entire 2.06-acre parcel. Motion is subject to the conditions listed in the September 16, 2025 staff report, includes Exhibit A from – a draft development agreement, and based on the finding that with the revisions made to the C-2 allowances, it will minimize the effect on surrounding properties while allowing the current property owners to utilize their property rights. Vice Chair Neville seconded the motion. Commissioners Andreotti, McCormick, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 6-0). Commissioner Clontz was not present when this vote was taken.

After the vote, Mr. Ewert pointed out a discrepancy with the application number. He noted that the agenda listed the item as ZDA2025-03, but it should have been CMA2025-05. Mr. Ewert clarified that the incorrect labeling needed to be rectified to ensure accuracy in the records. This correction ensures consistency between the meeting's discussions and the official record of the meeting.

3.2 ZMA2025-05: A public hearing, discussion, and possible decision regarding an applicant to rezone the Halcyon Estates subdivision from the Agricultural (A-1) zone to the Residential (R1-15) zone. Applicant: Keith Ward; Staff: Charlie Ewert.

Keith Ward, the applicant, explained that he had been working with staff and the Parks District to develop a feasible path forward for his proposal; he believes the proposal would support the General Plan and make a sizable contribution to local parks development.

Principal Planner Ewert presented staff's analysis of the application to rezone Halcyon Estates from A-1 (Agricultural) to R1-15 (Residential). He explained that this involves a 10-acre piece that was previously designated as open space as part of the subdivision's cluster development approval. Mr. Ewert noted that rezoning the entire Halcyon Estates subdivision would be necessary to avoid creating non-conforming lots, as the existing lots were part of a lot averaging/PRD development that required open space. Mr. Ewert presented several key considerations:

- The applicant is offering \$7,500 per existing and proposed lot as a donation to parks development.
- Street and pathway connectivity between neighboring developments.
- Water rights associated with the property.
- How to handle existing residences that might want farm animals.

Mr. Ewert concluded that staff recommends approval of the application subject to a development agreement that includes:

1. Use of the county's standard development agreement template.
2. Street tree installation (or donation) consistent with county standards.
3. Upgrading sidewalk along 1800 South to a multi-use pathway (as ROW allows).

This recommendation is based on the following findings:

- The proposal aligns with the general plan's vision for smart growth and compatible development.
- It mitigates impacts through funding and infrastructure improvements.
- The development agreement ensures mutual public and private benefit.

Chair Favero opened the public hearing.

Brad Nelson expressed his dissatisfaction with the proposal to rezone the Halcyon Estates subdivision. He pointed out that the original density of the subdivision was approved contingent upon the 10 acres being preserved as agricultural land. Nelson shared his experience of purchasing into Halcyon Estates with the expectation of one-acre lots and was disappointed when the water ski lake that was initially promised did not materialize. Furthermore, he highlighted his efforts to halt the second phase of the development by refusing to sign the plat, as he wanted to maintain the one-acre lot standard he had initially bought into. However, he recounted that following an emergency meeting, the county proceeded with the development, carving out his property and creating a new subdivision around it without his consent. Currently, he is frustrated with the prospect of additional lots, contrary to his original expectations, which he feels are being disregarded by this rezoning effort. He mentioned his neighbors, the McCarthys, who are currently in Florida, were also affected and wished to have the option of keeping horses on their property. He concluded by urging the Commission to consider the original commitments made to residents when contemplating the rezoning.

Scott Stewart acknowledged the inevitability of development but suggested that funds initially slated for parks be redirected to improve the area's existing infrastructure, especially concerning the roads. He commented on the poor condition of local roads due to constant construction, which causes frequent deterioration. Mr. Stewart also proposed separating the first phase of Halcyon to preserve potential rights for agricultural purposes among residents, citing that some individuals purchased lots with the intent to eventually have room for lifestyle elements such as horses. Mr. Stewart expressed general support for development but emphasized the importance of addressing current infrastructure issues before proceeding with this application.

Brenda Esperate, a resident at the corner of 1800 South and Halcyon, expressed her support for separating the existing phase from the proposed rezoning to alleviate pressures on those in the original phase who had plans for keeping animals. She emphasized concerns about inadequate infrastructure, particularly traffic impacts from the increased density due to new homes. Brenda expressed a specific desire to direct funds intended for parks toward improving the condition of the road in Halcyon, which she described as a disaster, and suggested providing utility upgrades like improving water pressure which had been insufficient. She also noted the incomplete state of a nearby park, indicating that it has been under construction for two years with delays due to water utility issues.

Megan Arbon, a resident in the cul-de-sac on 4081 West 1700 South, emphasized her opposition to a road connection through the cul-de-sac, stating it did not make sense given that there were already two direct roads going through from 1800 South to 1400 South. She favored maintaining the area as it is, suggesting that a walkway would be a more acceptable option over creating new roadways. Additionally, Ms. Arbon provided clarification on the condition of the nearby park. While there had been previous mentions of a park, she noted that it was not yet completed, lacking necessary infrastructure such as water services.

There were no additional persons appearing to be heard and the public hearing was closed.

Chair Favero invited staff and Mr. Ward to address some of the comments made during the public hearing. Mr. Ward explained that a significant amount of effort had been put into determining the feasibility of the original concept which included a ski lake. However, it proved too risky due to potential failure and associated flooding concerns. As such, it became infeasible, prompting the need to reconsider the best uses for the property. Mr. Ewert added further context regarding zoning and development rights. He explained that the goal was to ensure that any new zoning changes reflect the intended development pattern and avoid placing existing parcels into a non-conforming status. He noted that they want to figure out how to blend the existing development goals with the applicant's current proposal. Ewert emphasized the need to manage expectations, acknowledging that residents purchased their homes with certain expectations, but explaining that the original approvals had evolved due to practical constraints and the need for better long-term solutions for the neighborhood.

The Commission then engaged in philosophical discussion and debate of several aspects of the proposal:

- The possibility of limiting the rezone to just the 10-acre parcel, to preserve the rights of current homeowners who might wish to keep farm animals.
- The importance of ensuring pathway connections between neighborhoods, though it was recognized that some residents oppose a road connection through existing cul-de-sacs.
- A proposed development timeline, settled at 3 years with the option for a 1-year extension, to help streamline the development process.
- Discussing the water rights issue, ensuring that water associated with the property stays with it and any excess could benefit the Parks District.
- They also considered the historical context, understanding that prior subdivision approvals were contingent on the inclusion of a ski lake which didn't come to fruition due to unforeseen challenges.

Chair Favero reflected on changing expectations over time, noting that his own expectation was that none of these houses would exist there today, but property rights allowed for development. He addressed the challenge faced by both residents and the Commission when initial expectations, such as the presence of parks or open spaces, do not align with reality over time. Chair Favero highlighted the need to balance these evolving expectations against the need to respect landowners' rights, a recurring theme the commission must navigate. He then stressed the importance of the Commission making decisions grounded in the best information available at any given time, acknowledging that these decisions could not please everyone involved. He underscored the shared responsibility of residents and decision-makers to ensure the community developed in a way that respected both individual rights and the broader needs. Ultimately, he concluded that with development and change being constants, the focus should be on collectively taking the best available actions in response to them. This led to continued discussion of the five-item listed above; Commissioner McCormick explicitly expressed significant concerns over the agreement made by a previous Planning Commission regarding the original density of the Halcyon Estates subdivision, which included leaving 10 acres as open space. He highlighted that this agreement was an understanding made with both the developer and the property purchasers. His concern was that the expectations set during this original agreement ought to be honored and any change now could breach trust with those who bought property with certain expectations. Due to the lack of signatures from all affected subdivisions residents and the perceived lack of effort by the developer to address the original commitments, Commissioner McCormick stated that he could not, in good conscience, support the rezoning proposal and indicated that he would vote against it. The Commission acknowledged these concerns; Commissioner Wichern noted that while the intentions behind preserving land for open space were admirable, rezonings should be evaluated contextually to align with present-day realities and challenges. She highlighted that property rights and the project's coherence with the general plan also need to be considered alongside past agreements. Commissioner Wichern supported the rezoning proposal with conditions addressing community needs. Chair Favero acknowledged Commissioner McCormick's point but emphasized the broader view of evolving expectations and the necessity for flexibility in planning to accommodate growth realistically. He articulated that residents' and developers' perspectives must be balanced pragmatically within the planning framework. Vice Chair Neville agreed and expressed empathy towards Commissioner McCormick's position on maintaining commitments but endorsed moving forward cautiously with the rezoning while maximizing benefits through aligned community contributions and modifying conditions to preserve local interests.

Commissioner Wichern moved to forward a positive recommendation to the County Commission for application ZMA2025-05, rezone the Halcyon Estates subdivision from the Agricultural (A-1) zone to the Residential (RI-15) zone, subject to the following eight conditions:

1. Use of the county's standard development agreement templates;
2. Street tree installation or donation consistent with county standards;
3. Upgrading sidewalk along 1800 South to a multi-use pathway as right-of-way allows;
4. A \$7,500 donation per lot for all existing and new lots of all phases of Halcyon Estates;
5. A three-year term with a one-year extension option on the development agreement;
6. A pathway to Bristol on the west to 4250 West and a pathway from the cul-de-sac at 1700 South to 4125 West;
7. Water associated with the property stays with the property, with excess donated to the Parks District; and
8. The rezone will only be applied to the 10 acres

Commissioner Rogers seconded the motion. Commissioners Andreotti, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. Commissioner McCormick voted nay. (Motion carried on a vote of 5-1). Commissioner Clontz was not present when this vote was taken.

Chair Favero remarked that the recommendation for the rezoning will now advance to the county commission for a final decision. He advised attendees that no direct notifications would be sent, so residents should proactively monitor the commission's agenda, either through official county postings or the state's notification website. Chair Favero emphasized the importance of following these proceedings, as the county commission is the authoritative body that will ultimately decide on the rezoning application.

4. Public Comment for Items not on the Agenda:

There were no public comments.

5. Remarks from Planning Commissioners:

Vice Chair Neville raised the question of whether hand-delivered paper packets were still necessary for Commissioners, noting the environmental impact and staff time involved. There was brief discussion about potentially using iPads instead of receiving paper packets, but some Commissioners expressed preference for paper copies.

Commissioner Andreotti expressed concerns about the ability of future generations to afford housing in the area. He noted that many existing local residents want their children to stay in the community, but the rising costs of real estate make it difficult. Commissioner Andreotti emphasized the need for zoning to adapt to meet current and future community needs, pointing out that smaller homes or lots may be necessary to provide affordable housing. He also mentioned that this issue reflects a broader trend and advocated for staying informed on state-level discussions to anticipate these challenges.

6. Planning Director Report:

Principal Planner Ewert discussed upcoming training opportunities for Commissioners.

7. Remarks from Legal Counsel:

Legal Counsel Keough commended the Planning Commission for effectively conducting tonight's meeting. He highlighted the procedural efficiency and clear communication among Commissioners, which he believes make the decision-making process smooth and valuable.

The meeting adjourned to work session at 7:41 p.m.

WS1: A discussion on a General Plan Amendment to the Water Conservation goals. *Presenter: Felix Lleverino*

Planner Lleverino used the aid of a PowerPoint presentation to summarize a proposed General Plan Amendment to address Water Conservation goals. He led a discussion on updates to water conservation strategies, including collaboration with state water agencies, actions for optimizing water use in developments, incorporation of educational signage, incentives for efficient irrigation systems, and methods to support water entities in upgrading antiquated facilities. The amendments aim to enhance the sustainability of water resources in line with state and regional conservation objectives.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission

Minutes of the Meeting of the Western Weber Planning Commission for November 18, 2025, Weber County Commission Chambers, 2380 Washington Boulevard 1st Floor, the time of the meeting commencing at 5:00 p.m.

Western Weber Planning Commissioners Present: Andrew Favero (Chair), Casey Neville (Vice Chair), Wayne Andreotti, Cami Jo Clontz, Jed McCormick, Emily Rogers, and Sara Wichern

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Felix Lleverino, Planner; Liam Keogh, Legal Counsel; Tiffany Snider, Office Specialist.

Roll Call: Chair Favero conducted roll call and indicated all Commissioners were present.

1. Administrative items:

1.1 LVB092625: Consideration and action on a request for preliminary approval of Bitton Estates Subdivision Phases 1 through 5. A proposal to develop 32.6 acres into 93 single-family lots. Presenter: Pat Burns; Staff Presenter: Felix Lleverino.

Applicant Pat Burns was not initially present. The Commission moved to the next agenda item and returned to this item later when Mr. Burns arrived. When the item was revisited, Mr. Burns provided an overview of the Bitton Estates development, noting that the rezone had been completed several months prior. Mr. Burns highlighted two key accomplishments: he has successfully secured trail connections by obtaining easements across irrigation company property and private land, which required coordination with multiple property owners and the Confluence; and the development would include piping irrigation lines to improve water flow for neighboring properties. Mr. Burns also mentioned that he had focused on roadway connectivity throughout the development and expressed appreciation for the Planning staff's collaboration on the project.

Vice Chair Neville thanked the developer for working to secure the trail easements and asked about safety measures around open ditches. Mr. Burns confirmed he had already arranged for fencing around the confluence area where pipes split into two ditches, noting this was a requirement from the irrigation company before they would sign agreements. Mr. Burns explained that the trail would run west to 4100 West and then down to 1900 South, with the County potentially extending the trail further to connect with a school.

Felix Lleverino, Planner, presented the staff analysis of the subdivision, which includes 93 lots across 32.6 acres. He noted the property was recently rezoned to R-1-15 and he illustrated how the development included family street names, trail connections, and roadway stubs to provide future access to adjacent lands. The lot sizes range from 6,000 square feet up to larger lots of approximately 25,000 square feet. He concluded staff recommends preliminary approval of the Bitton Estates Subdivision Phases one through five, consisting of 93 single-family lots. This recommendation is based on all review agency requirements and the following conditions:

1. Taylor West Weber Water District shall provide a capacity assessment letter or a final will-serve letter before final approval from the Planning Division
2. Hooper Irrigation shall provide a capacity assessment letter or final will-serve letter before final recommendation from the Planning Division.
3. Proof of satisfactory contribution towards parks and open space is required before each phase is recorded.
4. Developer is required to show compliance with the recorded development agreement.
5. The civil drawings shall comply with all Weber County Engineering requirements.

The following findings are the basis for the staff recommendation:

1. Bitton Estates Phases one through five conforms to the West Central Weber County General Plan.
2. The lot area and width design are compatible with the concept plan and development agreement.
3. The proposal will not be detrimental to public health, safety, or welfare.
4. The proposal will not deteriorate the environment of the general area to negatively impact surrounding properties and uses.

Commissioner Wichern moved to forward a positive recommendation to the Council Commission for application LVB092625: Consideration and action on a request for preliminary approval of Bitton Estates Subdivision Phases 1 through 5. A proposal to develop 32.6 acres into 93 single-family lots, based on the findings and subject to the conditions listed in the staff report, and

based upon all review agency requirements. Vice Chair Neville seconded the motion. Commissioners Andreotti, Clontz, McCormick, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 7-0).

1.2 LVTP6060525: Consideration and action on a request for preliminary approval of the Taylor Landing Subdivision Phase 6, consisting of 26 lots, public roadways, and the dedication of a 15' wide public pathway easement, connecting to the Winston Park Subdivision to the east. Presenter: Selvoy Fillerup; Staff Presenter: Tammy Aydelotte.

Selvoy Fillerup, representing Heritage Land Development, presented the request for Taylor Landing Phase 6. He explained that this was part of a larger project governed by a development agreement approved in June. The original Phase 6 had been broken into Phases 6, 7, and 8, with the current application covering just the western portion containing 25 lots and a detention basin. Mr. Fillerup detailed how the road will ultimately connect 1800 South to 2200 South and mentioned they would be dedicating land and water rights to the Parks District. He noted the water transfer would include 1.01 CFS (cubic feet per second) that was acquired from a previous owner.

Tammy Aydelotte, Planner, provided additional details about the project, explaining it has been ongoing for quite some time. She clarified that the proposal includes public rights-of-way throughout, 15-foot-wide pathways, street-adjacent pathways, and sidewalks. The project is in the R-1-15 zone with lots ranging from 60 to 80+ feet in width, exceeding the minimum requirements. Ms. Aydelotte oriented the Commission to the surrounding area, noting the Parks District's 9.5-acre parcel under development nearby, Winston Park to the east, and Stagecoach Estates to the north. She highlighted a small area of open space surrounding a lift station, which the developer was considering combining with the lift station parcel for easier maintenance. Ms. Aydelotte concluded the Planning Division recommends final approval of the Taylor Landing Subdivision Phase 6, consisting of 25 lots in the R1-15 Zone, and based on the proposed plan adhering to the requirements of the Weber County Land Use Code and the recorded development agreement (entry# 3374134) This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. All Engineering comments shall be addressed prior to submitting for final approval.
2. Engineered plans shall show compliance with street cross-sections, including pathway and sidewalk width requirements, prior to acceptance of an application for final approval.
3. Final letters of approval shall be submitted from Taylor West Weber Water, Hooper Irrigation Company, prior to submitting for approval of the final plat.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with applicable County ordinances.

Several commissioners expressed concerns about maintenance of the L-shaped open space near the lift station. After discussion, it was agreed that giving the parcel to the county for maintenance made the most sense, but that the Commission wanted to ensure it would be properly maintained. The Commission also discussed the pathway connections through the subdivision, with Mr. Fillerup explaining that the current phase would connect to future phases 7 and 8, which would eventually connect to Winston Park via a recently dedicated public pathway. This connection wasn't initially visible in the plans because Winston Park had recently completed a subdivision amendment to purchase land and dedicate the pathway.

Vice Chair Neville moved to forward a positive recommendation to the Council Commission for application LVTP6060525, preliminary approval of the Taylor Landing Subdivision Phase 6, consisting of 26 lots, public roadways, and the dedication of a 15' wide public pathway easement, connecting to the Winston Park Subdivision to the east, based on the findings and subject to the conditions listed in the staff report, as well as the following three additional conditions of approval:

1. 5-foot sidewalks to be shown on final engineering;
2. 21 acres be dedicated to park space prior to recording and water shares/water rights to the Parks District as well; and
3. Parcel A surrounding the lift station be considered for dedication to the Parks District

Commissioner Rogers seconded the motion. Commissioners Andreotti, Clontz, McCormick, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 7-0).

2. Legislative items:

2.1 GPA2025-01: A public hearing on a request to amend the Western Weber General Plan Culinary Water Use table on page 141, add information regarding the Water Conservation Stakeholder Committee on page 141, and add action items to pages 157-160 that incorporate State requirements for water conservation. Staff Presenter: Felix Lleverino

Felix Lleverino, Planner, presented proposed amendments to the Western Weber General Plan related to water conservation. He explained that the amendments were required by the state and resulted from meetings of a Water Conservation Stakeholder Committee organized by the planning office. The committee included representatives from Weber Basin, Weber County, Planning Commission, Bona Vista Water, and Taylor West Weber Water. Mr. Lleverino indicated the committee met 4-5 times from spring through fall to develop the proposed changes. The amendments included:

- Updating the water use table on page 141 with current numbers from Taylor West Weber Water
- Adding information about the stakeholder committee and recommendations from the Utah Department of Water Resources
- Adding timelines and action items to achieve water conservation goals
- Setting more ambitious conservation targets
- Incorporating educational opportunities for farmers regarding grants and funding for converting to more conservative irrigation systems
- Supporting the county's existing water ordinance to ensure adequate water supplies are in place before issuing building permits

Commissioner Wichern expressed concerns about properties with restrictions on culinary water use for landscaping, noting it's difficult to regulate whether dry-scaped properties truly remain dry or if homeowners start using culinary water anyway.

Commissioner Andreotti commented that the amendments were a good first step but not the end of the process. He noted that local canal companies were not well represented in the stakeholder committee and expressed concerns about how agricultural water conversions would affect canal operations. He suggested that one water company handling both culinary and secondary water might be more efficient than having separate systems.

Chair Favero, who served on the Committee, explained that the process was valuable and generated important conversations. He expressed optimism that as agricultural water is converted, there would likely be enough water to cover areas with secondary water use or to allow for properties with zero-scaping and culinary water.

Chair Favero opened the public hearing; there were no persons appearing to be heard and the public hearing was closed.

Vice Chair Neville moved to forward a positive recommendation to the County Commission for application GPA2025-01, a request to amend the Western Weber General Plan Culinary Water Use table on page 141, add information regarding the Water Conservation Stakeholder Committee on page 141, and add action items to pages 157-160 that incorporate State requirements for water conservation. Commissioner Andreotti seconded the motion. Commissioners Andreotti, Clontz, McCormick, Rogers, Wichern, Vice Chair Neville, and Chair Favero voted aye. (Motion carried on a vote of 7-0).

3. Public Comment for Items not on the Agenda:

Alan Franke, 3718 West 600 South, Ogden, addressed the Commission regarding the Bitton Estates Subdivision. He explained that his property is north of phases 2 and 3 of the development, and he had spoken with Mr. Burns during the rezoning process about an irrigation ditch that runs through the Herrick property and feeds Mr. Franke's property. He expressed concern that despite conversations with Mr. Burns last March and more recently with the project engineer Ken Hunter, the engineer was not aware that the ditch fed properties farther north. Mr. Hunter had promised to contact Mr. Franke to walk the property and show him the plans, but that hadn't happened yet. Mr. Franke wanted his concerns to be on the public record.

Chair Favero assured Mr. Franke that his concerns were discussed in the pre-meeting and that the language in the motion would protect his interests. He added that the engineering staff would look at this in detail during the final approval process. Planner Lleverino added that those details will be reviewed at future steps of the development application review process. Mr. Franke indicated he will stay involved in the process as well.

4. Remarks from Planning Commissioners:

Commissioner Andreotti mentioned that Jeff Davis, a former planning commissioner, had organized a group of students who surveyed Western Weber County looking at agriculture and development. They will be making a presentation at West Field High on December 5 from 6:00 to 8:00 p.m., and he invited fellow Commissioners to attend.

Commissioner Clontz thanked the Commissioners for the care they put into their work, noting that many of the items they discuss affect her neighborhood, streets, parks, and schools. She expressed gratitude for their thoughtful attention to serving the community.

5. Planning Director Report:

Planning Director Grover wished everyone a happy Thanksgiving.

6. Remarks from Legal Counsel:

There were no remarks from Legal Counsel.

The meeting adjourned at 6:15 p.m.

Respectfully Submitted,

Cassie Brown

Weber County Planning Commission



Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for approval of a conditional use permit for expansion and improvement of Powder Mountain's sewer lagoon site. This project is located in the Forest (F-5) Zone, at approximately 4000 E 5100 N, Eden, UT 84310

Application Type: Administrative

File Number: CUP 2025-26

Applicant: Olga Mariasina-Authorized Representative

Agenda Date: Tuesday, December 9, 2025

Approximate Address: 4000 E 5100 N, Eden, UT 84310

Project Area: Approximately 2.00 Acres

Zoning: F-5

Existing Land Use: Vacant/Existing site of 4 sewer lagoons

Proposed Land Use: Expansion of lagoon site, with the addition of an additional sewer lagoon, improvement of access roads, installation of security fencing, addition of sewer infrastructure, removal of vegetation to allow for site improvements.

Parcel ID: 22-006-0002

Township, Range, Section: Township 7 North, Range 1 East, Section 16

Adjacent Land Use

North:	Vacant Land	South:	Sheep Creek Cluster Subdivision
East:	Vacant	West:	Vacant & Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Report Reviewer: FL

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 9 (Forest Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

Background and Summary

The applicant is requesting approval of a conditional use permit to allow for expansion and improvements to the Powder Mountain Sewer Improvement District site containing an existing 4 sewer lagoons. The following are proposed expansions/site improvements proposed as part of this application (see applicant narrative):

Create a new treatment lagoon (site plan shows 4 proposed locations), Improve access road to site, Add piping/transfer structures to isolate cells, Site grading to minimize surface water flow into lagoons, Update/add toe drains, Increase/develop freeboard, Manage/update interior roadways to improve access, Remove trees/vegetation from dikes, Manage/install security fencing where needed, and add a metering flume with structure for ventilation/storage.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: As a conditional use, this operation is allowed in the F-5 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Forest (F-5) Zone. A wastewater treatment facility is a conditional use, under utility uses, in this zone.

The following setbacks apply, to a wastewater treatment facility in the F-5 zone:

- Front: 20 feet
- Side: 20 feet
- Rear: 20 feet

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Thus far, the applicant has received approval from the County Engineering Division, for the proposal.

The following is an analysis of the proposal reviewed against the conditional use standards:

(1) Standards relating to safety for persons and property. The proposal is not anticipated or expected to negatively impact this property, surrounding properties, or persons. The location of this new lagoon will be adjacent to the existing lagoons. The nearest existing lagoon to the subdivision to the south is approximately 900' from the 4000 E road stub in the Sheep Creek Subdivision. Applicant is proposing a new lagoon adjacent to the furthest lagoon from the road. Applicant is also proposing security fencing.

(2) Standards relating to infrastructure, amenities, and services: The proposal is to expand existing infrastructure to allow for expansion of services in the future.

(3) Standards relating to the environment. The proposal is not anticipated or expected to negatively impact the environment. Applicant is proposing minimal disturbance with hydroseeding proposed, if needed. There are no buildings proposed and so no outdoor lighting is part of this proposal.

(4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan. The property on which the conditional use permit is sought will support future residential development within the Powder Mountain Water and Sewer Improvement District. The proposal complies with and supports the intent of the general plan.

Design Review: The F-5 zone, and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout, and appearance of the building remain orderly and harmonious with the surrounding neighborhood.

As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion. The proposal includes a site plan that identifies possible locations of the new lagoon as well as an existing access road to the site. This site is currently accessed from 4000 East Street through the Sheep Creek Subdivision to the south, and then heading north towards the lagoon site. There is no parking proposed, as the need for parking is minimal with this use. Parking typically occurs adjacent to the lagoons.

Considerations relating to landscaping. Applicant is proposing minimal disturbance with hydroseeding proposed, if needed. The applicant has indicated that the landscaping of this site will remain consistent with the surroundings.

Considerations relating to buildings and site layout. Applicant is proposing no buildings. The new lagoon will be located on the north end, and immediately adjacent to, the existing lagoons.

Staff Recommendation

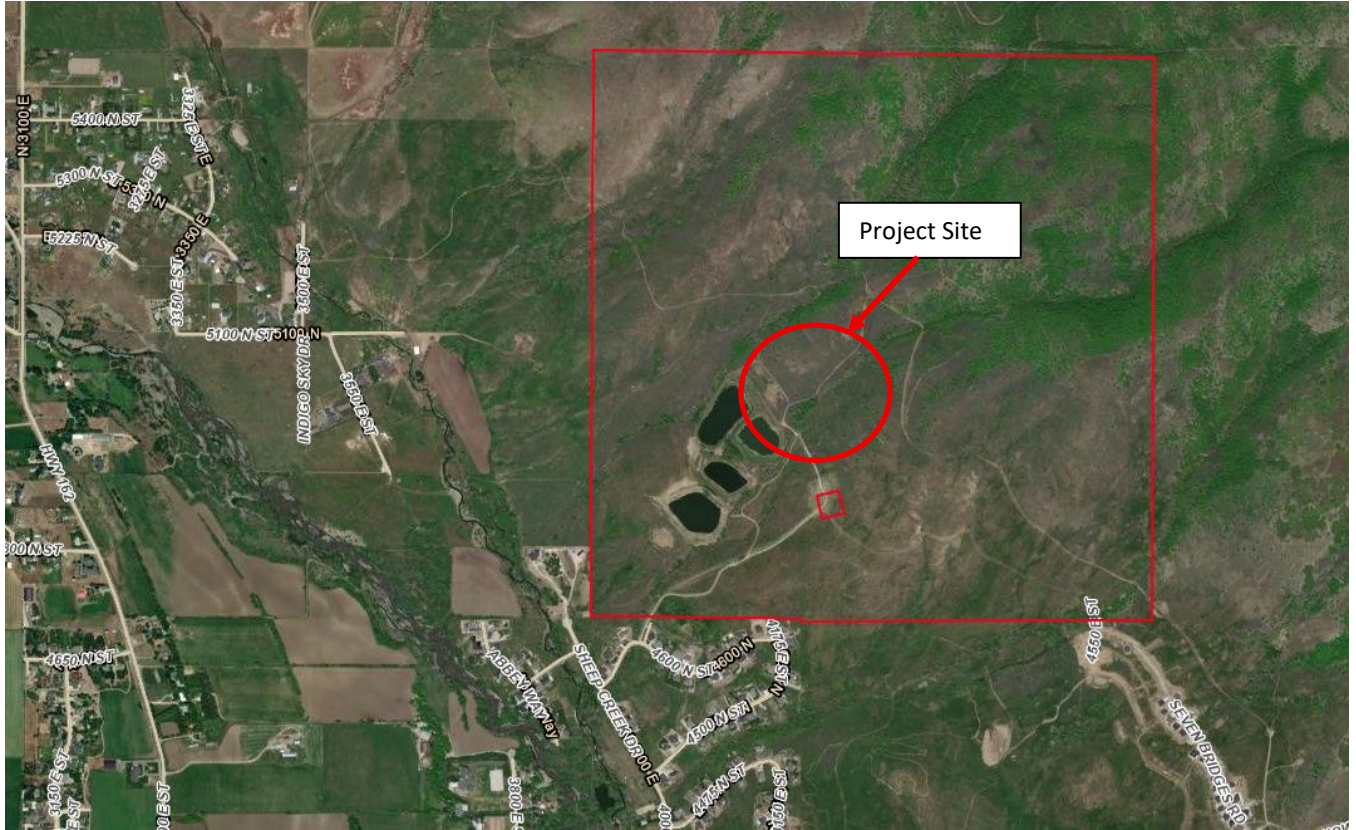
Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agency requirements, and is based on the following findings:

- The proposed use is allowed in the F-5 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Project Narrative
- B. Site Plan with Contours – Potential Locations

Map 1



Detailed Narrative of the Request

In October 2025, an entity related to Powder Mountain Resort purchased the Eden Heights parcels in and around the existing Powder Mountain Water Improvement District (PMWSID) sewer lagoons in the Ogden Valley.

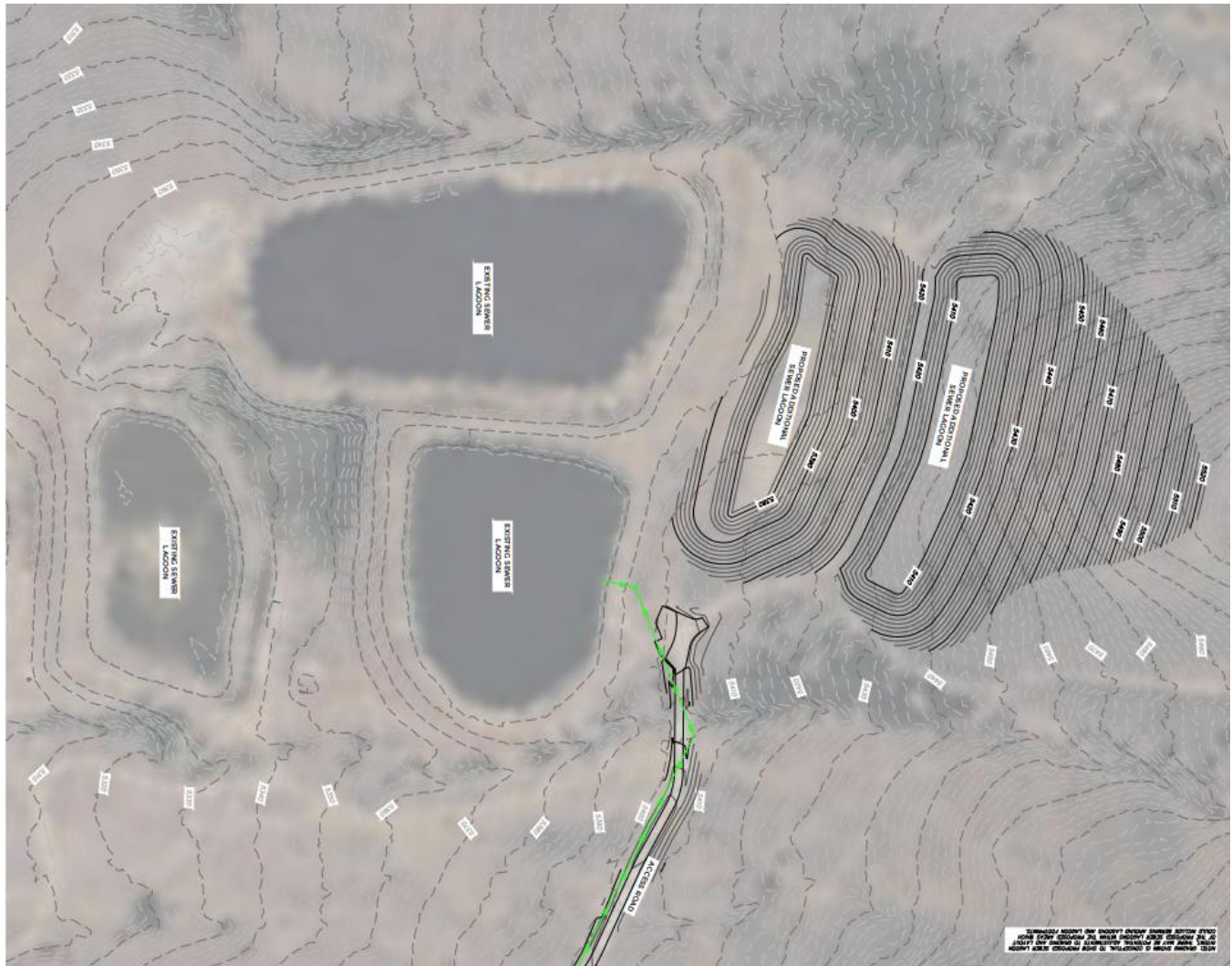
PMWSID manages sewer lines and lift stations that convey wastewater generated within the District to the total containment sewer lagoons for treatment. The lagoons are a zero-discharge system. The District's centralized wastewater treatment infrastructure is located on approximately 40 acres of land that is leased from the land owner on the Eden Rise property.

The existing wastewater treatment facility consists of four total containment lagoons at a site elevation of approximately 5,400 feet. The existing lagoons were required to be built in the current location based on an agreement Weber County had with a former developer mandating the pond's establishment prior to the completion of the Condominiums at the top of the mountain over 40 years ago. The ponds were constructed, and exist, in a location that is out of the way relative to other development and active land uses. There is a long, established history of public use for wastewater treatment at this location.

The proposed plans for the site are to make improvements including land disturbance to implement BMP's and SWPPP measures (outside of this CUP) and public utility improvements as part of this CUP to create a new sewer lagoon/treatment facility including:

- Create a new treatment lagoon
- Improve access road to site
- Add piping/transfer structures to isolate cells
- Site grading to minimize surface water flow into lagoons
- Update/add toe drains
- Increase/develop freeboard
- Manage/update interior roadways to improve access
- Remove trees/vegetation from dikes
- Manage/install security fencing where needed
- Add a metering flume with structure for ventilation/storage

Exhibit B – Site Plan with Contours – Potential Locations







Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: File #ZDA2025-12, A request from Froerer Family Investment for a public hearing, discussion, and possible recommendation regarding a development agreement to preserve development rights, timing of project development, and overall project layout for approximately 19.32 acres, located at approximately 700 S 7900 E, Huntsville, UT, 84317 in the AV-3 Zone.

Agenda Date: December 9, 2025

Applicant: Froerer Family Investments, Ryan Froerer Authorized Representative

File Number: ZDA2025-12

Frontier Project Link: <https://frontier.co.weber.ut.us/p/Project/Index/24633>

Property Information

Approximate Address: 700 S 7900 E Huntsville, UT 84317

Current Zone(s): Agricultural Valley (FV-3) Zone

Adjacent Land Use

North: 500 South St. **South:** Residential

East: Residential/Agricultural **West:** 7900 East St

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Report Reviewer: CE

Applicable Ordinances

§Title 102, Chapter 6 Development Agreement Procedures

§Title 104, Chapter 2 Agricultural (AV-3) Zone

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

Purpose of Request:

To allow for subdivision approval and recordation without the typical required timelines for phasing, as well as to preserve current development rights (6) for future development opportunities, on approximately 19.32 acres.

Policy Analysis

Key Points:

Staff is presenting analysis of the proposal below, which acknowledges (in bolded text) the proposal's possible conflicts with existing ordinance. The proposed development agreement will rectify these conflicts.

1. Developer is seeking to preserve 1 development right for every three acres on approximately 19.32 acres in the Agricultural Valley (AV-3) Zone.
2. Developer is seeking to develop according to the submitted site plan. These standards, relative to lot development standards, are similar to those in a lot-averaged subdivision. **Lot sizes range from 2.75 acres to 3.33 acres. When averaged,**

as is done in this type of subdivision, the average lot size is approximately 3.12 acres. Proposed lot widths are a minimum of 200'.

3. Developer is seeking a 10-year timeline to develop this project. The applicant proposes the slower pace of this development will allow for family to develop as their circumstances allow. **Weber County LUC 106-1-7 requires a phased development to record each new phase within one year from the date of the previous phase being recorded.**

4. Applicant is proposing a 60' wide right-of-way through the project to allow for future connectivity to the east, as the block length requirements mandate this. An ideal location for this connection would be through lot 4. This connection would be located approximately 100' from the nearest right-of-way (500 South Street). **If left to develop under current zoning and subdivision standards, there would be one home for every three acres, and possibly no connectivity, as each lot would have their frontage along 500 South Street (lot 1) and 7900 East Street (lots 2-6). Attempts at connectivity are generally required per the Subdivision Ordinance (106-1-5.10), through submission of a connectivity plan with a subdivision application. An exhibit showing this proposed connection would be required prior to appearing before the County Commission.**

5. Zoning Implications – The property zoning is not proposed to change from Agricultural Valley (AV-3).

Planning Commission Considerations

The proposed development agreement is attached to this report as Exhibit A.

After reviewing the proposal within the constraints of existing development agreement and Weber County Ordinance, it is staff's opinion that this proposal may help maintain the vision and goals of the Ogden Valley General Plan, specifically regarding the preservation of open space and maintenance of the valley's pastoral lifestyle. Staff review is offered with the following considerations:

1. Staff's comments, suggestions, and edits regarding the DA should be more fully addressed prior to county commission approval.
2. Submission of an exhibit showing proposed connectivity to the east shall be submitted prior to the appearing before the County Commission.

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

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

Model Motions

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is:**

I move we forward a positive recommendation to the County Commission for File #ZDA2025-12, an application for a development agreement for Froerer Family Investments, located at approximately 700 S 7900 E, Huntsville, UT, 84317.

I do so in support of including the recommended additional considerations and findings in the staff report, and (if applicable) with the following additional findings:

Example findings:

1. *After the considerations listed in this recommendation are applied through a development agreement, the proposal generally supports and is anticipated by the vision, goals, and objectives of the Ogden Valley General Plan.*
2. *The project is not detrimental to the overall health, safety, and welfare of the community and provides for better project outcomes than the alternative.*

3. *A negotiated development agreement is the most reliable way for both the county and the applicant to realize mutual benefit.*
4. *The changes are supported by the General Plan.*
5. *The proposal serves as an instrument to further implement the vision, goals, and principles of the General Plan*
6. *The changes will enhance the general health and welfare of residents.*
7. *[_____ add any other desired findings here _____].*

Motion for positive recommendation with changes:

I move we forward a positive recommendation to the County Commission for File #ZDA2025-12, an application for a development agreement for Froerer Family Investments, located at approximately 700 S 7900 E, Huntsville, UT, 84317.

I do so in support of including the recommended additional considerations and findings in the staff report, and (if applicable) with the following additional **findings, edits, and/or corrections**:

Example of ways to format a motion with changes:

1. *Example: Add a requirement for roadside beautification, water wise vegetation, and street art/décor to the development agreement for the two collector streets in the development. Include decorative night sky friendly street lighting at reasonable intervals.*
2. *Example: Amend staff's consideration item # []. It should instead read: [**desired edits here**].*
3. *Etc.*

I do so with the following findings:

Example findings:

1. *[Example: Amend staff's finding item # []. It should instead read: [**desired edits here**].]*
2. *[Example: allowing carte-blanche short-term rentals runs contrary to providing affordable long-term ownership or rental opportunities].*
3. *The proposed changes are supported by the General Plan. [Add specifics explaining how.]*
4. *The proposal serves as an instrument to further implement the vision, goals, and principles of the General Plan.*
5. *The changes will enhance the general health, safety, and welfare of residents.*
6. *Etc.*

Motion to recommend denial:

I move we forward a positive recommendation to the County Commission for File #ZDA2025-12, an application for a development agreement for Froerer Family Investments, located at approximately 700 S 7900 E, Huntsville, UT, 84317. **I do so with the following findings:**

Examples findings for denial:

- *Example: The proposal is not adequately supported by the General Plan.*
- *Example: The proposal is not supported by the general public.*
- *Example: The proposal runs contrary to the health, safety, and welfare of the general public.*
- *Example: The area is not yet ready for the proposed changes to be implemented.*
- *[_____ add any other desired findings here _____].*

Exhibits

Exhibit A: Proposed Development Layout

Exhibit B: Proposed Development Agreement

Area Map



Exhibit A – Proposed Development Layout



Exhibit B – Proposed Development Agreement from Applicant

See following pages.

WHEN RECORDED, RETURN TO:

Froerer Family, LLC
Ryan Froerer
2651 Washington Blvd.
Ogden UT. 84401

DEVELOPMENT AGREEMENT FOR SHREEVE ESTATES SUBDIVISION

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____, 2025 ("Effective Date") by and between WEBER COUNTY, a political subdivision of the State of Utah ("County"), and FROERER FAMILY TRUST AND FROERER FAMILY INVESTMENT and assigns, a Utah limited liability company ("Developer"), and made effective as of the Effective Date.

RECITALS

A. Developer owns approximately 19.76 acres of real property located in Weber County, Utah, as more particularly described on the attached Exhibit A ("Property"), identified by Tax Parcel ID 210260130.

B. The Property is presently zoned Agricultural Valley 3 (AV-3), and is currently vacant, undeveloped land.

C. Developer intends to develop the Property as a residential subdivision consistent with the Concept Plan as shown on the attached Exhibit B.

D. By this Agreement, the County and Developer confirm the Property's vested entitlements for the development of the Project consistent with the Concept Plan and current zoning requirements, except as otherwise agreed to in this Agreement. The County has determined that entering into this Agreement furthers the purposes of Utah's County Land Use, Development, and Management Act (CLUDMA), and the County's land use ordinances. As a result of such determination, the County has elected to move forward with the approvals necessary to approve the development of the Project in accordance with the terms and provisions of this Agreement. This Agreement is a "development agreement" within the meaning of and entered into pursuant to the terms of Utah Code Ann. §17-79-8 and which approval to enter into this Agreement constitutes a decision utilizing the County's legislative judgment and its policy making authority regarding the development of the Project.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree to the following:

TERMS

1. Incorporation of Recitals and Exhibits; Definitions.

1.1 **Incorporation.** The foregoing Recitals and all Exhibits are hereby incorporated into this Agreement.

1.2 **Definitions.** As used in this Agreement, the words and phrases specified below shall have the following meanings:

1.2.1 Applicable Law means the County's Vested Laws and any of the County's Future Laws that may apply as provided in Section 2.2 below.

1.2.2 Applicant means a person or entity submitting a Development Application.

1.2.3 Concept Plan means the conceptual plan for the Project, shown in Exhibit B, which is hereby approved by the County as part of this Agreement. The Concept Plan sets forth general guidelines for the proposed future development of the Property.

1.2.4 County Commission means the elected Weber County Commission.

1.2.5 County's Future Laws means the ordinances that may be in effect as of a particular time in the future when a Development Application is submitted for a part of the Project and which may or may not be applicable to the Development Application depending on the provisions of this Agreement.

1.2.6 County's Vested Laws means the ordinances of the County in effect as of the Effective Date.

1.2.7 Default means a material breach of this Agreement as specified herein.

1.2.8 Development Application means an application to the County for development of all or a portion of the Project, including a Preliminary or Final Plat, or any other permit (including, but not limited to, building permits or conditional use permit), certificate or other authorization from the County required for development of the Project.

1.2.9 Final Plat means the recordable map or other graphical representation of land prepared in accordance with *Utah Code Ann.* § 17-27a-603, or any successor provision, and approved by the County, effectuating a subdivision of any portion of the Project.

1.2.10 Final Unit Count means the total number of Units within the Project. which shall not exceed six (6) unless mutually agreed by the Parties.

1.2.11 Notice means any written notice to or from any Party to this Agreement that is either required or permitted to be given to another Party.

1.2.12 Party/Parties means, in the singular, either Developer or the County; in the plural, Developer and the County.

1.2.13 Planning Commission means Weber County's Ogden Valley Planning Commission.

1.2.14 Project means the development of the Property as a residential subdivision consistent with the Concept Plan.

1.2.15 Property means the real property owned by and to be developed by Developer more fully described in Exhibit A.

1.2.16 Public Infrastructure means those elements of infrastructure that are platted, or otherwise planned, to be dedicated to the County or other public entities as a condition of the approval of a Development Application, which may include, but shall not be limited to storm water improvements; utility infrastructure of every type including, without limitation, electric, gas, fiber, and other communications utilities; road infrastructure, including without limitation, bridges and underpasses; street lighting and landscaping; and dedications of land for excess

capacity in system improvements or excess capacity in improvements accommodating uses outside of the Project.

1.2.17 Public Roadways means the public roadways identified on the Concept Plan that will be dedicated to the County upon completion.

1.2.18 Unit means a structure, or any portion thereof designed and constructed for single family occupancy as a residence and located in one (1) or more buildings within the Project.

1.2.1 Zoning means the Agricultural AV-3 zoning of the Property as further set forth in the

County's Vested Laws.

2. Vested Rights

2.1 **Vested Rights.** To the maximum extent permissible under state and federal law, and at equity, County and Developer agree that this Agreement confirms that Developer is vested with all rights to develop the Property in accordance with County's Vested Laws, including the provisions of the Zoning, without modification or change by the County except as specifically provided herein. Specifically, Developer is vested with the right to: (i) develop and construct the Project in accordance with this Agreement and the Concept Plan and (ii) connect to existing public infrastructure, upon the payment of generally applicable and lawful fees. The Property is also vested with access to all County roads, described below, which adjoin or traverse any portion of the Property. The Parties intend that the rights granted to Developer hereunder are contractual vested rights and include the rights that exist as of the Effective Date under statute, common law and at equity. The Parties acknowledge and agree that this Agreement provides significant and valuable rights, benefits, and interests in favor of Developer and the Property, including, but not limited to, certain vested rights, development rights, permitted and conditional uses, potential rights for new improvements, facilities, and infrastructure, as well as flexible timing, sequencing, and phasing rights to facilitate the development of the Property. In the event of a conflict between this Agreement and the Weber County Code, this Agreement shall control.

2.2 **Future Laws.** The County's Future Laws with respect to the Project or the Property shall not apply except as follows:

2.2.1 County's Future Laws that Developer agrees in writing to the application thereof to the Project;

2.2.2 County's Future Laws which are generally applicable to all properties in the County, and which are required to comply with state and federal laws and regulations affecting the Project and do not effect a taking of the right to develop the uses and the densities described in this Agreement;

2.2.3 County's Future Laws that are updates or amendments to the state construction codes currently codified in Title 15A-2-102 of the Utah Code and are required to meet legitimate concerns related to public health, safety or welfare;

2.2.4 Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the County to all properties, applications, persons and entities similarly situated;

2.2.5 Changes to the amounts of fees (but not changes to the times provided in the County's Current Laws for the imposition or collection of such fees) for the processing of

Development Applications that are generally applicable to all development within the County and which are adopted pursuant to State law; and

2.2.6 Impact fees or modifications thereto which are lawfully adopted, imposed, and collected within the County.

2.3 **Conflict between Concept Plan and County's Vested Laws.** The Parties agree that the Concept Plan attached hereto is only preliminary in nature and may not contain all required information or may not have yet received all required reviews necessary to demonstrate compliance with all applicable County's Vested Laws related to a Final Plat. Developer agrees that all applicable County's Vested Laws shall apply to all Final Plats for the Property, and any representation in the Concept Plan that does not comply with County's Vested Laws or with this Agreement shall not be construed to be a waiver from County's Vested Laws.

2.4 **Early Termination Right.** If the Property or any portion of the Property is annexed into or otherwise becomes subject to the jurisdiction of a land use authority other than the County, then at any time during the Term (defined below) of this Agreement, Developer may elect to terminate this Agreement as to all or part of the Property by sending Notice to the land use authority having jurisdiction.

3. Development of the Project.

3.1 **Phasing; Configuration.** Developer shall have the right to determine the timing, sequencing, and phasing of the Project; provided, however, each phase of the Project shall be subject to and comply with applicable Zoning standards that are not in conflict with the terms and provisions contained in this Agreement. The Property may be developed for all uses approved by the County in accordance with the County's Vested Laws. Subject to the terms of this Agreement and the Zoning, County and Developer expressly agree that Developer shall have the ability to adjust the Concept Plan including variations to the exact locations and configurations of residential lots and roads and rights-of-way, but in no event shall the Final Unit Count within the Project exceed the density permitted by the Zoning, except as otherwise provided herein.

3.2 **Roadway Improvements.** Developer shall construct, or cause to be constructed or improved, Public Roadways within the Project that are necessary for the connectivity and development of the Project as generally depicted on the Concept Plan. The width of the Public Roadways are indicated on the Concept Plan, but may be adjusted by mutual agreement of the County and Developer.

3.3 **Community Benefits.** In consideration for receipt of the benefits offered by this Agreement, Developer agrees as follows:

3.3.1 **Street Connectivity.** Developer shall dedicate to Weber County a public right-of-way street connection from 500 South through the Property, The public right-of-way shall be not less than sixty (60) feet in width, unless mutually agreed by the Parties. Such dedication shall occur prior to submission of Development Applications for the final three residential lots in the Project. Until such time as dedication occurs, an easement for this future right-of-way shall be shown on any plats where this future right-of-way may be located.

3.4 The Site Development Standards for the Project shall be as shown below.

Minimum Lot Area	3 acres
Minimum Lot Width	150 feet
Minimum Yard Setbacks	
Front	30 feet
Side	10 feet with total width of 2 side yards not less than 24 feet
Rear	20 feet
Main building	20 feet
Accessory building	5 feet
Main building height	
Minimum	1 story
Maximum	35 feet
Maximum accessory building height	25 feet

3.5 **Permitted Uses.** All Permitted Uses as contained and defined in Weber County Code Section 104-2-3 (AV-3 zone), are permitted in the Project.

3.6 **Minimum Phase Size.** The minimum size for a phase in the Project shall be one (1) residential lot. There is no maximum size.

4. **Term of Agreement.** The initial term of this Agreement commences on the Effective Date and continues for a period of ten (10) years (“Term”). So long as Developer is in substantial compliance with the terms of this Agreement, the initial Term may be extended for up to three (3) additional five-year terms at the discretion of Developer.

5. **Processing of Development Applications.**

5.1 **Processing of Development Applications; County Denial of a Development Application.** County agrees to process the Development Applications needed for the Project as quickly as practicable under its existing processes and staffing levels, and on the condition that such Development Applications are submitted in complete form at the time of submittal. If the County denies a Development Application, it shall provide a written determination advising the Applicant of the reasons for denial

including specifying the reasons the County believes that the Development Application is not consistent with this Agreement and Applicable Law. County agrees to table final decision on a Development Application, rather than issuing a denial, at the request of Developer in order to address any issues in the Development Application and to allow for the “meet and confer” process outlined below. Developer may resubmit a denied Development Application after addressing the reasons for denial communicated by the County.

5.2 **Development Application Timeline.** Development applications for all of the

residential lots contained in the Project must be submitted prior to the expiration of the Term of the Agreement (including extensions), unless mutually agreed by the Parties. Nothing in this Section 6.2 prohibits Developer from submitting Development Applications for multiple phases of the Project at the same time. If Developer fails to timely submit a Development Application under this Section 6.2, then such failure shall not be deemed to be a Default under this Agreement, unless the Developer fails to submit a complete Development Application for a phase of the Project within seventy-five (75) days after such failure to timely submit a Development Application.

5.3 Meet and Confer regarding Development Application Denials. Upon written request by Developer, the County and Developer or Applicant shall meet within fifteen (15) business days of any tabling of a Development Application or denial to discuss how the Developer may resolve the issues specified in the tabling or denial of a Development Application.

5.4 County Denial of a Development Application. If the County denies a Development Application the County shall provide the Applicant with a Notice advising the Applicant of the reasons for denial, including specifying the reasons the County believes that the Development Application is not consistent with this Agreement and/or any applicable County's Vested Laws (or, if applicable, the County's Future Laws).

6. Application Under County's Future Laws. Without waiving any rights granted by this Agreement, Developer may at any time, choose to submit a Development Application for some or all of the Project under the County's Future Laws in effect at the time of the Development Application. Any Development Application filed for consideration under the County's Future Laws shall be governed by all portions of the County's Future Laws related to the Development Application. The election by Developer at any time to submit a Development Application under the County's Future Laws shall not be construed to prevent or limit Developer from submitting under and relying on County's Vested Laws for other Development Applications.

7. Public Infrastructure and Utilities.

7.1 Construction by Developer. Developer shall have the right and the obligation to construct or cause to be constructed and install or cause to be installed all Public Infrastructure reasonably and lawfully required as a condition of approval of a Development Application. Subject to Section 8.2 below Developer shall be responsible for the cost of all Public Infrastructure which is roughly proportionate (as determined by law) to the impact of the Project.

7.2 Upsizing/Reimbursements to Developer. The County shall not require Developer to "upsize" any Public Infrastructure (i.e., to construct the infrastructure to a size larger than required to service the Project) or construct system improvements (as defined in Utah Code § 11-36a-102(22) (2025)) unless financial arrangements reasonably acceptable to Developer are made to compensate Developer for the incremental or additive costs of such upsizing, and the costs of service interruption and incidental property damage directly resulting from such upsizing or system improvements. The Parties agree to comply with all applicable local, state and federal laws, rules and regulations for culinary water facilities, services, quality standards and controls.

7.3 Culinary Water and Sanitary Sewer Improvements. Private well(s) and private onsite wastewater disposal systems may be utilized within the Project, in accordance with applicable law, and the County shall not otherwise require Developer to install a culinary water system or sanitary sewer system throughout the Project. County agrees that Developer, at its discretion, may elect to utilize culinary water or sanitary sewer systems in all or part of the Project,

and will be permitted to access and connect to county services as set forth in Section 8.4.

7.4 **County Services.** County shall make available (subject to application for service, issuance of applicable permits and payment of connection fees and applicable commodity usage rates) municipal services to the Property. Such services shall be provided to the Property at the same levels of services, on the same terms and at rates as approved by the County Commission, which rates may not differ materially from those charged to others in the County's unincorporated Ogden Valley area, including parcels involved in the Ogden Valley City incorporation area. County also agrees to cooperate in making available public rights of way and easements for use by utility and service providers to development within the Property.

8. Default.

8.1 **Notice.** If Developer or the County fails to perform their respective obligations hereunder or to comply with the terms hereof, the Party believing that a Default has occurred shall provide Notice to the other Party.

8.2 **Contents of the Notice of Default.** The Notice of Default shall:

8.2.1 Specific Claim. Specify the claimed event of Default;

8.2.2 Applicable Provisions. Identify with particularity the provisions of any Applicable Law, rule, regulation or provision of this Agreement that is claimed to be in Default;

8.2.3 Materiality. Identify why the Default is claimed to be material; and

8.2.4 Cure. Propose a method and time for curing the Default which shall be of no less than thirty (30) days duration.

8.3 **Remedies.** If the Parties are not able to resolve the Default within the cure period, then the Parties may have the following remedies:

8.3.1 Law and Equity. All rights and remedies available at law and in equity, including, but not limited to, injunctive relief, or specific performance.

8.3.2 Future Approvals. The right to withhold all further reviews, approvals, licenses, building permits or other permits for development of the Project in the case of a Default by Developer until the Default has been cured.

8.4 **Attorney Fees.** The Party prevailing in any action brought to enforce the terms of this Agreement shall be awarded its reasonable legal expenses, including its reasonable attorney fees.

8.5 **Public Meeting.** Before any remedy in Section 9.3 may be imposed by the County, the Party allegedly in Default shall be afforded the right to attend a public meeting before the County Commission and address the County Commission regarding the claimed Default.

8.6 **Extended Cure Period.** If any Default cannot be reasonably cured within thirty (30) days, then such cure period shall be extended for a reasonable period or periods so long as the defaulting Party is pursuing a cure with reasonable diligence.

8.7 **Default of Assignee.** A Default of any obligations assumed by an assignee shall not be deemed a Default of Developer.

9. **Notices.** All Notices required or permitted under this Agreement shall, in addition to any other means of transmission, be given in writing by either by certified mail, hand delivery, overnight courier service, or email to the following addresses:

To Developer:

Froerer Family LLC.
Ryan Froerer
2641 Washington Blvd.
Ogden, UT 84401

With a Copy to:

Weber County Attorney
2380 Washington Blvd
Suite 230
Ogden, Utah 84401

To Weber County:

Weber County
2380 Washington Blvd.
Ogden, Utah 84401
Attention: County
Commissioners

9.1 **Effectiveness of Notice.** Except as otherwise provided in this Agreement, each Notice shall be effective and shall be deemed delivered on the earlier of:

9.1.1 Hand Delivery. Its actual receipt, if delivered personally or by courier service.

9.1.2 Electronic Delivery. Its actual receipt if delivered electronically by email and the sending Party has an electronic receipt of the delivery of the Notice.

9.1.3 Mailing. On the day the Notice is postmarked for mailing, postage prepaid, by Certified United States Mail and actually deposited in or delivered to the United States Postal Service.

9.1.4 Change of Address. Any Party may change its address for Notice under this Agreement by giving written Notice to the other Party in accordance with the provisions of this Section 10.

10. **Headings.** The captions used in this Agreement are for convenience only and are not intended to be substantive provisions or evidences of intent.

11. **No Third-Party Rights/No Joint Venture.** This Agreement does not create a joint venture relationship, partnership or agency relationship between the County or Developer. Further, the Parties do not intend this Agreement to create any third-party beneficiary rights except as expressly provided herein. The Parties acknowledge that this Agreement refers to a private development and that the County has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the County has accepted the dedication of such improvements at which time all rights and responsibilities for the dedicated public improvement shall be the County's.

12. **Administrative Modifications.**

12.1 **Allowable Administrative Applications:** The following modifications to the applicability of this Agreement ("Administrative Modifications") may be considered and approved by the Weber County Planning Director or the Planning Director's designee (as applicable, the "Administrator").

12.1.1 Infrastructure. Modification of the location and/or sizing of the infrastructure for the Project that does not materially change the functionality of the infrastructure.

12.1.2 Concept Plan. Any modifications to the Concept Plan that do not increase the number of Units or omit the street connectivity to the Watson property.

12.1.3 Minor Amendment. Any other modification deemed to be a minor routine and uncontested modification by the Administrator.

12.2 **Application to Administrator.** Applications for Administrative Modifications shall be filed with the Administrator.

12.3 **Administrator's Review of Administrative Modification.** The Administrator shall consider and decide upon the Administrative Modification within a reasonable time not to exceed forty-five (45) days from the date of submission of a complete application for an Administrative Modification. If the Administrator approves the Administrative Modification, the Administrator

shall record notice of such approval against the applicable portion of the Property in the official County records. The Administrator may determine that any proposed Administrative Modification should be processed as an Amendment pursuant to Section 14 of this Agreement.

12.4 Appeal of Administrator's Finding that Proposal Does Not Qualify as Administrative Modification. If the Administrator determines a proposal does not qualify as an Administrative Modification pursuant to Sections 13.1.1, 13.1.2, or 13.1.3 above, the Applicant may appeal to the Weber County Board of Adjustment for review of such determination.

12.5 Appeal of Administrator's Denial of Administrative Modification. If the Administrator denies any proposed Administrative Modification, the Applicant may process the proposed Administrative Modification as a Modification Application (defined below).

13. Amendment. Except for Administrative Modifications, any future amendments to this Agreement shall be considered as a Modification Application subject to the processes set forth in this Section 14. As used in this Agreement, the term "Modification Application" shall mean an application to amend this Agreement for any purpose other than for an Administrative Modification.

13.1 Who May Submit Modification Applications. Only the County and Developer or an assignee that succeeds to all of the rights and obligations of the Developer under this Agreement may submit a Modification Application.

13.2 Modification Application Contents. Modification Applications shall:

13.2.1 Identification of Property. Identify the property or properties affected by the Modification Application.

13.2.2 Description of Effect. Describe the effect of the Modification Application on the affected portions of the Project.

13.2.3 Identification of Non-County Agencies. Identify any non-County agencies potentially having jurisdiction over the Modification Application.

13.2.4 Map. Provide a map of any affected property and all property within three hundred feet (300').

13.3 Fee. Modification Applications shall be accompanied by a fee as adopted by the County and as amended from time to time.

13.4 County Cooperation in Processing Modification Applications. The County shall cooperate reasonably in fairly processing Modification Applications within the typical timeliness of such applications.

13.5 Planning Commission Review of Modification Applications.

13.5.1 Review. All aspects of a Modification Application required by law to be reviewed by the Planning Commission shall be considered by the Planning Commission as soon as reasonably possible in accordance with the County's Vested Laws in light of the nature and/or complexity of the Modification Application and based on the ongoing workload of the applicable reviewers.

13.5.2 Recommendation. The Planning Commission's vote on the

Modification Application shall be only a recommendation and shall not have any binding or evidentiary effect on the consideration of the Modification Application by the County Commission.

13.6 **County Commission Review of Modification Application.** After the Planning Commission, if required by law, has made or been deemed to have made its recommendation for the Modification Application, the County Commission shall consider the Modification Application.

13.7 **County Commission's Objections to Modification Applications.** If the County Commission objects to the Modification Application, the County Commission shall provide a written determination advising the Applicant of the reasons for denial, including specifying the reasons the County Commission believes that the Modification Application is not consistent with the intent of this Agreement and/or the County's Vested Laws (or, only to the extent permissible under this Agreement, the County's Future Laws).

14. **Estoppel Certificate.** If Developer is not in default, then upon twenty (20) days prior written request by Developer, the County will execute an estoppel certificate to any third party certifying that the Developer is not in default of the terms of this Agreement at that time.

15. **Assignability.** The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part, respectively, by Developer as provided herein.

16. **No Waiver.** Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future date any such right or any other right it may have.

17. **Severability.** If any immaterial provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and effect.

18. **Force Majeure.** Any prevention, delay, or stoppage of the performance of any obligation under this Agreement that is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties, pandemic, quarantine, or other causes beyond the reasonable control of the Party obligated to perform hereunder shall excuse performance of the obligation by that Party for a period equal to the duration of that prevention, delay, or stoppage.

19. **Time is of the Essence.** Subject to the contrary provisions of this Agreement, time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

20. **Applicable Law.** This Agreement is entered into in Weber County in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of Utah's choice of law rules.

21. **Venue.** Any action to enforce this Agreement shall be brought only in the Second District Court for the State of Utah in Weber County.

22. **Entire Agreement.** This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all Parties.

23. **Mutual Drafting.** Each Party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against any Party based on which Party drafted any particular portion of this Agreement.

24. **Recordation and Running with the Land.** This Agreement shall be recorded in the chain of title for the Property. This Agreement shall be deemed to run with the land. This Agreement does not apply to an end user of the lots within the Project, as this Agreement is intended to govern the development of the Project, not the use by subsequent owners, occupants, or residents.

25. **Authority.** The Parties to this Agreement each warrant that they have all of the necessary authority to execute this Agreement. County is entering into this Agreement after taking all necessary actions to enter into the agreements and understandings set forth herein.

26. **Referendum or Challenge.** Both Parties understand that a legislative action by the Weber County Commission may be subject to referral or challenge by individuals or groups of citizens. If a referendum or challenge relates to the Weber County Commission's approval of this Agreement, and the referendum or challenge is submitted to a vote of the people pursuant to Utah Code Ann. § 20A-7-601, then Developer may deliver a Notice of rescission to the County to terminate this Agreement. Upon Developer's delivery of a Notice of rescission pursuant to this Section 28, this Agreement shall automatically terminate whereupon the Parties shall have no further rights or obligations under this Agreement.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

DEVELOPER:

Froerer Family, LLC
a Utah limited liability company

By: _____

Name: Ryan Froerer

Its: Partner

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
)
) ss.
COUNTY OF)

On the ____ day of _____, 2025, personally appeared before me Ryan Froerer, who being by me duly sworn, did say that he is a partner in the Froerer Family LLC , Utah limited liability company, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

NOTARY PUBLIC

COUNTY:

WEBER COUNTY,
a Utah political subdivision

By:_____

Name:

Its: County Commission Chair

Attest:

Ricky Hatch, Weber
County Clerk/Auditor

COUNTY ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF UTAH)

On the____day of_____, 2025 personally appeared before me _____who being by me duly sworn, did say that she is the Chair of the Weber County Commission, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the County by authority of the Weber County Commission and said Sharon Bolos acknowledged to me that the County executed the same.

NOTARY PUBLIC

EXHIBIT A

[Legal Description of the Property]

EXHIBIT B
[Concept Plan]



Staff Report to the Ogden Valley Planning Commission
Weber County Planning Division

Synopsis

Application Information

Application Request: File Number CUP 2025-24 - A request for approval of a conditional use permit for an animal clinic located at 3709 East 3300 North, Eden.

Agenda Date: Tuesday, December 09, 2025

Applicant: Beau Bradbeer, Owner

Property Information

Approximate Address: 3709 East 3300 North, Eden, UT

Project Area: 3.7 acres

Zoning: Agricultural AV-3

Existing Land Use: Residential, Agricultural

Proposed Land Use: Vet Clinic

Parcel ID: 22-023-0120

Township, Range, Section: T7N, R1E, Section 29

Adjacent Land Use

North:	Agricultural	South:	Residential
East:	Residential	West:	Residential

Staff Information

Report Presenter: Felix Lleverino
flleverino@co.weber.ut.us
801-399-8767

Report Reviewer: TA

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Title 104 Chapter 2 (AV-3 Zone)
- Title 104 Chapter 28 Section 2 (Stream Corridors, Wetlands, and Shorelines)
- Title 108 Chapter 1 (Design Review)
- Title 108 Chapter 2 (Architectural, Landscape, and Screening Design Standards)
- Title 108 Chapter 4 (Conditional Uses)
- Title 108 Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulation)
- Title 110 Chapter 2 (Ogden Valley Signs)

Development History

This proposal is within lot one of the Linda Stevens Subdivision, recorded on January 6, 1995.

Summary and Background

The applicant is requesting approval of a conditional use permit for an animal clinic located in the agricultural (AV-3) zone. See Exhibit A for the site plan. The lot has a perfected well and a permitted septic system. The applicant intends to provide veterinary services to large animals and small animals. Services would be open to the public, where the patrons will be able to bring animals to the property by vehicle or horse trailer to be held in a pen for large and small animals. The clinic will be within an existing shed intended for a waiting area and office. The shed will contain a single enclosed consultation room, treatment area, lab, laundry, and storage area. The applicant has provided a detailed narrative that further describes the intended uses and the site conditions. The county staff has performed a written analysis of the proposal to ensure compliance with applicable land use codes.

Analysis

General Plan: As a conditional use, this operation is allowed in the Agricultural AV-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Agricultural AV-3 Zone. The purpose of the AV-3 Zone can be further described in LUC §104-2-1 as follows:

- a) *The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:*
- 1. Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
 - 2. Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*
 - 3. Direct orderly low-density residential development in a continuing rural environment.*

An Animal Clinic is defined by LUC §101-2-2-An as follows:

Animal/veterinary hospital. *The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.*

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Thus far, the applicant has received approval from:

- Engineering Department

The following is an analysis of the proposal reviewed against the conditional use standards:

- 1) Standards relating to safety for persons and property.

The proposal is not anticipated or expected to negatively impact this property, surrounding properties, or persons. The Weber Fire District requests that the owner provide architectural drawings for review. Fire will require fire access and fire hydrant details for review.

The minimum setbacks for animals and fowl are:

- *40' from the home*
- *75' from neighboring home*
- *100' from street*
- *25' from property line*

This proposal complies with the minimum setbacks.

1. Standards relating to infrastructure, amenities, and services.
 - a. *The proposal is not anticipated to harm any existing infrastructure, amenities, or services in the area. Existing water and wastewater systems are in place.*
2. Standards relating to the environment.
 - a. *The proposal is not anticipated or expected to negatively impact the environment.*
 - b. *The existing structure intended for the clinic does not encroach into the minimum 50' setback from a drainage ditch on the south side of the property. The planned parking area is well outside of the minimum front yard setback area as well.*
 - c. *This proposal has not been reviewed by the Weber-Morgan Health Department. The Planning Commission may condition approval on requirements of the Health Department, and the planning division will not issue a land use permit until all of the Health Department requirements are satisfied.*
3. Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.

- a. *With the establishment of appropriate conditions as determined by the Planning Commission, this operation is not anticipated to negatively impact the surrounding areas or be at odds with any of the goals and policies of the General Plan.*
- 4. Standards relating to performance
 - a. *The Planning Division's condition of approval requires that the owner obtain a business license for each year of operation and that the operation remains lawful.*
 - b. *Requirements from the Fire District and the Weber-Morgan Health Department will ensure that the site remains safe.*
- 5. Standards generally
 - a. *The owner is responsible for keeping the operation free of nuisances such as noise, light, waste, and traffic issues. The planning staff's conditions of approval will serve to mitigate potential issues.*
- 6. Voluntary contributions providing satisfactory compliance with applicable standards
 - a. *If the planning commission identifies issues not covered in this report, the applicant has the opportunity to volunteer solutions.*

Parking and Loading Space, Vehicle Traffic and Access Regulations: The parking section names the specific minimum parking requirements for a clinic. Which are four spaces per professional staff and one space per subordinate staff. It is the planning commission's discretion to require bumper guards or curbs where needed to protect property or pedestrians. The applicant's narrative states that they anticipate a maximum of eight spaces needed for the operation. The minimum parking lot size for ten vehicles would be 1,440 SF. Or a space dimensioned at roughly 72' X 18'.

The county parking code, Section 108-8-7 (d) (6) requires that all private parking facilities be hard surfaced with material like concrete or asphalt.

Design Review: In addition to the conditional use review, a design review is required for an Animal Clinic. The following design review standards were considered, and an analysis of the project against the design review standards is in the italicized text below each standard.

Sec 108-1-4 Considerations in the review of applications

- (a) Considerations relating to traffic safety and traffic congestion.

Traffic safety concerns are not anticipated with this proposal. Visitors will park in a designated area shown on the site plan. Access to the property from 3300 North is from a 12' wide compacted road base driveway. Once they have entered the property they will continue down a 310' driveway to the outbuilding intended for the clinic.

The County Engineering Department has approved this requirement with no additional requirements. The County Building Official shall provide input on further building requirements to verify that the structure is to code for the proposed use.
- (b) Considerations relating to outdoor advertising.

The application has not proposed any outdoor advertising. If the owner decides to add insite business signage. A monument sign not exceeding eight feet in height and not exceeding 12 feet in width. A wall sign may be used that does not exceed 5 percent of the square footage of the front of the building. If the signs are illuminated the lighting shall be fully shielded downward-directed and may not exceed 3,000 kelvin.
- (c) Considerations relating to landscaping.

The existing vegetation covering this property is largely natural, with a mix of wild grasses and wild shrubs, and trees. No further landscaping is required to meet the minimum 20 percent site landscaping.
- (d) Considerations relating to buildings and site layout.

*The site is secluded by a line of trees on the west side of the property. The planning division recommends that trees are planted in a location that would provide a screen from the neighboring home on the east side, particularly the animal pens and the parking area, in conformity with section 108-2-7 **Screening and Buffering**.*

- (e) Considerations relating to utility easements, drainage, and other engineering questions.

The Engineering Department has no concerns with the proposal.

- (f) Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.

There are no prior development approvals or rezoning development agreements that apply to the property.

Staff Recommendation

Staff recommends approval of a conditional use permit for the Bradbeer Animal Clinic, subject to the applicant meeting the following conditions of approval in addition to any conditions of the various reviewing agencies or the Ogden Valley Planning Commission.

Planning conditions of approval:

1. The owner shall obtain and maintain a Weber County Business License.
2. The site and all structures shall be kept and maintained for order, safety, and good visual appearance.
3. Parking on the 3300 North Street shoulder is prohibited.
4. The owner shall obtain approval from the Weber Morgan Health Department before a conditional use permit is issued.
5. The Weber Fire District shall approve this proposal before a conditional use permit is issued.
6. If applicable, the Weber County Building Official shall on further building requirements to verify that the structure is to code for the proposed use.
7. The hard surface parking lot is complete or escrowed before a conditional use permit is issued.

This recommendation is based on the following findings:

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

Exhibits

- A. Site plan
- B. Street View
- C. Narrative

Area Image



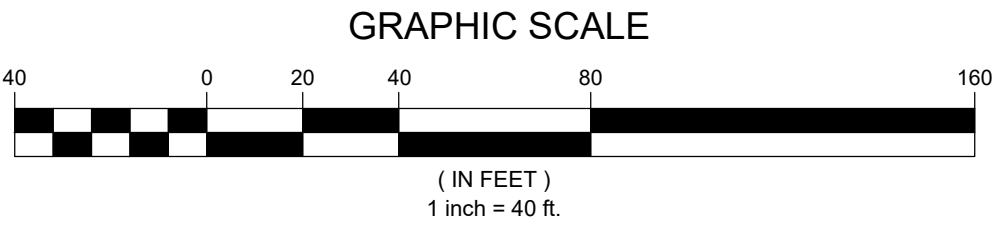


NORTHEAST CORNER, SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B.&M.

SOUTHEAST CORNER, SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B.&M.



NORTH



LEGEND

- COUNTY MONUMENT
- PROPERTY CORNER AS DESCRIBED
- SUBDIVISION BOUNDARY
- LOT LINE
- ADJACENT PARCEL
- SECTION LINE
- EASEMENT
- EXISTING FENCE LINE

DEED DESCRIPTION

ALL OF LOT 1 OF THE LINDA STEVENS SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER, SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH.

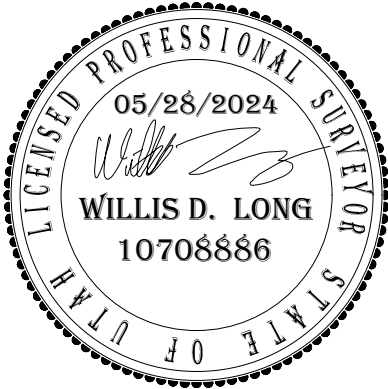
NARRATIVE

THE PURPOSE OF THE SURVEY WAS TO DETERMINE THE BOUNDARY AND SHOW THE TOPOGRAPHY OF THE LAND SHOWN HEREON. THE SURVEY WAS ORDERED BY BEAU BRADBEER. THE BASIS OF BEARING IS THE MONUMENTED CENTERLINE BETWEEN THE NORTHEAST CORNER AND THE SOUTHEAST CORNER, SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B.&M., WHICH BEARS SOUTH 00°08'58" WEST, WEBER COUNTY, UTAH, NAD 83 STATE PLANE GRID BEARING.

SURVEYOR'S CERTIFICATE

I, WILLIS D. LONG, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 10708886 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS 28TH DAY OF MAY 2024.



REVISIONS	
DATE	DESCRIPTION

PROPERTY SURVEY FOR BEAU BRADBEER	
LOCATED IN THE NORTHEAST QUARTER, SECTION 29,	
TOWNSHIP 7 NORTH, RANGE 1 EAST, S.L.B.&M.	
EDEN CITY, WEBER COUNTY, UTAH	



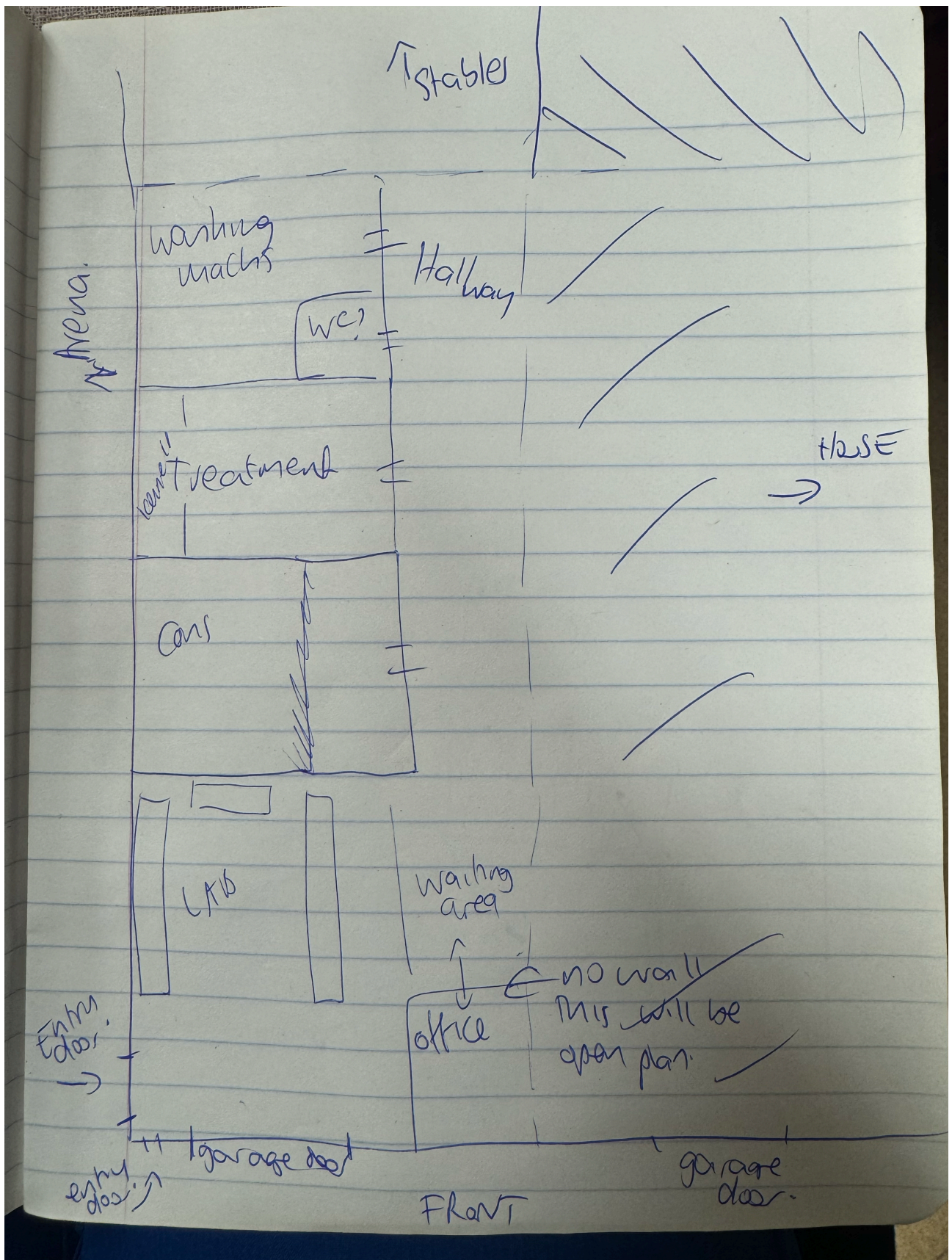
LAYTON SURVEYS LLC
Professional Land Surveying
801.483.1644 | willis.long@laytonsurveys.com | WOODS CROSS, UT 84010

Exhibit B



Plans





This image is drawn looking down on the shed. The front is the section with the dirt at the front, not the grey metal roof (that is the stables).

9/19/25

Narrative Vet Clinic Construction 3709 E 3300 N, Eden UT 84310.

I am an Emergency and Critical Care Veterinarian. I recently opened a small clinic in Eden, but I would like to open the clinic on my property, as I have an arena and pens, which allows me to be able to have ambulatory large animal services as well as small animals. I can not see large animals at the current clinic and so am restricted to farm calls only.

The clinic itself would only be small and take up half of the existing shed that I have, with a waiting area/office (open plan), a single enclosed consult room (2 if I can make a second fit, but I don't think there will be room), a treatment area and lab and laundry/storage area.

There are two existing pens on the property and an arena that is currently unfinished/does not have topsoil on it, but is a large open space for parking and turning around trailers as needed. There is also room for parking at the front of the shed for at least 3 vehicles without trailers, and on the side for another 4-5 if angle parked, without interfering with normal driveway space for my house which is up behind the shed.

Beau Bradbeer

9/19/25 Water Plan

The property is on a well. The stable next to the shed is plumbed and there is a spigot just next to the shed on the house side. The plan for the clinic will be one sink, and outlets for a washing machine +/- a rest room if there is room for one.



Staff Report to the Weber County Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary approval of the Taylor Landing Subdivision Phases 7 & 8, consisting of 49 lots, public roadways, dedication of public pathways, and a detention pond. Located at approximately 1900 S 3850 W, Weber County, UT, 84401 in the R1-15 Zone.

Agenda Date: Tuesday, December 9, 2025

Applicant: Heritage Land Development, LLC.
Selvoy Fillerup (Representative)

File Number: LVTP7112825

Property Information

Approximate Address: 1900 S 3850 W, Weber County, UT, 84401

Project Area: 4.227 Acres

Zoning: Residential (R1-15)

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 15-857-0029 & 15-078-0189

Township, Range, Section: T6N, R2W, Section 28 NW

Adjacent Land Use

North: 1800 South Street	South: Agricultural/Taylor Landing Ph 1A
East: Winston Park Subdivision	West: Taylor Landing Phase 6

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Report Reviewer: FL

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 12 (Residential (R1-15) Zone)
- Title 106 (Subdivisions)

Background and Summary

6/23/2025 – Zoning Development Agreement Recorded

11/18/2025 – Phase 6 granted preliminary approval by Western Weber Planning Commission

The proposed subdivision is located in the R1-15 Zone.

The applicant is now requesting preliminary approval of Phases 7 & 8, consisting of 49 lots in the R1-15 Zone (see **Exhibit A**).

The proposed Phases 7 and 8 complies with the recorded development agreement, with regards to lot sizes and widths. Lot sizes range from 8,000-15,662 square feet and lot widths that vary from 70'-85'.

Proposed streets within these two phases are minor residential (60' wide). The applicant is dedicating 3820 West Street, 3860 West Street, 1875 South Street and 1975 South Street. Applicant is also continuing a 10' paved pathway between lots 175 and 176 and 185 and 186 and a 15' paved pathway between lots 202 and 203.

Per the recorded ZDA (8.4.6) "To enhance the security of the pathway by ensuring easy viewing of the use thereof, where the pathway runs between lots Developer agrees to install either a fence no taller than four feet on both sides of the pathway, or a fence no taller than six feet that has no less than 30 percent openings distributed evenly (for example, if a slatted wood fence, every third slat will be missing). It shall be prohibited for future lot owners to install a fence that violates this standard."

All of the proposed streets within these phases are considered minor residential streets. These shall be a minimum of 60' wide with a 5' sidewalk, 7' park strips, street trees, and Type G gutters on both sides of the street.

Per 8.5.6 in the recorded development agreement, "**Street Trees.** All streets shall be lined with shade trees in the park strip.

8.5.6.1.1. Tree Intervals. Except as provided herein or when otherwise prohibited by Code, the trees shall be planted in intervals and of a species such that the average mature crown of one tree, will converge with the crown of the next tree.

8.5.6.1.2. Tree Variety. At least two different tree varieties shall be use and dispersed in a manner to avoid transmission of pests/disease, or as may otherwise be specified by a landscape architect or other professional qualified in tree health, such that the trees have optimal chance of long-term survival.

8.5.6.1.3. Driveways and Clearview Triangles. Reasonable openings in the tree canopy shall be expected for driveway locations and intersection clear-view triangles.

8.5.6.1.4. Irrigation. Each street tree shall be given an irrigation mechanism tied either to a homeowner's association master meter, or tied directly to the secondary water meter of the lot immediately adjacent. Alternative irrigation mechanisms may be approved by the Planning Director as long as their use is in the best interest of the tree's health and longevity. Watering shall be done in a manner that encourages deep roots.

8.5.6.1.5. Tree Size. No tree with a caliper less than two inches shall be planted.

8.5.6.2. Street Tree Installation and Maintenance Alternatives. Developer has the following two options, or some combination if mutually agreeable by the Developer and Planning Director:

8.5.6.2.1. Developer is responsible for tree health throughout the duration of the warranty period plus two additional years, whereafter Developer continues to be responsible for tree health until the adjoining property is sold, after which the adjoining owner is responsible for the tree's health. Developer shall protect the base (root area) of the tree from compacted soils; or

8.5.6.2.2. At Developer's expense, County shall contract with an arborist, botanist, landscape architect, urban forester, or similar professional to install the trees. Developer shall provide a cash escrow for the full estimated cost of the installation as is typically required, including reasonable contingency costs and reasonable replacement costs related to average rates of failure to establish within one year. Developer agrees to periodically increase the escrow or reimburse the County if requested by the County to cover reasonable costs resulting from increases in labor and materials and/or inflation.

Developer further agrees that County has full authority to draw from this escrow at any time to pay for the installation of the trees. For this alternative, County agrees to waive the required warranty period for the trees.

8.5.6.2.2.1. Developer agrees on behalf of itself and future lot owners that no final certificate of occupancy shall be issued for any building until after the required trees and appropriate and operating irrigation mechanisms for the trees are installed. County shall have full authority, based on recommendations from its tree professional, to determine what an appropriate and operating irrigation mechanism is. Street trees, and park strip landscaping requirements in the development agreement shall be shown in the final engineered plans and bonded for prior to recording of the final plat. A dedicated park area of no less than 21 acres has been offered by the developer to the Taylor West Weber Parks District. Proof of this donation all be submitted prior to recording the final plat for the first phase under the recorded development agreement.

...

8.5.6.2.2.2. If no appropriate and operating irrigation mechanism is provided, Developer agrees to compensate county for reasonable costs to routinely irrigate installed trees by whatever reasonable means necessary. County may recoup this cost from the adjoining lot owner if unable to recoup from Developer.

8.5.6.2.2.3. Developer shall provide each lot owner notice upon each lot sale of the tree installation program, including the owner's responsibility for long-term irrigation and tree maintenance pursuant to county code.

8.5.6.3. Park Strip Landscaping. Except within the dripline of a tree (root area), Developer shall place four-inch plus angular rock, 8-inches deep, in each park strip with a weed barrier beneath. Drip irrigated plantings may also be placed in the park strip by the Developer or homeowners, to be operated and maintained either by the adjoining owner or a homeowners association.

...

8.5.6.5. Public Landscaping Completion Collateral. Developer agrees to provide a financial guarantee for all required landscaping improvements within the project's public rights-of-way in accordance with Title 106, Chapter 4 of the Code. Developer further agrees that required landscaping shall be installed before a certificate of occupancy is given for any building on the lot fronting those improvements. County agrees that Developer's financial guarantee for required landscaping improvements is not required until either the project enters conditional acceptance or the County starts issuing building permits in the Project, whichever occurs first. However, at all times during the term of this agreement, the amount of the financial guarantee held by the County for all project improvements must equal at least 110 percent of the then-current cost to complete and warrant the installation of all required landscaping improvements that have not yet been completed.

Analysis

General Plan: The Western Weber General Plan supports various housing types as a means to meet the various housing needs of a growing population (see page 36 of the Western Weber General Plan).

Zoning: The subject property is located in the Residential Zone (R1-15), the purpose of this zone is stated in the LUC §104-12-1.

“The purpose of the R1 zone is to provide regulated areas for Single-Family Dwelling uses at four different low-to-medium density levels. The R1 zone includes the R1-15, R1-12, R1-10, and R1-5 zones.”

The proposal has been reviewed against the adopted zoning, recorded development agreement, and subdivision ordinances to ensure that the regulations and standards have been adhered to. The proposed subdivision, based on the recommended conditions, is in conformance with the above regulations and requirements. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The R1-15 Zone requires a minimum lot area of 6,000 sq. ft. for a single family dwelling and a minimum lot width of 60 feet in the R1-15 zone. The minimum yard set-backs for a single family dwelling are 20’ on the front, 30’ rear setback, and a side yard setback of 5’ on one side and 10’ on the other.

Common and Open Space: The proposal includes public pathways and a detention pond.

Culinary water and sanitary sewage disposal: Taylor West Weber and Hooper Irrigation have issued preliminary will-serve letters, with final letters of approval for culinary and secondary water to be submitted with the final plat. Central Weber Sewer will provide wastewater services for this project.

Review Agencies: This proposal will be reviewed by all County reviewing agencies. Any comments and conditions for preliminary approval will need to be addressed prior to submitting for final approval.

Tax clearance: Current property taxes have been paid in full.

Planning Division Recommendation

The Planning Division recommends preliminary approval of the Taylor Landing Subdivision Phases 7 and 8, consisting of 49 lots in the R1-15 Zone and based on the proposed plan adhering to the requirements of the Weber County Land Use Code and the recorded development agreement (entry# 3374134) This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. All Engineering comments shall be addressed prior to submitting for final approval.
2. Engineered plans shall show compliance with street cross-sections, including pathway, landscaping, and sidewalk width requirements, and all other requirements outlined in the recorded development agreement (entry# 3374134) prior to acceptance of an application for final approval.
3. Final letters of approval shall be submitted from Taylor West Weber Water, and Hooper Irrigation Company, prior to submitting for approval of the final plat.

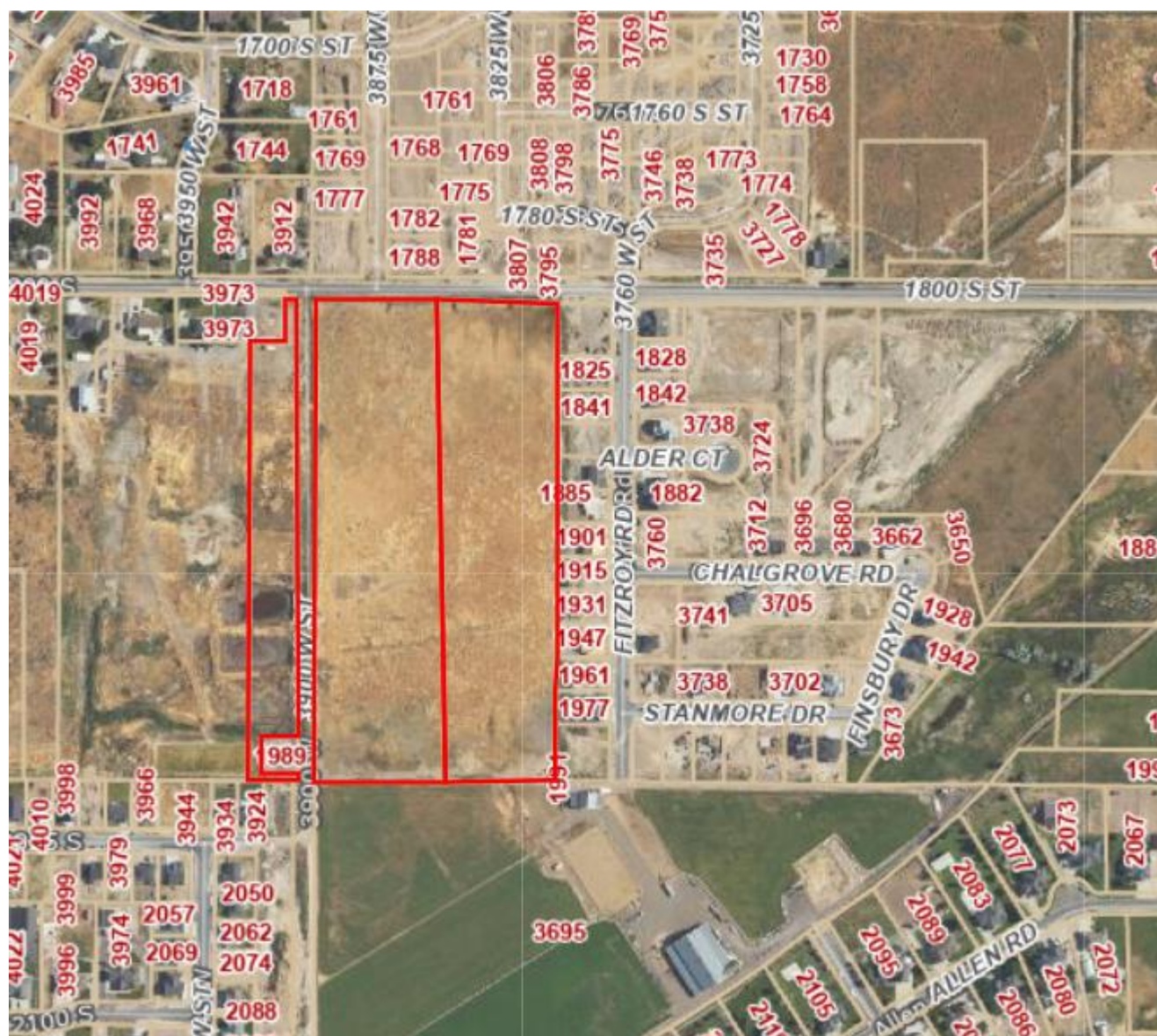
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. The proposed subdivision complies with applicable County ordinances.

Exhibits

- A. Phases 7 and 8 Preliminary Plan
- B. Will-Serve Letters

Location map



[illegible]

Exhibit F – Street Cross Sections

MINOR RESIDENTIAL STREETS



Exhibit B – Will Serve Letters



2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668
5/5/2025

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that **Preliminary Will Serve** approval has been given and Taylor West Weber Water District ("the District") has the capacity to provide **only** culinary water for **Taylor Landing Subdivision Phase 7**, a **20-lot** subdivision. The address is approx. 1800 S. 3900 W. Taylor UT. This subdivision must have a pressurized secondary water system for outdoor use. Plan review fees and water right impact fees must be paid to the District clerk before subdivision approval is granted. A pressurized secondary water system must be functional before final approval will be granted.

Requirements:

- Plan review fee=**\$200 per lot total= \$4,000.00**
- Water Right Impact fee= **\$7,842 x 20 ERU's total = \$156,840.00**
- Complete plan reviews.
- Will serve letter from Hooper Irrigation.
- Impact fees=\$6,856.00 per lot. This fee includes the cost of the meter. This fee will be collected at the time building permits are requested. Fees are subject to change.
- Installation of the water line and services. The District will need to be notified prior to working on the water lines. Taylor West Weber standards must be followed in all installation procedures.
- The construction of the pipelines must pass all inspections.
- Taylor West Weber Water reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

FINAL SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER. A SIGNATURE BLOCK FOR TAYLOR WEST WEBER WATER MUST BE ON THE FINAL RECORDED MYLAR AND SIGNED BY A REPRESENTATIVE OF THE DISTRICT.

Sincerely, 
Ryan Rogers-Manager

Taylor West Weber Water District

Expires 10/29/2025



2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668

5/5/2025

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that **Preliminary Will Serve** approval has been given and Taylor West Weber Water District ("the District") has the capacity to provide **only** culinary water for **Taylor Landing Subdivision Phase 8**, a **29-lot** subdivision. The address is approx. 1800 S. 3900 W. Taylor UT. This subdivision must have a pressurized secondary water system for outdoor use. Plan review fees and water right impact fees must be paid to the District clerk before subdivision approval is granted. A pressurized secondary water system must be functional before final approval will be granted.

Requirements:

- Plan review fee=**\$200 per lot total= \$5,800.00**
- Water Right Impact fee= **\$7,842 x 29 ERU's total = \$227,418.00**
- Complete plan reviews.
- Will serve letter from Hooper Irrigation.
- Impact fees=\$6,856.00 per lot. This fee includes the cost of the meter. This fee will be collected at the time building permits are requested. Fees are subject to change.
- Installation of the water line and services. The District will need to be notified prior to working on the water lines. Taylor West Weber standards must be followed in all installation procedures.
- The construction of the pipelines must pass all inspections.
- Taylor West Weber Water reserves the right to make or revise changes as needed or as advised by the district engineer or the district attorney.

FINAL SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER. A SIGNATURE BLOCK FOR TAYLOR WEST WEBER WATER MUST BE ON THE FINAL RECORDED MYLAR AND SIGNED BY A REPRESENTATIVE OF THE DISTRICT.

Sincerely,

Ryan Rogers-Manager

Taylor West Weber Water District

Expires 10/29/2025



May 5, 2025

Weber County Planning Commission
2380 Washington Blvd, #240
Ogden, Utah 84401

RE: PRELIMINARY WILL SERVE LETTER – Taylor Landings Subdivision, PH 6, 7, and 8

Phases 6, 7, and 8 portions of the Taylor Landings subdivision are located at approximately 1800 South and 4000 West and a total of 75 lots are proposed. The breakdown is as follows: Phase 6 has 26 lots, Phase 7 has 20 lots, and Phase 8 has 29 lots. The subdivision is in the boundaries of the Hooper Irrigation Company service area. A formal application has been made to our office and an escrow for application has been paid.

The subdivision plat plan has been reviewed by Hooper Irrigation. The preliminary plans have been conditionally approved for the above subdivision phase. There are sufficient shares affiliated with the property to connect to the secondary pressurized system for the building lots and the shares are in good standing.

These three phases only are in consideration and guaranteed service and the plan review are good only for a period of one year from the date of this letter, if not constructed. A final will serve letter will follow this letter after all plans have received final approval, fees have been paid, and water shares have been turned in to Hooper Irrigation.

Hooper Irrigation's specifications are available at the Company office.

If you have questions, please call 801-985-8429.

Sincerely,

Michelle Pinkston
Office Manager



Central Weber Sewer Improvement District

May 1, 2025

Felix Llevernio
Weber County Planning Commission
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Taylor Landing phases 6-8
Sanitary Sewer Service
Will Serve Letter

Felix:

We have reviewed the request of Heritage land development to provide sanitary sewer treatment services to the subdivision called Taylor Landing phases 6-8 A development of 75 residents located at approximately 3900 W. 2000 S. We offer the following comments regarding Central Weber Sewer Improvement District (the district') providing sanitary sewer service.

1. At this time, the district has the capacity to treat the sanitary sewer flow from this subdivision. Inasmuch as the system demand continuously changes with growth, this assessment is valid for three (3) years from the date issued on this letter.
2. If any connection is made directly into the district's facilities the connection must be constructed in accordance with District standards and must be inspected by the district while the work is being done. A minimum of 48-hour notice for inspection shall be given to the district prior to any work associated with the connection.
3. Central Weber Sewer Improvement District is a wholesale wastewater treatment provider to Weber County. The connection to the sewer system must be through a retail provider, which we understand to be Weber County. The district will not take responsibility for the condition, ownership or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. The District's Wastewater Control Rules and Regulations state:



Central Weber Sewer Improvement District

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.

5. The entire parcel of property to be served must be annexed into the Central Weber Sewer Improvement District prior to any sewer service connection or connection to the district's facilities. This annexation must be complete before the sale of any lots in the subdivision. Annexation into the District is permitted by the District's Board of Trustees. This will serve letter is a statement of available capacity and does not guarantee board approval of annexation.
6. Impact fees must be paid no later than the issuance of any building permits.

If you have any further questions or need additional information, please let us know.

Sincerely,

 Clayton Marriott
Digitally signed by Clayton Marriott
DN: cn=Clayton Marriott, o=Central Weber Sewer
Improvement District, cn=Clayton
Marriott
Reason: I am the author of this
document
Date: 2025.05.01 13:57 -06:00

Clay Marriott

Project Manager

CC: Chad Meyerhoffer, Weber County
Kevin Hall, Central Weber Sewer
Paige Spencer
Heritage Land Development



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for preliminary approval of Harper Haven Subdivision consisting of 74 lots located at approximately 550 South 4700 West, Taylor, UT, 84401.
Type of Decision:	Administrative
Agenda Date:	Tuesday, December 09, 2025
Applicant:	Trek Loveridge
File Number:	LVH110325

Property Information

Approximate Address:	550 South 4700 West, Taylor, UT, 84401
Project Area:	Approximately 25 acres
Zoning:	Residential (R1-15) Zone
Existing Land Use:	Agricultural
Proposed Land Use:	Residential
Parcel ID:	15-048-0006, 15-048-0007
Township, Range, Section:	T6N, R2W, Section 17

Adjacent Land Use

North:	Agricultural	South:	1800 South
East:	Residential/Agricultural	West:	4700 West Street

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	FL

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 12, Residential (R1-15) Zone
- Weber County Land Use Code Title 106 (Subdivisions)

Background and Summary

4/22/2025 – The development agreement and zoning map amendment application was approved by the County Commission.

11/03/2025 – Subdivision application accepted by Weber County Planning Division.

The applicant is requesting preliminary approval of Harper Haven subdivision, consisting of 74 lots located at approximately 550 S 4700 W, Ogden. This proposal meets the lot standards requirements outlined in the recorded development agreement (see page 12 of the recorded ZDA). This development followed connectivity-incentivized standards, which allow for reduced lot widths when complying with connectivity standards of the road layout and pathway locations. The lot widths range from 60' - 208'. The area of lots range from 6,988 - 29,753 square feet. This is consistent with the lot development standards in the R1-15 Zone.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by proposing street and pathway/trail connectivity (2022 Western Weber General Plan, Pages 46 - 47). The developer has met with the Western Weber Parks District and offered to donate funds toward park improvements, in an amount previously stated of \$2,500/dwelling unit. (See the Parks and Recreation Principle 1.1, See Western Weber General Plan, pg. 129).

Zoning: The R1-15 zone allows for Connectivity-Incentivized Subdivision Development. This ordinance also includes provisions in the lot-averaged subdivisions section of the Weber County Land Use Code. The overall average must be a minimum 15,000 square feet.

Culinary water and sanitary sewage disposal: A capacity assessment letter has been provided for the sanitary sewer from Central Weber Sewer, for the proposed subdivision (see Exhibit B). This project will need to be annexed into the Central Weber Sewer

Improvement District prior to recording the final plat. A capacity assessment letter for culinary water, dated 7/18/2024, (see Exhibit B) has been provided by Taylor West Weber Water Improvement District. An updated letter has been requested by Staff prior to this meeting. A preliminary will-serve letter has been issued by Hooper Irrigation.

Review Agencies: The subdivision application will be required to comply with all review agency requirements, and a set of final engineered plans shall be required in order to apply for final subdivision approval

Additional Design Standards: The applicant shall comply with the recorded development agreement, and additional requirements from Planning and Engineering regarding street standards, and pathways throughout the development. A 10' wide asphalt pathway along 4700 West is required. Also required is a 10' pathway along Street G shown on the preliminary plat. Per the development agreement, a paved pathway is also required along the east side of lot 55, within the 33' future right-of-way dedication.

The applicant is proposing a roadway cross sections with 4' sidewalks. The recorded development agreement requires minimum 5' sidewalks within the internal roads of the subdivision. A secondary egress is required and currently shows on the plat as stubbing to 4700 West, however, UDOT is requiring a crash-gate at this location. Weber Fire District will have to approve of the crash gate prior to final approval. Street cross sections shall be approved by Planning and Engineering prior to final approval. The improvement plans shall be approved by all applicable agencies prior to application for final approval (LUC 106-1-5 (a)(11)). These improvement plans include sewer infrastructure as outlined in the recorded development agreement.

Dark sky lighting is required within this project, as well as the use of a smart watering controller for any irrigation systems installed.

Concept Plan in Approved Development Agreement



Submitted Subdivision Layout



Parks strips shall be developed in accordance with requirements outlined in the development agreement: "Master Developer shall place four-inch plus rock, 8-inches deep, in each parkstrip, with a weed barrier beneath. Additional plantings may be placed within the parkstrips by the Master Developer or homeowners, to be operated and maintained either by the adjoining owner or a homeowners association."

Street trees are part of this development, per the approved development agreement. The developer shall provide at least two types of tree species and include this information, as well as the landscaping plans, with the final set of engineered plans, per the recorded development agreement.

Staff Recommendations

Staff recommends preliminary approval of Harper Haven Subdivision consisting of 74 lots. This recommendation is based on all review agency requirements, including those outlined in this staff report, and the following conditions:

1. Improvement plans compliant with the recorded development agreement shall be approved by Planning and Engineering prior to submitting an application for final subdivision approval.
2. Proof of the voluntary Parks District donation of \$7,500 per lot will be made to the Western Weber Parks District before the subdivision plat records. This is per the development agreement.
3. An unconditional final approval letter from the sewer, culinary and secondary water provider will be submitted before final approval.
4. All improvements shall be installed, escrowed for, or a combination of both, prior to recording the final plat.
5. This development will need to annex into Central Weber Sewer District prior to final approval.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Exhibits

- A. Preliminary subdivision plat
- B. Application & Feasibility Letters

Area Map



Density Calculations
Total Area = 25.42 ac. (1,116,202 sq.)
Density = 1,116,202 sq./15,000 sq. ft. = 74.41 loads



EAST QUARTER CORNER OF
SECTION 17, TOWNSHIP 6
NORTH, RANGE 2 WEST,
SALT LAKE BASIN AND
MERCAD, U.S. SURVEY

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Harper Haven
PART OF THE SE 1/4 OF SECTION 17 T.4N., R.2N., S.1/4 & M., U.S. SURVEY
WEBER COUNTY, UTAH

Preliminary Plan

REVISIONS	
DATE	DESCRIPTION
7/30/2025	LOTS 1-3 ADJUST





Central Weber Sewer Improvement District

July 23, 2024

Tucker Weight
Weber County Planning Commission
2380 Washington Blvd #240, Ogden, UT 84401

SUBJECT: Harper Haven
Sanitary Sewer Service
Will Serve Letter

Tucker:

At the request of Trek Loveridge, Harper Haven formally Wilder Estates located approximately 600 S. 4700 W. of 74 proposed residences. This property must be annexed into the district before service will be provided. We offer the following comments regarding Central Weber providing sanitary sewer service.

1. At this time, Central Weber has the capacity to treat the sanitary sewer flow from this subdivision. The Inasmuch as system demand continuously changes with growth, this assessment is valid for three (3) years from the date issued on this letter.
2. If any connection is made directly into Central Weber's line the connection must be inspected by Central Weber while the work is being done. A minimum of 48-hour notice for inspection shall be given to Central Weber prior to any work associated with the connection.
3. Central Weber will not take ownership or responsibility for the condition, ownership, or maintenance of the proposed sanitary sewer lines (gravity or pressure) or system that will be installed to serve this subdivision.
4. The connection of any sump pumps (or similar type pumps) to the sanitary sewer system is prohibited during or after construction. Central Weber's Wastewater Control Rules and Regulations state:

Prohibited Discharge into Sanitary Sewer. No person shall discharge or cause or make a connection which would allow to be discharged any storm water, surface water, groundwater, roof water runoff or subsurface drainage to any sanitary sewer.



Central Weber Sewer Improvement District

5. The entire parcel of property to be served will need to be annexed into the district prior to any connection to the district's line. This annexation must be complete before the sale of any lots in the subdivision.

If you have any further questions or need additional information, please let us know.

Sincerely,

Clayton Marriott

Digitally signed by Clayton Marriott
DN: cn=US,
E=Clayton@centralweber.com,
O=CENTRAL WEBER SEWER,
OU=CENTRAL WEBER SEWER
Reason: I am the author of this
document
Date: 2024.07.23 14:59:08-0600'

Clay Marriott

Project Manager

CC: Kevin Hall, Central Weber Sewer
Paige Spencer
Trek Loveridge



2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668

7/18/2024

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that Taylor West Weber Water District (the "District") has the **Ability To Serve** and that the District has the capacity to provide **only** culinary water for the Harper Haven Subdivision consisting of 74 eru' on a 25 acre parcel (15-048-0007). By means of a 6" water line on 4700 West the 6" line will need to be upgraded from 900 S. to 500 S. and along the frontage of the subdivision, to a 14" water line on 4700 W. The District will participate in the upgrade and pay the portion of the costs from 8" to 14" while the developer will be required to pay the costs to bring the line to Utah State Division of Drinking Water minimum sizing standards of 8". The property is located near 500 South along 4700 W. West Weber UT. Pressurized secondary water must be provided by Hooper Irrigation Company. This is simply an ability to serve letter and an acknowledgement of the rezone request. Only a concept plan has been provided. For subdivision approval plans must be submitted and approved by the District engineer and all District requirements must be met.

Requirements:

Requirements will be issued pending Board approval and a preliminary will serve letter will be issued.

Taylor West Weber Water District reserves the right to make or modify the level of service based on the engineering review and/or other circumstances that may arise before subdivision approval is issued. The District is currently under the process of an impact study, so fees will be determined when the subdivision process commences.

FINAL APPROVAL AND SUBDIVISION APPROVAL MUST NOT BE ISSUED UNTIL APPROVAL IS GIVEN BY TAYLOR WEST WEBER WATER.

Expires 2/18/2025.

Sincerely,

Ryan Rogers – Manager

Taylor West Weber Water District



October 21, 2025

Weber County Planning Commission
2380 Washington Blvd, Suite 240
Ogden, Utah 84401

RE: PRELIMINARY WILL SERVE LETTER – Harper Haven Subdivision

The Harper Haven subdivision is located at approximately 600 South and 4700 West, and a total of 74 lots and two detention basins are proposed. The subdivision is in the boundaries of the Hooper Irrigation Company service area. A formal application has been made to our office. The secondary line is approximately 1800 feet from the proposed development, and the developer will be required to bring the line from the existing point to the location of the subdivision. There is also a private ditch which runs on the southwest portion of the developments which spans approximately 200 feet and this ditch will need to be piped and an easement given to the adjacent homeowner for access.

The subdivision plat plan has been reviewed by Hooper Irrigation. The preliminary plans have been conditionally approved. There will be 14.5 water shares required to connect to the secondary pressurized system and ownership of shares has been verified to be in good standing.

This subdivision only is in consideration and guaranteed service, and the plan review is good only for a period of one year from the date of this letter, if not constructed. A final will serve letter will follow this letter after all plans have received final approval, fees have been paid, and water shares have been turned in for Hooper Irrigation Secondary Pressurized water.

Hooper Irrigation's specifications are available at the Company office. If you have questions, please call 801-985-8429.

Sincerely,

Michelle Pinkston
Office Manager
Board Secretary



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for preliminary subdivision approval of the Prado at Powder Mountain Subdivision, a 38-lot subdivision located in the DRR-1 zone located at the end of Summit Pass Road in Eden.
Type of Decision:	Administrative
Agenda Date:	Tuesday, December 09, 2025
Applicant:	Erik Anderson
File Number:	UVP111325

Property Information

Approximate Address:	Summit Pass Road, Powder Mountain Resort
Project Area:	97.8 Acres
Zoning:	Ogden Valley Destination and Recreation Resort Zone DRR-1
Existing Land Use:	Vacant
Proposed Land Use:	Residential
Parcel ID:	23-012-0203
Township, Range, Section:	T7N, R2E, Section 8

Adjacent Land Use

North:	Ski Resort/Resort Development	South:	Ski Resort/Resort Development
East:	Ski Resort/Resort Development	West:	Ski Resort/Resort Development

Staff Information

Report Presenter:	Felix Lleverino flleverino@webercountyutah.gov 801-399-8767
Report Reviewer:	TA

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Standards, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Summary and Background

1/14/2015 – Zoning Development Agreement for Summit Group is recorded.

1/12/2019 – First Amendment to Zoning Development Agreement is recorded.

11/30/2022 – Second Amendment to Zoning Development Agreement is recorded.

The development report from the powder mountain group indicates that 229 lots have been recorded within the Powder Mountain Development, under the executed development agreement, recorded 1/14/2015.

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 Ogden Valley Destination and Recreation Resort Zone more particularly described as the DRR-1 zone. The purpose and intent of the DRR-1 zone is identified in the LUC §104-29-1 as:

“The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to

preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land."

Lot area, frontage/width and yard regulations: The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for a single family residential dwelling. This subdivision has been designed for individual ownership of the lots, private roadways maintained by the Powder Mountain Owner's Association.

Natural Hazards Overlay Zone: The proposed subdivision is located in a geologic hazards study area. A site-specific Geotechnical Investigation, performed by AGECEC, and dated October 13, 2025 (Project No. 1250439) has been submitted with this application which provides foundation design, grading, groundwater drainage, fill and compaction, and retaining wall requirements that must be followed to ensure longevity and safety. See Page 14 for Preconstruction Meeting Requirements.

A site-specific Geologic Hazard Assessment from AGECEC, dated October 23, 2025 (Project number 1250702) is included with the subdivision plan. The report directs the developer to obtain a geotechnical study. Which has been accomplished.

A notice of geologic study recorded on title and a plat note are required that will provide notice that the geologic and geotechnical report is on file with Weber County Planning Division

Emergency Evacuation: In the event of an emergency, Powder Mountain Resort has created an Emergency Evacuation Map and narrative, in Exhibit D, that directs departure routes to Eden and safe zones within Powder Mountain if the exit road is not an option.

Additional design standards and requirements: Summit pass and the road within the Prado are private roadways will interfere with existing trails in place. New recreation easements will be created, as indicated by hatched areas, on the subdivision plan. The maintenance of all private roadways will be done by an HOA. Parking along these 60' wide private roadways will be discouraged by the Weber Fire District during winter; however, there are no concerns regarding parking when roadways are clear and dry.

The Section 5.8 of the development agreement requires a minimum of 30% of the total acreage to be designated as open space. The cumulative open space platted throughout Powder Mountain amounts to 59 percent or 376 acres.

Culinary water and sanitary sewage disposal: A capacity assessment letter has been provided by Powder Mountain Water and Sewer District. Proof of a connect fee from Powder Mountain Water and Sewer District will be required to be submitted prior to receiving a building permit from Weber County.

Review Agencies: The Weber County Engineering requests information related to a second access off the mountain. While this is not a requirement for approval of this subdivision at this time, the subject of a second access off the mountain will continue to be mentioned with each application submitted by Powder Mountain. The Weber Fire District has deemed this proposal acceptable based on acceptable road widths, fire access, turn-around, and fire hydrants. The Weber Surveyor's Office will conduct a detailed review at the final stage of the process. A condition of approval has been included to ensure that all applicable review agencies' requirements will be met prior to moving forward for final approval.

Staff Recommendation

Staff recommends preliminary approval of the Prado at Powder Mountain Subdivision with the following conditions:

1. The final subdivision plan shall include a cost estimate for the subdivision improvements
2. The cost for subdivision improvements that are not complete at the time of plat recordation shall be escrowed with Weber County.
3. All county review agency requirements are satisfied before the final subdivision plat is recorded.

This recommendation is based on the following findings:

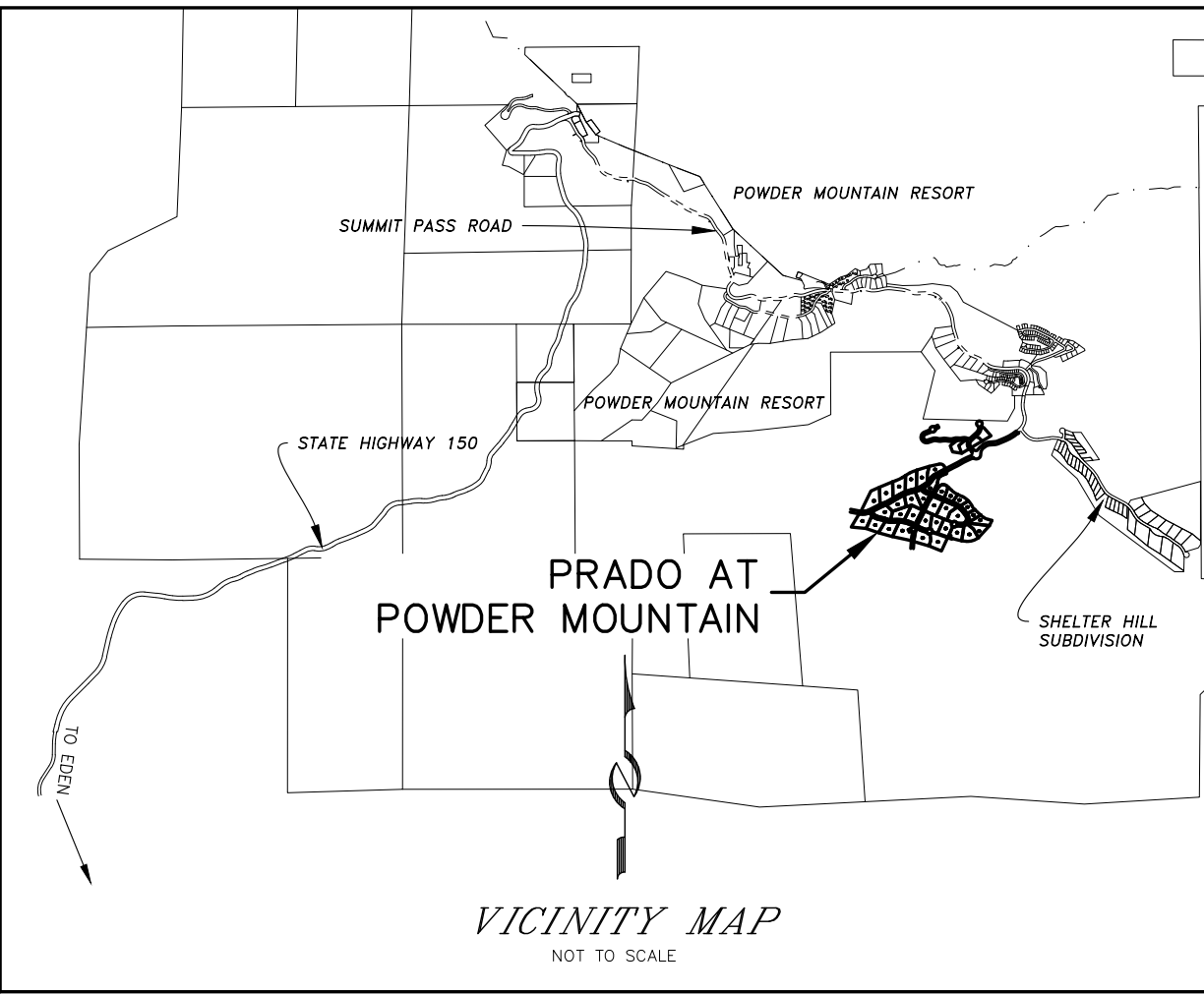
1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Preliminary plan
- B. Applicable Development Agreement
- C. Powder Mountain Water and Sewer Capacity Assessment Letter
- D. Emergency Evacuation Plan

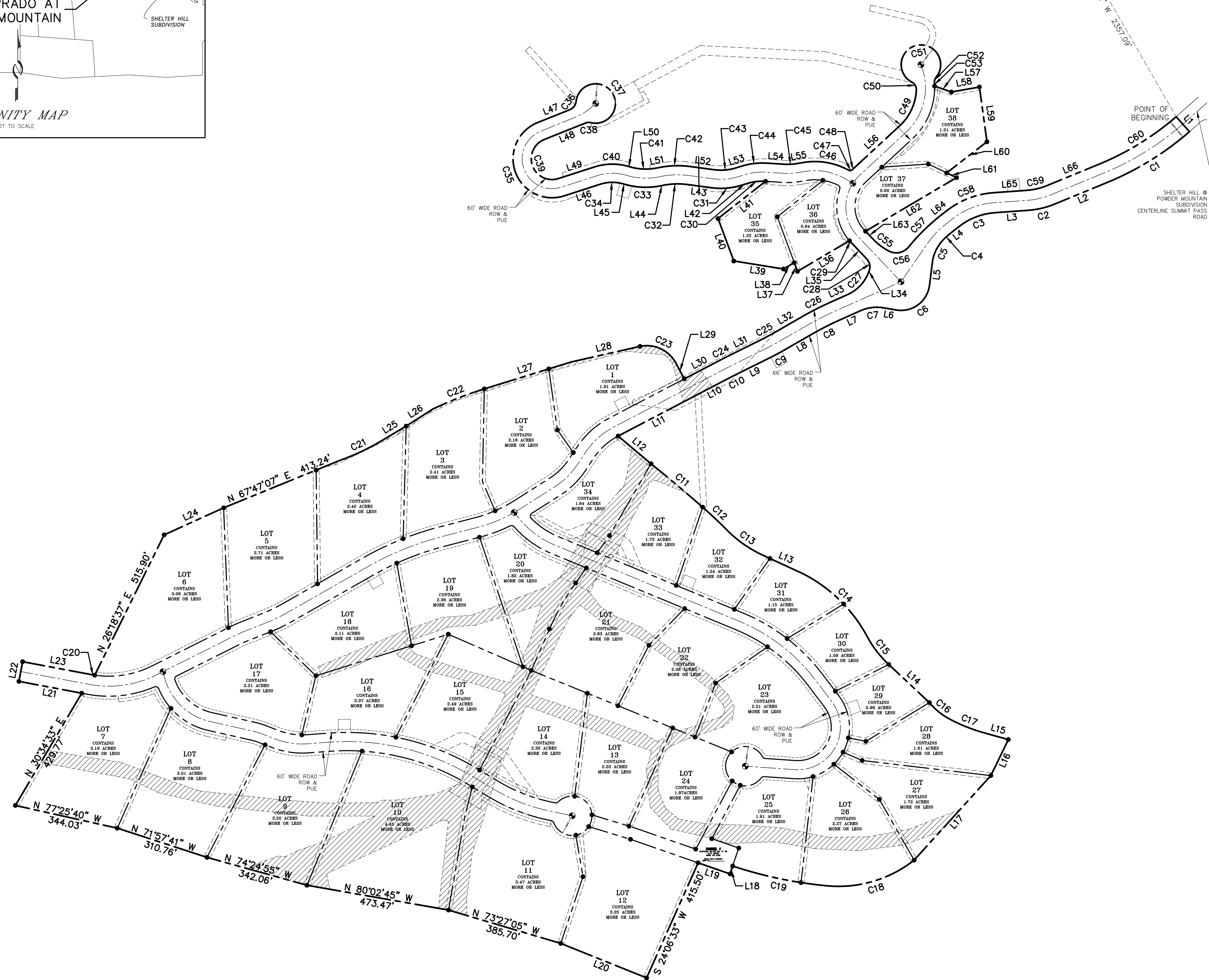
Location Map 1





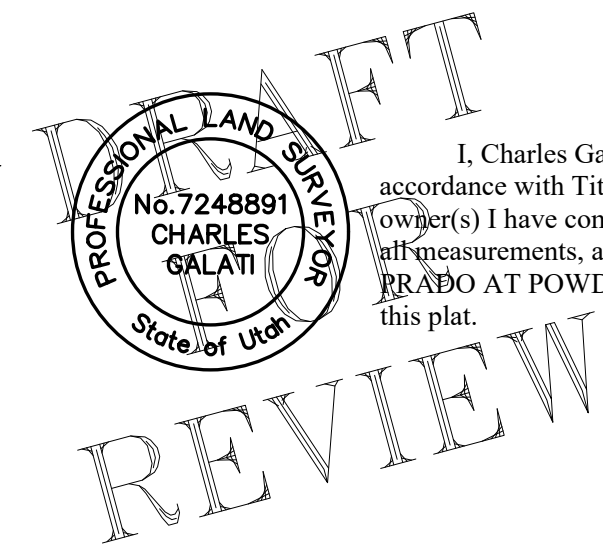
SHEET INDEX	
SHEET 1	- SURVEYOR'S CERTIFICATE, OVERALL PROPERTY BOUNDARY, SIGNATURE BOXES, VICINITY MAP, OWNERS DEDICATION AND CONSENT TO RECORD, ACKNOWLEDGEMENT
SHEET 2	- PLAT NOTES, OVERALL PROPERTY BOUNDARY LEGAL DESCRIPTION, LINE AND CURVE TABLES
SHEET 3	- LOT DETAILS, ROADWAY DETAILS AND EASEMENTS FOR LOTS 35-38
SHEET 4	- LOT DETAILS, ROADWAY DETAILS AND EASEMENTS FOR LOTS 1-5, 18-21 AND 32-34
SHEET 5	- LOT DETAILS, ROADWAY DETAILS AND EASEMENTS FOR LOTS 5-7 AND 16-18
SHEET 6	- LOT DETAILS, ROADWAY DETAILS AND EASEMENTS FOR LOTS 8-11 AND 14-17
SHEET 7	- LOT DETAILS, ROADWAY DETAILS AND EASEMENTS FOR LOTS 11-13, 22-29 AND PARCEL 1
SHEET 8	- LOT DETAILS, ROADWAY DETAILS AND EASEMENTS FOR LOTS 13, 21-24, 28-32 AND PARCEL 1

Exhibit A



PRADO AT POWDER MOUNTAIN

LOCATED IN SECTION 8, TOWNSHIP 7 NORTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyor Act; I further certify that by authority of the owner(s) I have completed a survey of the property described hereon in accordance with Utah Code Section 17-23-17, have verified all measurements, and have subdivided the described property into lots and streets, together with easements, hereafter to be known as PRADO AT POWDER MOUNTAIN, and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

OWNER'S DEDICATION AND CONSENT TO RECORD

PRADO DEVELOPER, LIMITED LIABILITY COMPANY ("DECLARANT"), AS OWNER OF THE HEREON DESCRIBED TRACT OF LAND, DOES HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND PARCELS AS SHOWN HEREON, SUBJECT TO ALL OF THE RESTRICTIONS, RIGHTS AND LIMITATIONS SET FORTH IN THE PLAT NOTES, AND NAME SAID TRACT, TO BE KNOWN AS PRADO AT POWDER MOUNTAIN, AND DOES HEREBY:

PRIVATE STREETS AND RIGHTS-OF-WAY, DEDICATE AND RESERVE UNTO DECLARANT, ITS HEIRS, GRANTEES AND ASSIGNS, A RIGHT-OF-WAY TO BE USED IN COMMON WITH ALL OTHERS WITHIN SAID SUBDIVISION (AND THOSE ADJOINING SUBDIVISIONS, EXISTING OR FUTURE) ON, OVER AND ACROSS ALL THOSE PORTIONS OR PARTS OF SAID TRACT OF LAND DESIGNATED ON SAID PLAT AS PRIVATE STREETS AS ACCESS TO INDIVIDUAL LOTS, TO BE MAINTAINED BY POWDER MOUNTAIN OWNERS ASSOCIATION, INC., A UTAH NONPROFIT CORPORATION ("COMMUNITY ASSOCIATION"), WHOSE MEMBERSHIP CONSISTS OF DECLARANT AND THE OWNERS OF THE LOTS DEPICTED ON THIS PLAT.
PUBLIC UTILITY AND DRAINAGE EASEMENTS: GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED AS PUBLIC UTILITY, STORM WATER DETENTION PONDS AND DRAINAGE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.
PRIVATE EASEMENTS: GRANT AND DEDICATE THOSE CERTAIN EASEMENTS DESCRIBED IN NOTES AS, 13 AN 14 OF THIS PLAT. SUCH NOTES AND THE RESERVATION AND GRANT OF EASEMENTS DESCRIBED THEREIN ARE INCORPORATED HEREIN BY REFERENCE.
OPEN SPACE AREAS: DECLARANT RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN AND IMPLEMENT PUBLIC HIKING AND BIKING TRAILS WITHIN THE DEFINED OPEN SPACE AREAS. THE DECLARANT SHALL ALSO HAVE THE RIGHT TO CONSTRUCT, MAINTAIN AND IMPLEMENT THE PRIVATE SKI TRAILS THROUGHOUT THE OPEN SPACE PARCELS FOR WINTER RECREATION.

IN WITNESS WHEREOF, THE DECLARANT HAS EXECUTED THIS OWNER'S DEDICATION AS OF THE _____ DAY OF _____, 2025.

BY: _____

NAME: BROOKE HONTZ TITLE: CHIEF DEVELOPMENT AND CONSTRUCTION OFFICER

ACKNOWLEDGEMENT

State of _____

County of _____

On this _____ day of _____, 2025, BROOKE HONTZ, personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the authorized signer for PRADO DEVELOPER, Limited Liability Company, and that said document was signed freely and voluntarily by her on behalf of said limited liability company.

Notary Public

Printed Name

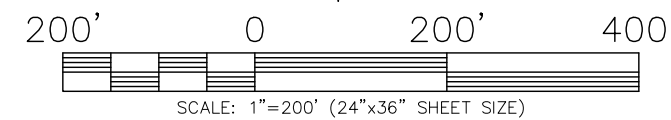
Residing in: _____

My commission expires: _____

Commission No. _____

LEGEND

- Set 5/8" rebar & cap monument "ALLTERRA UTAH" on Copper River at Curb on the property line extension (for front lot corners) to be set as ongoing construction allows.
- Found Section monument (As-Noted)
- Street Monument to be set or as-Noted.



10/22/25 SHEET 1 OF 8

JOB NO.: 25024	FILE: C:\Users\Charlie\Desktop\ALLTERRA\AU JOBS\2025\25060 - POWDER Prado Subdivision\25060-PRADO.dwg	RECORDED
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2025		STATE OF UTAH, COUNTY OF WEBER, AND FILED AT THE REQUEST OF _____
WEBER COUNTY PLANNING COMMISSION APPROVAL	WEBER COUNTY ENGINEER	WEBER COUNTY RECORDER

PROFESSIONAL LAND SURVEYING AND CONSULTING
ALLTERRA
UTAH, LLC
433-640-4200
1400 NORTH 1000 WEST, SUITE 100, SALT LAKE CITY, UT 84119

WEBER COUNTY ATTORNEY

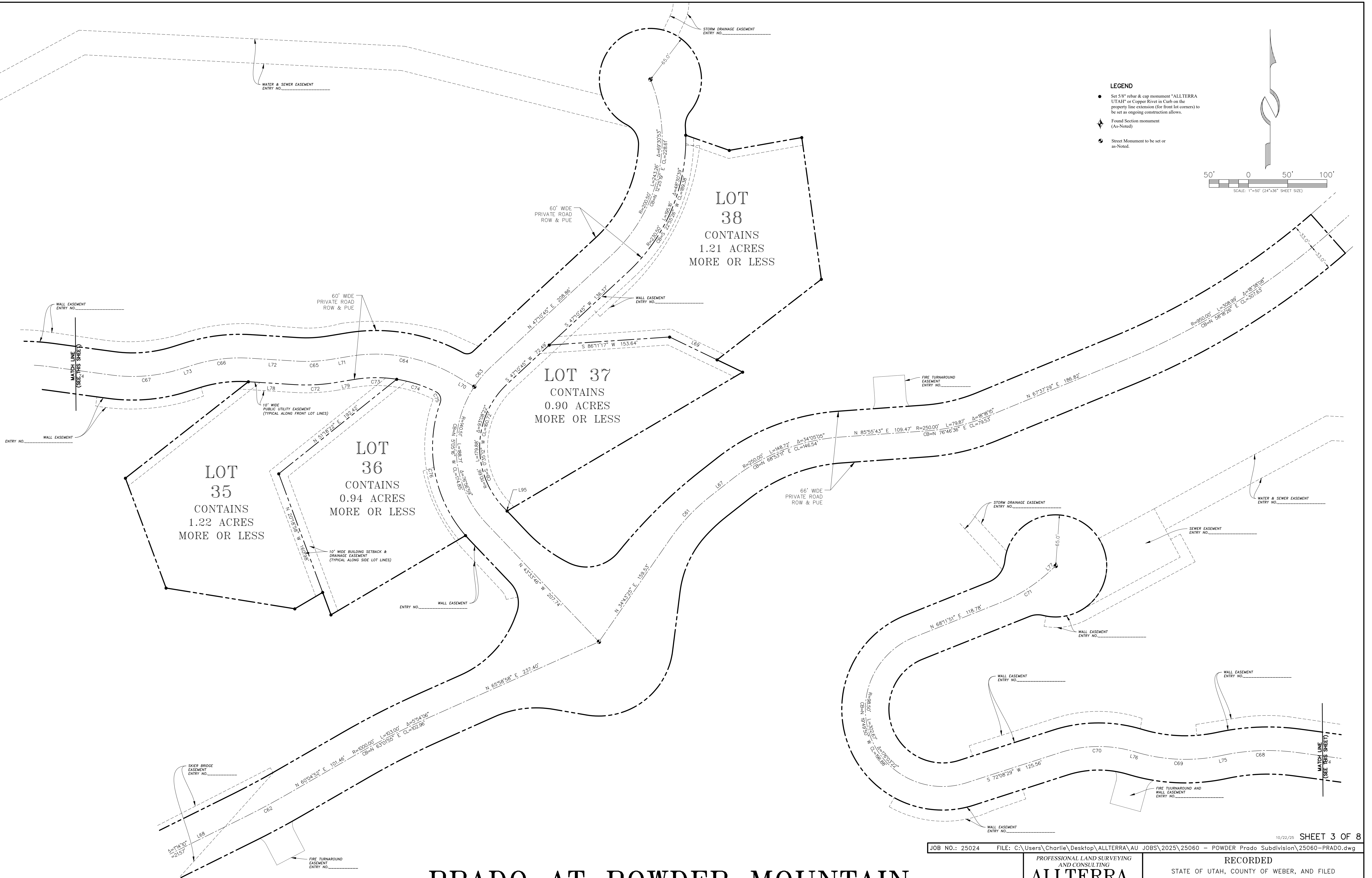
I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT.
SIGNED THIS _____ DAY OF _____, 2025

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
SIGNED THIS _____ DAY OF _____, 2025

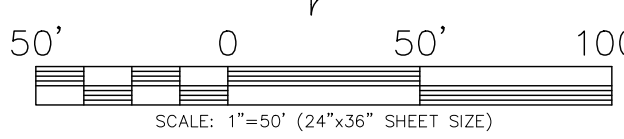
WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS SIGNED THIS _____ DAY OF _____, 2025



LEGEND

- Set 5/8" rebar & cap monument "ALLTERRA UTAH" or Copper Rivet in Curb on the property line extension (for front lot corners) to be set as ongoing construction allows.
- Found Section monument (As-Noted)
- Street Monument to be set or as-Noted.



PRADO AT POWDER MOUNTAIN

LOCATED IN SECTION 8, TOWNSHIP 7 NORTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC

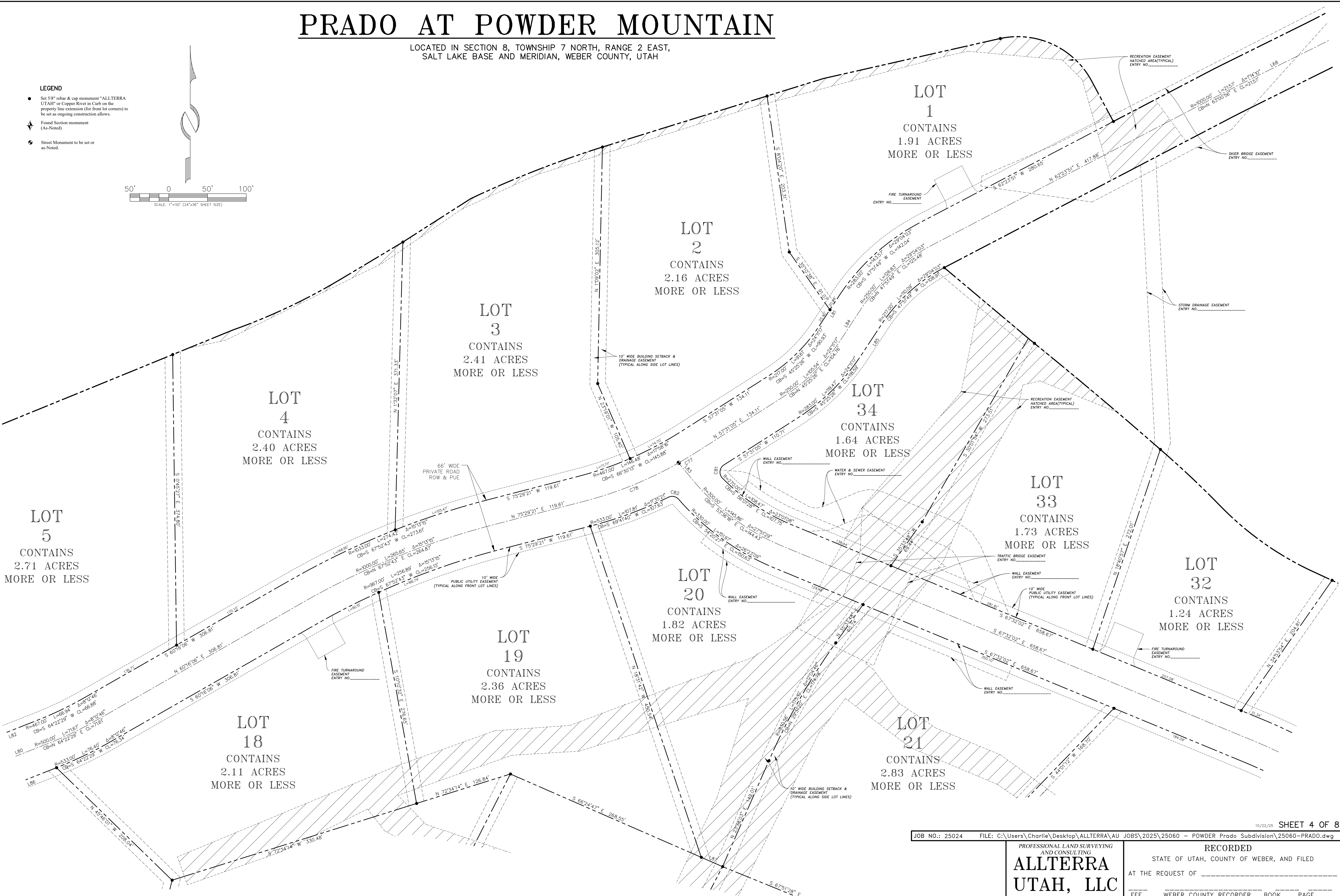
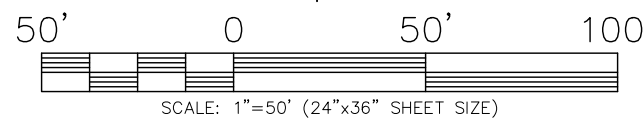
RECORDED
STATE OF UTAH, COUNTY OF WEBER, AND FILED
AT THE REQUEST OF _____
FEE _____ WEBER COUNTY RECORDER BOOK _____ PAGE _____

PRADO AT POWDER MOUNTAIN

LOCATED IN SECTION 8, TOWNSHIP 7 NORTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH

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10/22/25 SHEET 4 OF 8

JOB NO.: 25024 FILE: C:\Users\Charlie\Desktop\ALLTERRA\AU JOBS\2025\25060 - POWDER Prado Subdivision\25060-PRADO.dwg

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC
435-640-4200
435-640-4200

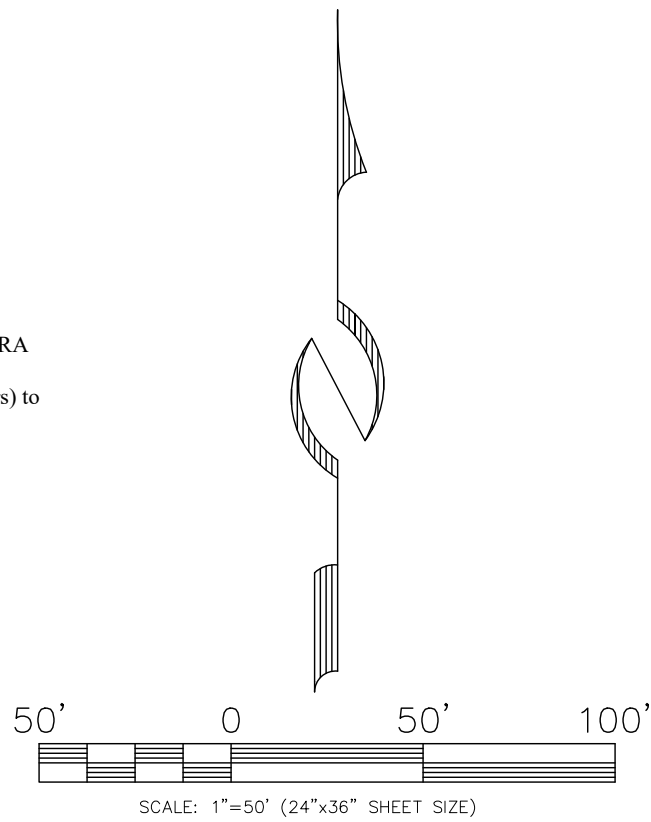
RECORDED
STATE OF UTAH, COUNTY OF WEBER, AND FILED
AT THE REQUEST OF _____
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LOT
6
CONTAINS
3.06 ACRES
MORE OR LESS

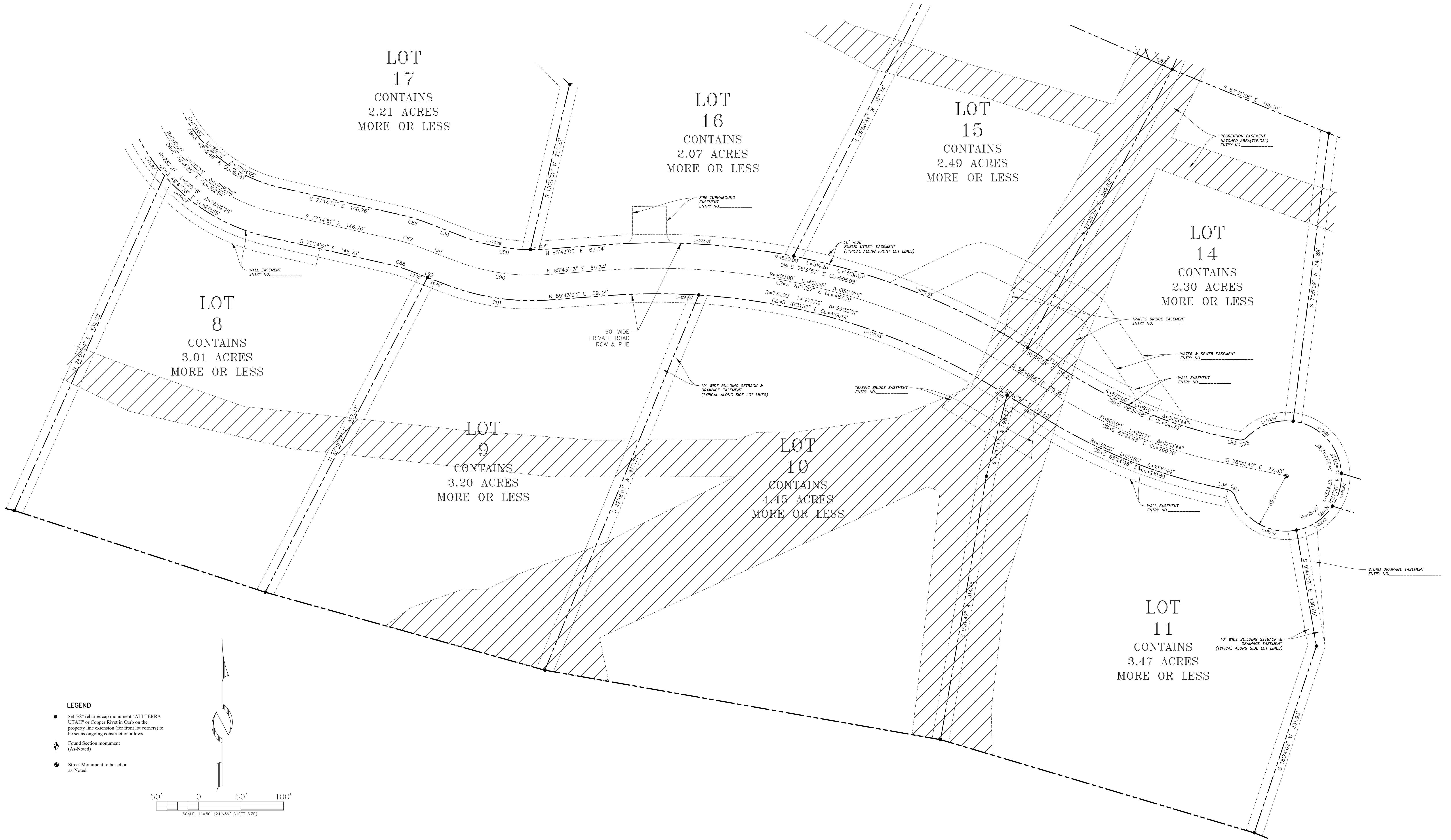
LOT
5
CONTAINS
2.71 ACRES
MORE OR LESS

LOT
18
CONTAINS
2.11 ACRES
MORE OR LESS

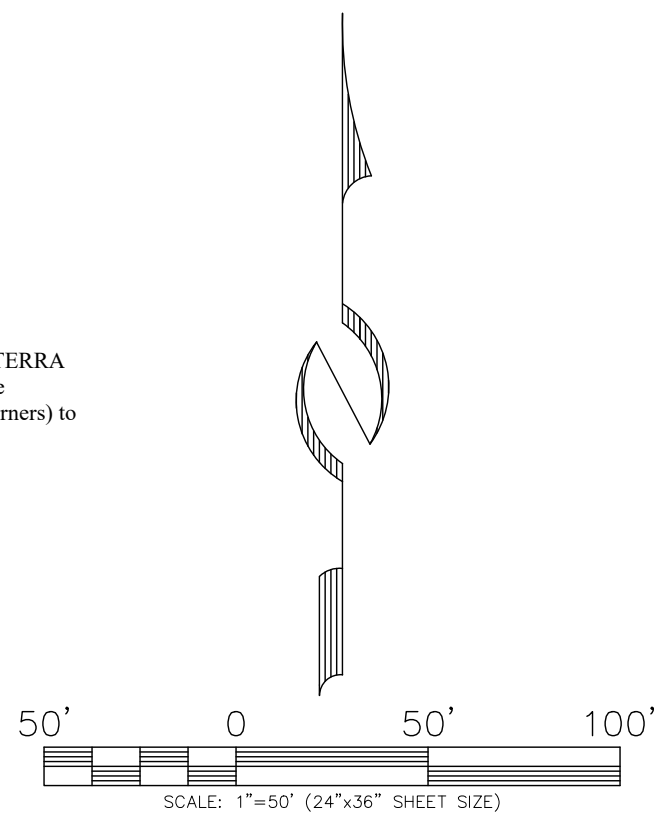
LOT
17
CONTAINS
2.21 ACRES
MORE OR LESS

LOT
16
CONTAINS
2.07 ACRES
MORE OR LE'

LOT
7
CONTAINS
3.19 ACRES
MORE OR LESS



- LEGEND
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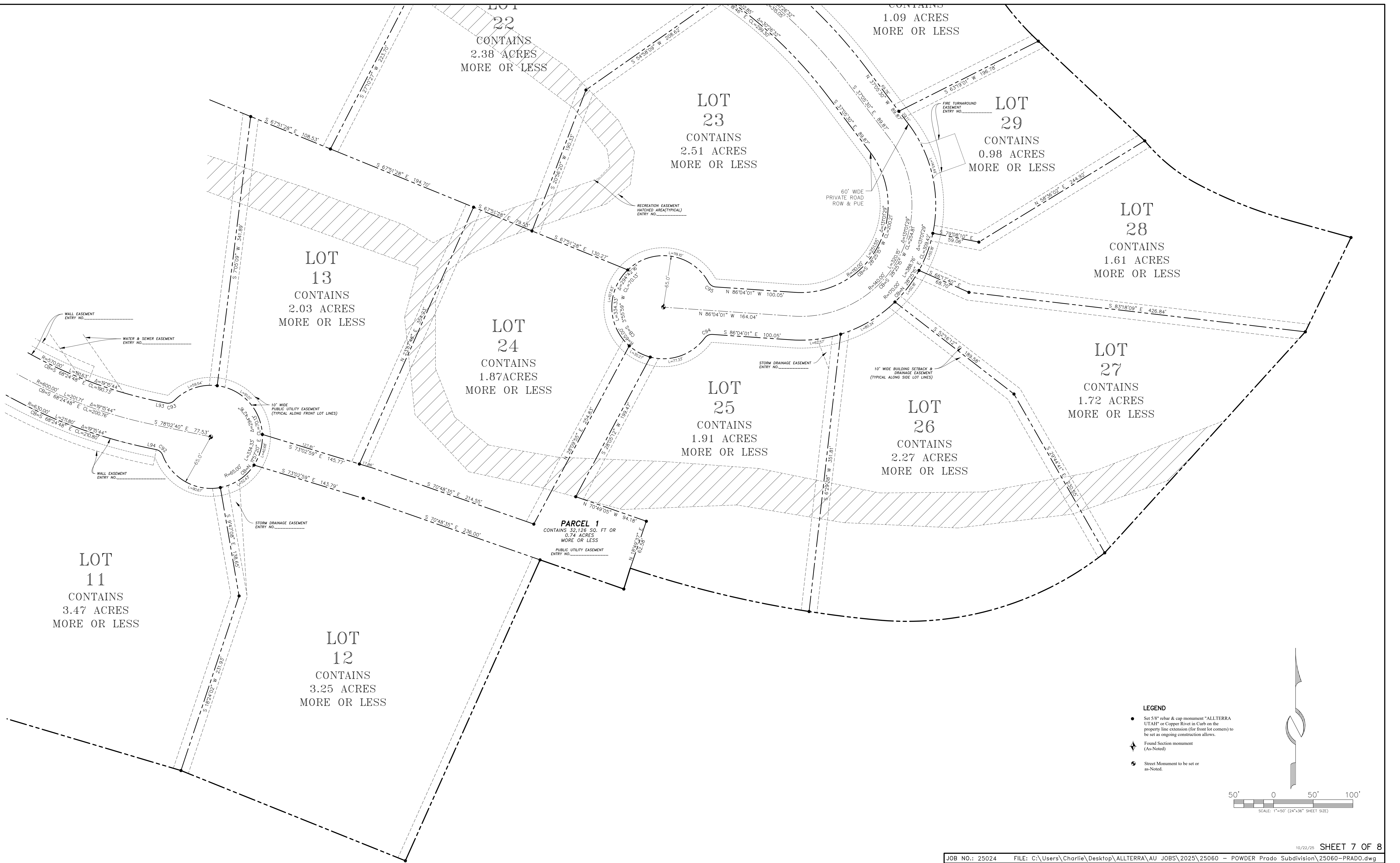
PRADO AT POWDER MOUNTAIN

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JOB NO.: 25024 FILE: C:\Users\Charlie\Desktop\ALLTERRA\AU JOBS\2025\25060 - POWDER Prado Subdivision\25060-PRADO.dwg

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC

RECORDED
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AT THE REQUEST OF _____
FEE _____ WEBER COUNTY RECORDER BOOK _____ PAGE _____

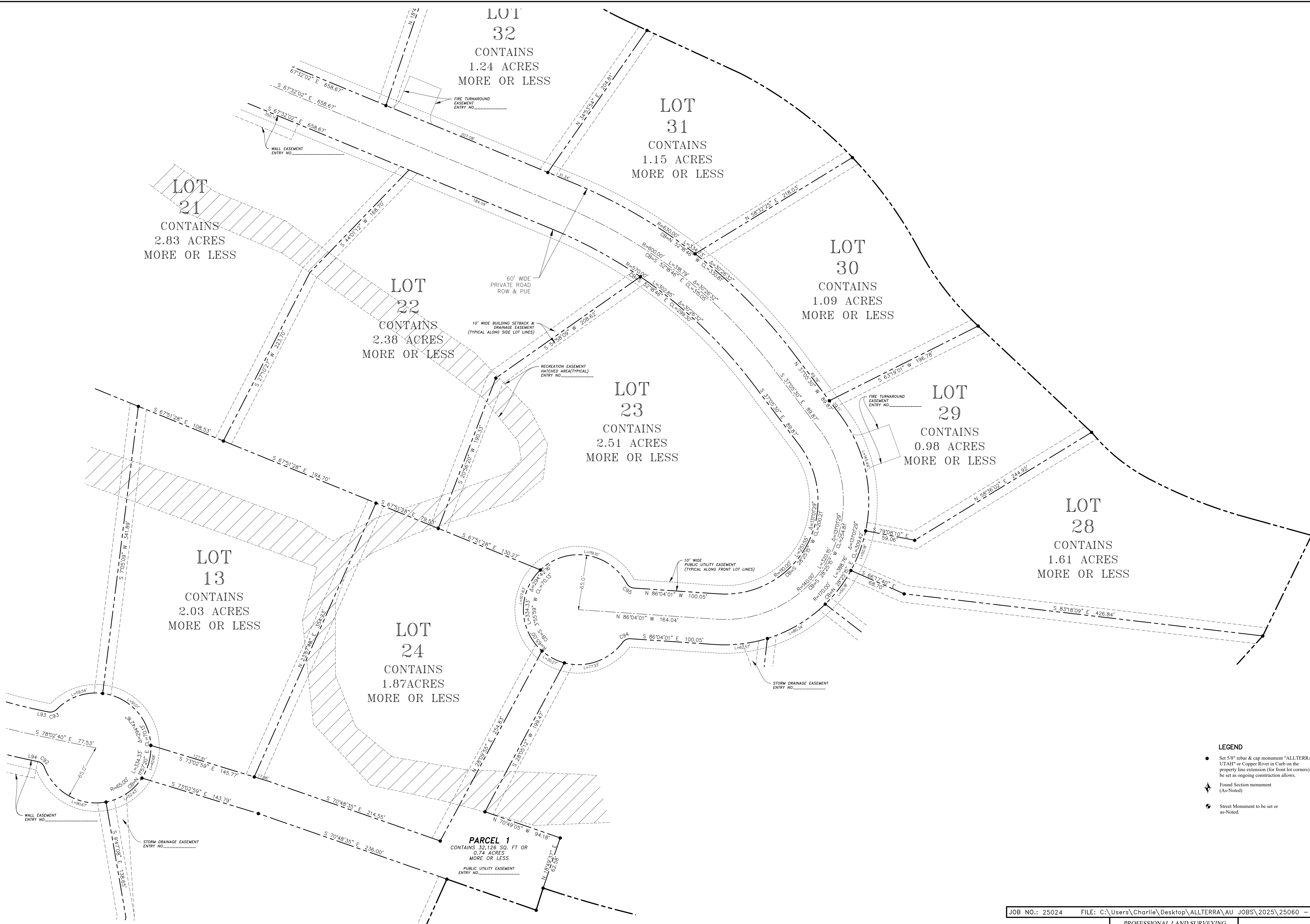


PRADO AT POWDER MOUNTAIN

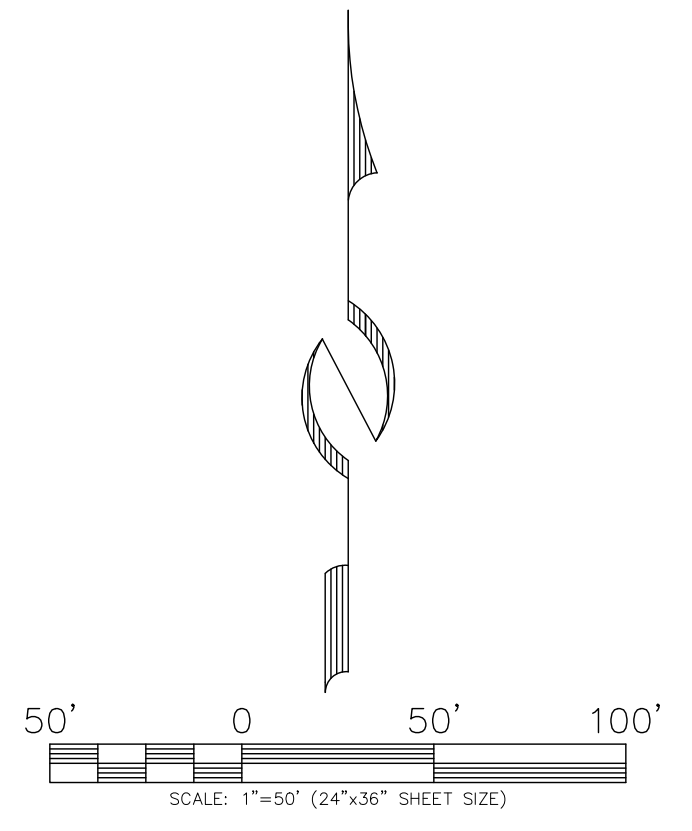
LOCATED IN SECTION 8, TOWNSHIP 7 NORTH, RANGE 2 EAST,
SALT LAKE BASIN AND MERIDIAN, WEBER COUNTY, UTAH

PROFESSIONAL LAND SURVEYING
AND CONSULTING
ALLTERRA
UTAH, LLC

RECORDED
STATE OF UTAH, COUNTY OF WEBER, AND FILED
AT THE REQUEST OF _____
FEE _____ WEBER COUNTY RECORDER BOOK _____ PAGE _____



- LEGEND**
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 - ◆ Found Section monument (As-Noted)
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SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH

JOB NO.: 25024		FILE: C:\Users\Charlie\Desktop\ALLTERRA\AU JOBS\2025\25060 - POWDER Prado Subdivision\25060-PRADO.dwg	
PROFESSIONAL LAND SURVEYING AND CONSULTING		RECORDED	
ALLTERRA UTAH, LLC		STATE OF UTAH, COUNTY OF WEBER, AND FILED	
		AT THE REQUEST OF _____	
FEE	WEBER COUNTY RECORDER	BOOK	PAGE



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 29-NOV-12 1131 AM FEE \$0.00 DEP SGC
 REC FOR: WEBER COUNTY PLANNING

**WEBER COUNTY
 ZONING DEVELOPMENT AGREEMENT**

PARTIES: The parties to this Zoning Development Agreement ("Agreement") are Western America Holding, LLC, a Utah limited liability company and owner of the property commonly known as Powder Mountain (herein "Developer") and Weber County, a body politic in the State of Utah (herein "County"). The Developer and the County are collectively referred to herein as the "Parties."

EFFECTIVE DATE: The effective date of this Agreement will be the date that rezoning approval is granted as outlined below by the Weber County Commission ("Commission").

RECITALS

WHEREAS, the Developer seeks to rezone certain property located within the Ogden Valley Township of unincorporated Weber County, Utah from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) for the general purpose of developing a year round destination resort upon property that consists of approximately 4,297 acres and is more particularly described in Exhibit A attached hereto and incorporated herein by this reference ("Property"); and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of zoning regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing the General Plan as adopted for all or part of the County; and

WHEREAS, the Developer has requested that the above referenced Property be rezoned for the purposes of allowing him or his designees to develop the Property in a manner that has been presented to the County and that is represented in the Concept Development Plan shown in Exhibit B; and

WHEREAS, the Developer considers it to his advantage and benefit for the County to review his petition and supplementary information having prior knowledge of the development, so as to more completely assess its compatibility with applicable zoning ordinances, the County's General Plan, the surrounding area, and those uses that exist on the lands surrounding the property; and

WHEREAS, the County is desirous of rezoning the property for the purpose of developing it in the manner presented, but the County does not feel that the property should be rezoned unless the proposed development, is commenced as soon as conditions allow and completion is pursued in good faith; and

WHEREAS, the Parties entered into a binding Memorandum of Understanding (MOU) on June 1, 2010 to facilitate the completion of the Development Agreement and specified various issues; and

73

WHEREAS, the Parties are desirous that certain litigation (Appellate Case No.20090897) which is presently pending before the Utah Supreme Court relating to the incorporation of the Town of Powder Mountain be dismissed and the Incorporation Petition be withdrawn; and

NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both Parties, the Parties hereto mutually agree and covenant as follows:

AGREEMENT

1. General

- 1.1. Upon the Effective Date of this Agreement, the Parties shall cause the dismissal of (Appellate Case No.20090897) and the Developer shall immediately cause the Incorporation Petition to be withdrawn.
- 1.2. The County shall rezone the Property described in Exhibit A from Forest Residential-3 (FR-3), Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40) to Forest Valley-3 (FV-3), Commercial Valley Resort Recreation-1 (CVR-1) and Forest-40 (F-40), as shown on the proposed zoning map attached as Exhibit C, for the purpose of allowing the Developer to construct his conceptually pre-designed project on the subject Property.
- 1.3. The responsibilities and commitments of the Developer and the County, as detailed in this document when executed, shall constitute a covenant and restriction that shall run with the land and be binding upon the Developer, his assigns and/or his successors in interest.
- 1.4. The provisions of this Agreement shall supersede the MOU.
- 1.5. Both Parties acknowledge that this Agreement will be recorded in the Office of the Weber County Recorder, and recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both Parties.
- 1.6. This Agreement constitutes the entire Agreement between the Parties; however, the Parties acknowledge that an official, recorded copy of the Powder Mountain Rezone Application will be kept in the Weber County Clerk/Auditors Office and the Planning Division Office for reference purposes. The Parties may consider amendments or modifications to the provisions of this Agreement and/or the Concept Development Plan only by written instrument and only upon agreement by both Parties. In the event that an amendment to the Concept Development Plan is sought, it may only be made after considering the recommendation of the County Planning Commission which may hold a public hearing to obtain public input on the proposed amendment or modification of the Concept Development Plan.
- 1.7. This Agreement with any amendments or modifications shall be in full force and effect according to this approved Agreement until the property covered herein has been reverted to its former zone designation as a result of default.
- 1.8. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.

2. Health and Safety

- 2.1. Developer shall address site specific avalanche hazards at the site plan level of approvals for development.
- 2.2. The Developer is committed to utilizing efficient low-emission fireplaces in future development on the Property, including but not limited to, natural gas, liquid propane and high efficiency wood burning systems. The Developer will work with the County to facilitate these uses, but the Developer shall not be prohibited from utilizing traditional log-burning fireplaces on a limited basis in lodges, hotels, corporate retreats, commercial areas and single-family homes, provided however Developer shall comply with all federal, state and local regulations.
- 2.3. The Developer shall provide a facility for the Weber County Sheriff's Office including but not limited to office space, equipment storage, and a holding cell. The facility design/floor plan shall be approved by the Weber County Sheriff's Office and shall be provided at a time that is deemed necessary and practical by the same. The facility may be integrated with other County services and is anticipated to be built when the existing main parking lot and main lodge area are redeveloped into a mixed use village.
- 2.4. The Developer shall seek input from the U.S. Forest Service to develop and implement a wildfire prevention, evacuation and suppression plan for the Project. Developer shall address phase and site specific wildfire hazards and management plans at the time of and within all development review applications.
- 2.5. Developer agrees to follow the recommendations of the State of Utah Department of Environmental Quality and Utah Geological Survey as outlined in letters dated October 12, 2007 and September 18, 2007 respectively.

3. Destination and Recreation Resort Zone (DRR-1)

- 3.1. The County has enacted the Destination and Recreation Resort (DRR-1) Zone. Provisions were made to allow previously approved master planned resorts that meet the requirements of Section 44-3.b of the Zoning Ordinance to be rezoned to the DRR-1 zone. The Parties agree that should the Developer choose to make application to rezone to DRR-1 the Resort shall retain the density and other development rights listed in Section 6 of this Agreement, provided that the Resort can meet all other requirements of Chapter 44 of the Zoning Ordinance including demonstrating "a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning."
- 3.2. If the Developer chooses to make application for a rezone to the DRR-1 Zone, the Developer will comply with the requirements of the Weber County Zoning Ordinance 35-4.3 (Destination and Recreation Resort Zone Supplementary Requirements) and 44 (Ogden Valley Destination and Recreation Resort Zone DRR-1). A new development agreement would be approved as part of any DRR-1 rezone approval.

4. Concept Development Plan

- 4.1. Consistent with the MOU and this Agreement, which supersedes the MOU, Weber County adopts the Concept Development Plan found in Exhibit B including the Conceptual Phase 1 Land Use Plan. Further, consistent with the recommended rezone

conditions by the Ogden Valley Township Planning Commission, it is recognized that the Concept Development Plan may need to be amended as found in section 1.6.

- 4.2. Weber County shall retain the right to approve or deny more specific/detailed conceptual development plans, provided however, that Weber County shall approve more detailed concept development plans consistent with the current Concept Development Plan and with the regulations of the applicable zones approved herewith. The more specific/detailed concept development plans shall be approved prior to or in conjunction with the first application for site plan/subdivision approval within each development area/phase. Weber County will allow the submittal of a conditional use, design review, and subdivision application for the first development phase, which is included as part of Exhibit B, and which is hereby determined to be consistent with the Concept Development Plan and which may include amenities consistent with the operations of a ski resort to proceed prior to submittal of a rezone application for the DRR-1 Zone. The Developer shall submit a rezone application for the DRR-1 Zone prior to any development beyond the first 250 units.
- 4.3. The Parties recognize the benefits of minimizing road miles, and road widths to protect the natural habitat and they further recognize the benefit of clustering development. The Developer agrees as part of the amendment process to the Concept Development Plan to a design that minimizes road miles, road widths and encourages clustering.
5. Development
 - 5.1. Developer shall develop the subject property based upon the approved Concept Development Plan (Exhibit B). The Concept Development Plan may be refined and modified but the general concept of the plans will not be changed without prior formal approval of the County.
 - 5.2. Developer agrees that development, consistent with the Concept Development Plan approved as part of this Agreement and more particularly illustrated in Exhibit B, will be subject to and part of a more specific and more detailed subdivision and/or plan review. Development inconsistent with the Concept Development Plan will not be approved.
 - 5.3. The County will review more detailed development plans and will approve/issue Land Use, Conditional Use, and Building Permits based on compliance with applicable standards found in State Law, the Weber County Zoning Ordinance, Building Code and/or Health Regulations.
 - 5.4. Developer shall incorporate principles of sustainability into the development when practical and feasible. Developer shall demonstrate practicality and feasibility at the time of and within all development review applications.
 - 5.5. Developer shall consider comments made by the State of Utah Division of Wildlife Resources (DWR) at the site plan level of approvals for development per the existing Resource Development Coordinating Committee (RDCC) process including trails and wildlife buffers. DWR comments, eligible for consideration, shall be those submitted prior to a Planning Commission meeting where the related application is being considered for the first time. Reasonable and customary wildlife buffers will be part of the Developer submittals for design review/subdivision applications.

- 5.6. The Developer shall agree to propose a Recreation Facilities Plan as part of any DRR-1 rezone application. The Recreation Facilities Plan shall provide that recreation amenities will be provided commensurate with the level of residential development and consistent with the Recreation Facilities Plan. Two years after any development commences, the Developer shall provide a biennial report to the Planning Division Staff that inventories all existing (constructed) recreation facilities and commercial/residential units to date. The inventory shall include, but not be limited to, the number, type and general location of facilities/units. Recreational facilities and commercial units shall be represented in terms of acreage or square footage, whichever is more appropriate. General location(s) shall be provided in terms of development area as illustrated on the Concept Development Plan. (See Exhibit B)
- 5.7. In connection with the development, the Developer or its successors in interest shall make the following donations to the County, which sums shall be used solely for the benefit of the local community by purchasing and maintaining open lands or other community projects, as determined by the County: i) upon completion and sale of the 1st unit, the Developer or its successors in interest shall donate \$100,000; ii) upon completion and sale of the 100th unit, the Developer or its successors in interest shall donate \$100,000; iii) upon completion and sale of the 1,000th unit, the Developer or its successors in interest shall donate \$350,000; (iv) upon completion and sale of the 2,000th unit, the Developer or its successors in interest shall donate \$500,000; and (v) upon completion and sale of the 2,800th unit, the Developer or its successors in interest shall donate \$500,000. In the event that Developer establishes permanent open space, public use space, conservation areas or similar community benefits within Powder Mountain or the surrounding area the County will consider applying the value of the land and improvements included in such community benefits as a credit against the amounts to be donated by Developer at the time of the sale of the 1,000th unit and thereafter, as set forth above. Failure of the Developer to pay the required donations, in cash or community benefits acceptable to the County, in accordance with the above schedule will be deemed to be sufficient reason for County to deny additional building permits until the donation is received.
- 5.8. Developer agrees that a minimum of 30% of the total proposed project's gross acreage shall be permanently preserved as open space in any development application/plans for any improvements within the project. Open space within the Property is intended to provide and reserve suitable area for active and passive recreation. No dwelling units may be constructed within the open space area. Typical permitted uses within the Project's open space shall include parks, trails, natural unimproved landscaping, skiing and winter sports, golf, play fields, bathrooms and kiosks, snow safety and skier service facilities, and other support recreation activities. If Developer proceeds to submit an application for DRR-1 rezone then section 44-2 (9) Open Space shall apply.
- 5.9. The Parties agree to allow golf course development to one 18 hole golf course that will substantially preserve the natural landscape characteristics by incorporating a design type that utilizes native vegetation and limits large formal turf landscapes.
- 5.10. Developer agrees that all construction will utilize best management practices. Final site plan applications made to Weber County shall be accompanied by a summary of the best management practices being utilized.

6. Density

- 6.1 Residential density shall not exceed 2,800 units. The number of units will be applied in two density phases. Multiple development phases are anticipated within each density phase.
- 6.2 The Developer shall be entitled to the following density on the following terms and conditions: Phase 1 Density: 1,477 units which may include condominiums, single family lots and homes, hotels, and corporate retreats. Hotel rooms shall count as the equivalent of one-third $\frac{1}{3}$ of a single family dwelling unit. In other words, a 100 unit hotel would count as 33 units. Condominium units containing lock out rooms that can be separately rented shall be counted as one unit (including the lock out rooms). Commercial development is not included in the unit density number. Following the construction of the first 250 units by the Developer, recreational and commercial uses shall be developed as needed to support the resort. Attached is Table 6.2 that sets forth a summary of the approved Phase 1 Density. Any allowed density that is not used in Phase 1 may be used in later phases of development.

TABLE 6.2 – PHASE 1 DENSITY AND DESCRIPTION	
Type of Use	Density Equivalent
Single-Family Dwelling	1 unit
Multifamily Dwelling	1 unit per dwelling unit
Hotel Room	.33 unit
Commercial Square Footage	N/A. Does not count toward unit density. See Total Project Density below.
Corporate Retreats	N/A. Does not count toward unit density. Max 3 corporate retreats with a combined number of rooms not to exceed 36 for Project unless traded per Section 6.4. Each room after 36 counts as .3 unit.
TOTAL PHASE 1 DENSITY PERMITTED:	1,477 residential units
Workforce housing units shall not be counted toward density of the Project regardless of where it is located, as provided by, and subject to the limitations of, the DRR-1 zoning ordinance.	

- 6.3 Phase 2 Density. Upon meeting the requirements specified in 6.2 above and the conditions and benchmarks specified in this Agreement, the Developer shall be entitled to proceed with Phase 2 Density, an additional 1,323 units, which shall include single family dwelling units, multi-family dwelling units, condominiums, and hotel rooms among other uses. Hotels and lock out rooms, shall count as described in 6.3. Attached is Table 6.3 that sets forth the approved Phase 2 Density.

TABLE 6.3 – PHASE 2 DENSITY AND DESCRIPTION	
Type of Use	Density Equivalent
Single-Family Dwelling	1 unit
Multifamily Dwelling	1 unit
Hotel Room	.33 unit

Commercial Square Footage	N/A. Does not count toward unit density. See Total Project Density below.
Corporate Retreats	N/A. Does not count toward unit density. Max 3 corporate retreats with a combined number of rooms not to exceed 36 for Project unless traded per Section 6.4. Each room after 36 counts as .3 unit.
TOTAL PHASE 2 DENSITY PERMITTED:	1,323 residential units
TOTAL PROJECT DENSITY PERMITTED: 2,800 residential units Workforce housing units shall not be counted toward density of the Project regardless of where it is located, as provided by, and subject to the limitations of, the DRR-1 zoning ordinance.	

- 6.4 The first 36 corporate retreat rooms shall not count against the Project's density entitlement. Additional corporate retreats may be added, however, such additional corporate retreat rooms will count towards the density limitations and each corporate retreat room shall count as .3 unit for density purposes.
- 6.5 A Workforce Housing Plan shall be presented and reviewed and a recommendation made by the Planning Commission and approved by the County Commission as part of any request for change in the concept development plan for the Project after the first 250 units, or as part of a rezone application to DRR-1. This plan shall comply with the requirements set forth in Section 44-7 of the DRR-1 Zone. The Workforce Housing Units shall be in addition to the allowed density limitations set forth in Section 6.1, as provided by, and subject to the limitations of, the DRR-1 zoning ordinance.
- 6.6 After development of the first 250 units, the Developer shall evaluate the wastewater treatment facility capacity in relation to the timing for future demand and submit to the County a plan for wastewater treatment beyond the first 250 units. Subject to compliance with applicable federal, state and local regulations, Developer may provide for wastewater treatment through: (i) continuation of the use of existing permitted wastewater treatment facilities for some period of time, (ii) expansion of the existing treatment facility or construction of a new wastewater treatment facility approved by Utah DEQ/DWQ within the resort boundary, (iii) negotiation of a wastewater treatment and reuse agreement with an existing wastewater treatment facility, or (iv) identify an alternative site suitable for a new wastewater treatment facility. In the event that a new treatment facility is constructed within the resort boundary, such facility shall be approved by Utah DEQ and the County Health Department to provide a level of effluent quality that will allow the re-use of treated water for snowmaking, aquifer recharge, and irrigation of fields, forests, golf course and/or landscaping. The total number of dwellings and supporting buildings shall be limited by the provision of the necessary water, sewer and other utility infrastructure to support such development. No development shall be allowed unless Developer demonstrates the ability to provide water, sewer and other necessary infrastructure in accordance with state laws, rules and regulations and county ordinances.

7. Traffic Mitigation

- 7.1. Upon the completion of Phase 1, County shall issue a scoping letter and the Developer shall pay for a traffic safety/impact study by an entity acceptable to the Parties (the "Traffic Study" or "Study"). The Study shall address the existing access road for the Property and shall make recommendations for improvements to the existing access road and related safety issues, including but not limited to guard rails, additional signage, flashing lights in dangerous areas, and runaway ramps. The Parties shall forward the Study to the Utah Department of Transportation ("UDOT") and actively seek UDOT's implementation of the Study's recommendations. The study shall also determine whether a secondary access is necessary for emergency purposes and/or general use and provide cost estimates for both improvements to the "Powder Mountain Road" and the secondary access.
- 7.2. The Developer shall present a transit plan with an implementation methodology that may include but not be limited to:
 - A. Airport shuttle.
 - B. Complimentary on and offsite transit service.
 - C. Park and Ride provided in Ogden City or other approved Wasatch Front location.
 - D. Mandatory employee shuttle originating from Wasatch Front.
 This Plan is to be presented and approved prior to or in conjunction with any site plan/subdivision submittal.
- 7.3. Developer agrees that air transportation into the Resort and Resort air operations will comply with the standards and requirements for heliports in the Ogden Valley. Heliports are allowed only in the DRR-1 and F-40 Zones, subject to applicable standards and requirements. "Resort air operations" refers to those aerial operations vital to construction and management of the resort, i.e., lift installation and avalanche control.
- 7.4. The Parties will work together collectively and with local residents to set reasonable limitations on construction traffic to provide a safe working environment on the existing access road and surrounding roads. These limitations will be presented to the Planning Commission for approval prior to or in conjunction with any site plan/subdivision submittal. Developer shall make reasonable accommodations to ease construction traffic, such as placing staging areas in appropriate areas and providing lower level parking areas and shuttles for construction workers.

8. Reinvestment Fee Covenant

- 8.1. Developer shall adopt and record a reinvestment fee covenant that complies with the requirements of the Utah State Code for such covenants.

9. Default and Enforcement

- 9.1. The Developer acknowledges that the County's granting of this rezoning outlined herein is contingent upon the Developer proceeding expeditiously with the implementation of its development plan. The County acknowledges that the development of the Property will occur in phases over an extended period of time. Nevertheless, in the event that the Developer does not begin construction of its first phase of improvements within three years following the Effective Date, as evidenced by Developer submitting a complete building permit application and paying all applicable fees for the construction of any

portion of the Phase 1 improvements, the County shall have the right to process a rezone of the Property to reinstate the zoning classifications of the Property to those that existed immediately prior to the Effective Date.

- 9.2. The following conditions, occurrences and/or actions will constitute a default by the Developer, his assigns and/or his successors in interest:
 - 9.2.1. The failure of the Developer to dismiss (Appellate Case No.20090897) and withdraw the Incorporation Petition within thirty (30) days following the Effective Date of this Agreement.
 - 9.2.2. Failure to present a detailed development plan, gain County approval and obtain Land Use/Conditional Use and Building Permits and commence construction within the manner of time specified in Section 9.1 of this Agreement.
- 9.3. In the event that any of the conditions constituting default, by the Developer (including his assigns or successors in interest) occur, the County may examine the reasons for the default and at its discretion, modify the terms of this Agreement, approve a change to the Concept Development Plan or initiate steps to revert the zoning designation to its former zones.
- 9.4. In the event that legal action is required in order to enforce the terms of this Agreement, the prevailing party shall be entitled to receive reimbursement, from the faulting party, for attorney's fees and other associated costs incurred while enforcing this Agreement.
- 9.5. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned or transferred to any other party, individual or entity without assigning also the responsibilities arising hereunder.
- 9.6. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be invalid the remainder of the Agreement shall remain in full force.
- 9.7. This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the Parties hereto nor any rights or benefits to third parties, except as expressly provided herein.
- 9.8. This Agreement contains the entire Agreement between the Parties with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the Parties hereto.
- 9.9. The Exhibits to the Agreement are incorporated herein by the reference to them in the Agreement.
- 9.10. Any notices, requests, or demands required or desired to be given hereunder shall be in writing and shall be delivered personally to the party for whom intended, or, if mailed be certified mail, return receipt requested, postage prepaid to the Parties as follows:

For Western America Holding:
 Pronaia Capital Partners LTD
 PMB#449
 2753 E. Broadway Rd. Ste. 101
 Mesa, AZ 85204-1573

For Weber County:
Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, UT 84401

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. Exhibits

- A. Property Description
- B. Concept Development Plan and Conceptual Phase 1 Land Use Plan
- C. Proposed Zoning Map

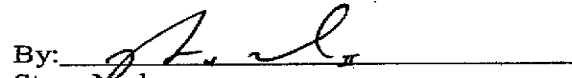
IN WITNESS WHEREOF, the Parties hereto, having been duly authorized, have executed this Agreement to be effective upon date of approval.

Approved by the Parties herein undersigned this 13 day of November, 2012


Weber County Corporation
"County"

By: 
Craig L. Dearden
Chair, Weber County Commission

Western America Holding, LLC
"Developer"

By: 
Steve Nielsen
Representative, Western America Holding, LLC

ATTEST:


Ricky D. Hatch, CPA
Weber County Clerk/Auditor

CORPORATE ACKNOWLEDGMENT

State of Utah, AZ)
)ss
 County of Weber Maricopa)

On this 28th day of November, in the year 2012, before me, H. Dennis Pierce
 a Notary Public in and for the State, personally appeared, Steve Nielsen proved, on the
 basis of satisfactory evidence, to be the Representative of Western America Holding, LLC
 corporation which executed the foregoing instrument, and that said instrument was signed on
 behalf of said corporation by authority of a Resolution of its Board of Directors that said
 corporation executed the same.

Witness my hand and official seal.

H. Dennis Pierce
 Notary Public



APPROVED AS TO FORM:

[Signature]
 Weber County Attorney

09/17/12
 Date



October 24, 2025

Ogden Valley Township Planning Commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401

Re: Commitment to provide culinary water and sanitary sewer services for the Prado at Powder Mountain neighborhood

CAPACITY ASSESSMENT LETTER

This capacity assessment letter is issued by the Powder Mountain Water and Sewer Improvement District (the "District"), in connection to a certain real estate project proposed to be developed by Powder Haven

The District confirms that it has adequate capacity to provide water and sewer services to serve thirty eight (38) Equivalent Residential Units ("ERUs") in connection with the Prado at Powder Mountain plat, requested by Powder Haven.

Building permits shall not be issued without final approval by the district. Final approval is subject to meeting all applicable requirements of the district and payment of all applicable fees.

The district's commitment set forth in this letter is effective as of the date of this letter.

**POWDER MOUNTAIN WATER AND
SEWER IMPROVEMENT DISTRICT**

By:  _____

Robert Bingham-Chairman

DRAFT - Subject: Powder Mountain Emergency Evacuation Plan

As Powder Mountain continues to build-out the DRR-1 master plan, ensuring the safety of all individuals on the mountain during an evacuation situation is essential. The attached emergency evacuation plan outlines clear routes for ingress and egress and assembly points (for refuge). This plan will be regularly reviewed and updated as new conditions develop.

This emergency evacuation plan will be distributed to our operations teams, property owners, and the HOA. Operations and HOA teams will have access to the map online and post hard copy versions in highly visible exit/entry employee locations.

The resort monitors winter weather alerts and forecasts to be prepared for severe storms. The Resort team can initiate appropriate emergency responses and provide guests with clear directions during an emergency. In the event of an impending significant weather event, the resort can communicate with guests and property owners to provide information, guidance, and recommended safety measures. Clear and timely communication will ensure that everyone is well-informed and prepared. Depending on the nature of the significant weather or other emergency event, the resort may implement shelter-in-place protocols or evacuate guests to designated safe areas. Our resort-wide comprehensive plans ensure that all on mountain individuals are moved to secure locations if necessary.

EMERGENCY EVACUATION MAP

LEGEND:

- SAFE ZONE
- SKI LIFTS
- EMERGENCY ROAD ACCESS
- PRIMARY ROAD

SUNDOWN

TIMBERLINE

HIDDEN LAKE

VILLAGE

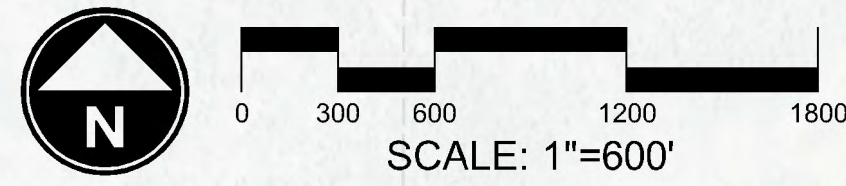
IN CASE OF FIRE/EMERGENCY CALL : 911

FOR EVACUATION:
DEPART IMMEDIATELY AS DIRECTED TO EDEN VIA MAIN ROADS. YOU WILL BE INFORMED IF AN EMERGENCY ROAD ACCESS ROUTE NEEDS TO BE UTILIZED. IF EXIT ROAD IS NOT AN OPTION, PROCEED TO YOUR DESIGNATED SAFE ZONE (NOTE: A **SAFE ZONE IS NOT AN EXIT**, IT IS AN AREA TO MEET UNTIL ASSISTANCE ARRIVES AND IS USED ONLY WHEN EXIT ROADS ARE NOT AN OPTION).

NO SMOKING WITHIN POWDER MOUNTAIN REGION EXCEPT IN DESIGNATED SMOKING AREAS.

EMERGENCY PHONE NUMBERS:

MEDICAL EMERGENCY	911
FIRE EMERGENCY	911
LAW ENFORCEMENT EMERGENCY	911
WEBER COUNTY SHERIFF	801-778-6602
WEBER FIRE DISTRICT	801-395-8221
INTERMOUNTAIN HEALTH MCKAY-DEE HOSPITAL	801-387-2800
POWDER MOUNTAIN EMERGENCY DISPATCH	801-745-3772 EXT. 3
UTAH AVALANCHE INFORMATION	888-999-4019 EXT.1



MAP DATE:AUGUST 8, 2024



Enclave At Powder Mountain (1 - single family residential lot)



Staff Report for Administrative Approval

Weber County Planning Division

Synopsis

Application Information

Application Request:	Request for approval of a wastewater treatment facility building, located at 3651 Nordic Valley Road, Eden, Utah, 84310.
Type of Decision:	Administrative
Applicant:	Nordic Village
Authorized Agent:	Eric Langvardt
File Number:	DR 2025-16

Property Information

Approximate Address:	3651 Nordic Valley Road, Eden, Utah, 84310
Project Area:	Approximately 3 acres
Zoning:	Form-Based (FB) Zone
Existing Land Use:	Vacant
Proposed Land Use:	Wastewater Treatment Facility
Parcel ID:	22-023-0087, 22-023-0059
Township, Range, Section:	Township 7 North, Range 1 East, Section 29 SE

Adjacent Land Use

North:	Vacant/Nordic Valley Rd	South:	Future Residential
East:	Open Space	West:	Ski Resort

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us 801-399-8794
Report Reviewer:	FL

Applicable Ordinances

- Title 101, Chapter 1 (General Provisions) Section 7 (Definitions)
- Title 108, Chapter 1 (Design Review)
- Title 104, Chapter 22 (Form-Based Zone)

Summary and Background

Nordic Village has submitted plans for a site to house a membrane bioreactor (MBR) wastewater treatment system, and associated infrastructure. This is necessary infrastructure for any additional development to occur in this area.

Analysis

General Plan: Weber County will continue to follow the vision of the Ogden Valley General Plan, requiring new development to pay its proportionate share of the cost of expansion of utility infrastructure, allowing residential development opportunities that include approval and installation of public infrastructure (Chapter 7, pg. 49, Ogden Valley General Plan).

Zoning: The subject property is located within the Form-Based (FB) Zone.

"The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design."

The Nordic Area Street Regulating Plan and the submitted site plan are below, so as to see where the site lies relative to the street types nearby.



Development Standards: Lot development standards depend upon which of the street types are adjacent to this project area. Applicant has not supplied detailed plans on how this site will be accessed. This will be required prior to written approval of this application.

This proposal **does not meet** the site development standards stated in §104-22-5 (Form-Based Zone). This report will show where this application is lacking information or out of compliance.

Design Review: The proposed wastewater treatment facility is a permitted use within the Form-Based (FB) Zone. The applicant is proposing structures with pitched roofs, water tanks, and associated infrastructure, internal signage, landscaping and screening, as well as parking and access.

Considerations relating to traffic safety and traffic congestion:

Access to this site is unclear based upon the information and site plans submitted with this application. Parking requirements are not specified in the Weber County Land Use Ordinance for a wastewater treatment facility. Applicant is offering six parking spaces. Parking shall adhere to dimensions outlined in ordinance.

Considerations relating to outdoor advertising. No exterior signage is proposed at this time. Any future signage plans shall be approved by Weber County Planning prior to installation.

Considerations relating to landscaping. The applicant shall provide a screening plan shown along areas adjacent to existing and future residential areas. Applicant shall also provide the location, type, and size of any existing trees over four-inch caliper to be removed. Applicant has proposed four different types of trees and a ground cover in the form of a revegetation seed mix. Applicant has proposed approximately 102,567 square feet of ground cover on site.

Considerations relating to buildings and site layout. The Proposed structures need to be designed to the standard of either Modern Alpine style or Mountain Modern architecture. Applicant needs to show compliance with this, as well as the maximum building or use footprint of 10,000 square feet. **Submitted plans do not show compliance to these standards.** Max

building height is 40 feet except 35 feet and no more than two stories for any part of a building within 30 feet of a public right-of-way. **Applicant has not submitted this information to Planning staff.** This shall be required prior to written approval of this application.

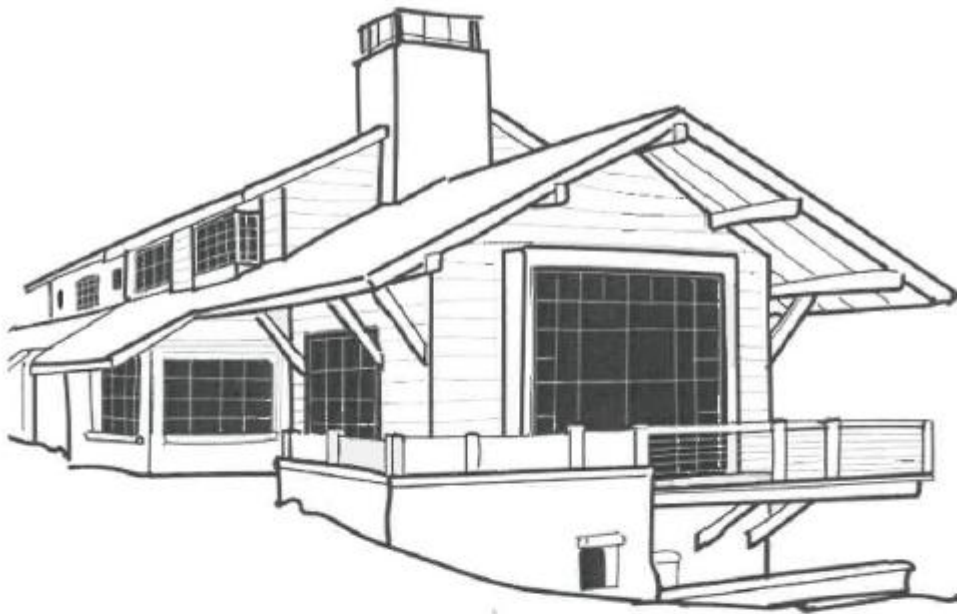
(b) **Building or use area.** No single building or use shall occupy a footprint of more than the following.

STREET TYPES	MAXIMUM BUILDING OR USE FOOTPRINT	
	OGDEN VALLEY PLANNING AREA	WESTERN WEBER PLANNING AREA
Government and Institutional (G/I)	30,000 square feet ¹	No maximum
Vehicle-Oriented Commercial (VOC)		

Mixed-Use Commercial (MUC)	10,000 square feet
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	No maximum
Medium Lot Residential (MLR)	
Medium-Large Lot Residential (MLLR)	
Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential (ELR)	
Open Space (OS)	

¹Government buildings and schools are exempt from building area maximum.

Examples of Modern Alpine and Mountain Modern architecture are shown on the following pages:









Mountain Modern:







Public Safety and Health: The applicant will need approval from Weber Fire District and Weber County Engineering prior to submitting for building permits on this site.

Staff Recommendations

If approved, Planning staff recommends a heavily conditioned approval as shown below. This recommendation is for DR 2025-16, a design review application for a wastewater treatment facility for the Nordic Village area. This recommendation for approval is subject to all review agency requirements and the following conditions (written approval shall not be issued until compliance is shown by the applicant):

1. Weber County Engineering and Weber Fire District shall issue approval prior to written approval of this application.
2. Any exterior signage shall be approved by Planning prior to installation.
3. Any exterior lighting shall be dark sky compliant.
4. A thorough screening plan to the east shall be submitted to Planning for review prior to issuing a written Notice of Decision.
5. A detailed site plan showing how this site will be accessed, as well as a site plan showing appropriate setback compliance based upon the proximity to the nearest roadways.
6. Architectural standards that apply to this proposal in the form-based zone for this area are Modern Alpine or Mountain Modern. Applicant shall show compliance with these standards, prior to written approval of this application.
7. Compliance with maximum building height, as stated in this staff report, shall be submitted to Planning prior to written approval of this application.
8. Compliance with maximum **building or use footprint** of 10,000 square feet shall be shown by the applicant prior to written approval of this application.

This recommendation is based on the following findings:

1. The existing use conforms to the Ogden Valley General Plan.
2. The existing use will not cause harm to the natural surroundings, if all of staff recommendations are followed.
3. The existing use, if staff conditions are imposed, will comply with applicable County ordinances.
4. The existing use, if staff conditions are imposed, will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Narrative/Site Plans
- C. Nordic Village Street Regulating Plan

Area Map



Exhibit A - Application

Schellenberg-Nathan -Design Reviews

[+ Add Follower](#)[✎ Change Status](#)[✎ Change Review Due Date](#)[✎ Edit Project](#)

Address: 3651 Nordic Valley Road, Eden, UT, 84310
Maps: [Google Maps](#)
Project Type: Design Reviews
Sub Type: Design Reviews
Created By: [Eric Langvardt](#)
Created On: 10/8/2025

Project Status: Submitted
Status Date: 11/6/2025
File Number: DR 2025-16
Project Manager: [Tammy Aydelotte](#)

[Application](#)[Documents](#) 8[Comments](#) 1[Reviews](#) 0[Followers](#) 12[History](#)[Reminder](#) 0[Payments](#) 1[Internal](#) 0

Application

[+ Add Building](#)[+ Add Parcel](#)[✎ Edit Application](#)[+ Add a Contractor](#)[Print](#)[Building Permit](#)

Project Description Construction of a form based code, allowed use, wastewater treatment facility (MBR Building) to provide sewer treatment for the Nordic Village Project

Property Address 3651 Nordic Valley Road
Eden, UT, 84310

Property Owner Nathan Schellenberg
801-870-0204
nschellenberg@clydecapitalgroup.com

Representative eric langvardt
801-505-8090
eric@langvardtdesigngroup.com

Accessory Dwelling Unit	False
Current Zoning	FB
Subdivision Name	Nordic
Number of new lots being created	0
Lot Number	
Lot Size	
Frontage	
Culinary Water Authority	Not Applicable
Secondary Water Provider	Not Applicable
Sanitary Sewer Authority	Not Applicable
Nearest Hydrant Address	3737 E. Nordic Valley Road - south side of street
Signed By	Representative, eric langvardt

This project will consist of two different buildings. The first building is intended to house a Membrane Bioreactor (MBR) wastewater treatment system. The MBR building will have a several different wastewater unit processes and they are generally as follows:

- Influent Pump Station – the wastewater from the development will enter this lift station and it will pump the water through the treatment process. The lift station will also be the drain point for floor drains within the building and where the wastewater from the restrooms is directed.
- Dewatering Headworks – This is the area that will contain the screens to remove larger solids from the waste stream. In addition, the equipment to dewater the sludge will also be held in this room.
- The main part of the building will contain process tanks where the water is treated and filtered through membranes. This will also contain rooms for cleaning chemicals, blowers, and electrical gear.
- Office- there is a small office for the operator to utilize for doing the necessary paperwork at the facility.

There are two storage tanks that will be utilized as part of the project. The first is for equalization. This tank will hold the flow from the MBR process to allow the RO treatment system to operate at a more consistent flow rate without the diurnal swings in flow. The second tank is a reject tank. This will take the RO concentrate and store it. This water will need to be hauled off and disposed of. This tank gives enough storage to allow the hauling to skip a few days.

PLANT SCHEDULE

<u>SYMBOL</u>	<u>CODE</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>	<u>QTY</u>
---------------	-------------	--------------------------------	-------------	------------

TREES



Pc3

Picea pungens
Colorado Spruce

10' Ht.

14



Pc4

Picea pungens
Colorado Spruce

12' Ht.

12

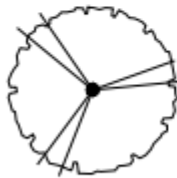


Pc

Picea pungens
Colorado Spruce

8' Ht.

12



Pa

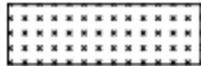
Populus x acuminata
Lanceleaf Cottonwood

2" Cal.

15

<u>SYMBOL</u>	<u>CODE</u>	<u>BOTANICAL / COMMON NAME</u>	<u>SIZE</u>	<u>SPACING</u>	<u>QTY</u>
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GROUND COVERS



R4

Revegetation Seed Mix
See Landscape Notes

102,567 sf

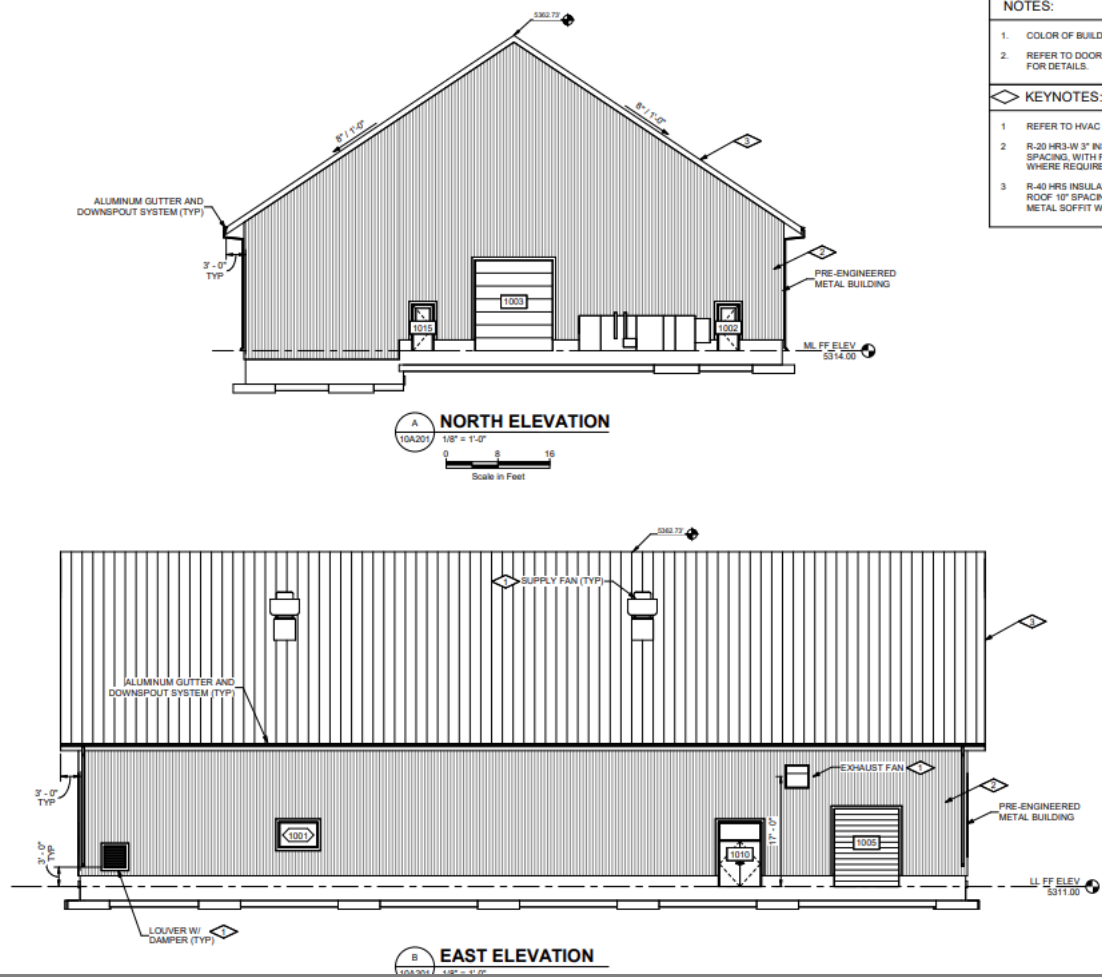
GENERAL LANDSCAPE NOTES

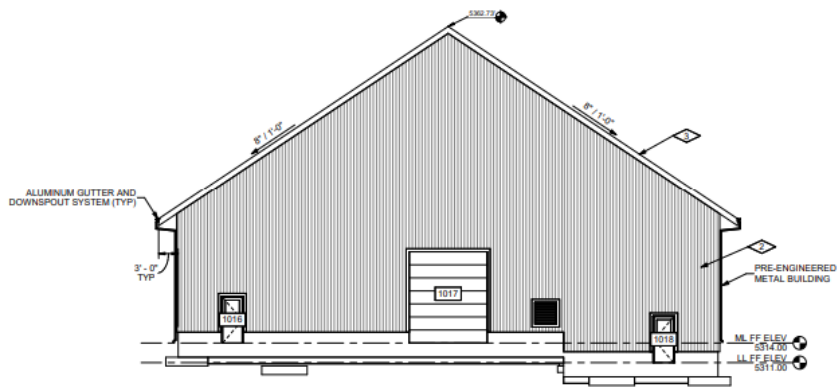
1. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING AND PROPOSED UTILITIES, AND ALL SITE CONDITIONS PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL COORDINATE HIS WORK WITH THE PROJECT MANAGER AND ALL OTHER CONTRACTORS WORKING ON THE SITE.
2. THE FINISH GRADE OF ALL PLANTING AREAS SHALL BE SMOOTH, EVEN AND CONSISTENT, FREE OF ANY HUMPS, DEPRESSIONS OR OTHER GRADING IRREGULARITIES. THE FINISH GRADE OF ALL LANDSCAPE AREAS SHALL BE GRADED CONSISTENTLY 3/4" BELOW THE TOP OF ALL SURROUNDING WALKS, CURBS, ETC.
3. THE CONTRACTOR SHALL STAKE THE LOCATION OF ALL PLANTS FOR APPROVAL PRIOR TO PLANTING. TREES SHALL BE LOCATED EQUIDISTANT FROM ALL SURROUNDING PLANT MATERIAL. SHRUBS AND GROUND COVERS SHALL BE TRIANGULAR AND EQUALLY SPACED.
4. THE PLANT MATERIALS LIST IS PROVIDED AS AN INDICATION OF THE SPECIFIC REQUIREMENTS OF THE PLANTS SPECIFIED, WHEREVER IN CONFLICT WITH THE PLANTING PLAN, THE PLANTING PLAN SHALL GOVERN.
5. THE CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR AND EQUIPMENT REQUIRED FOR THE PROPER COMPLETION OF ALL LANDSCAPE WORK AS SPECIFIED AND SHOWN ON THE DRAWINGS.
6. ALL PLANT MATERIALS SHALL BE APPROVED PRIOR TO PLANTING. THE OWNER/LANDSCAPE ARCHITECT HAS THE RIGHT TO REJECT ANY AND ALL PLANT MATERIAL NOT CONFORMING TO THE SPECIFICATIONS. THE OWNER/LANDSCAPE ARCHITECTS DECISION WILL BE FINAL.
7. THE CONTRACTOR SHALL KEEP THE PREMISES, STORAGE AREAS AND PAVING AREAS NEAT AND ORDERLY AT ALL TIMES. REMOVE TRASH, SWEEP, CLEAN, HOSE, ETC. DAILY.
8. THE CONTRACTOR SHALL PLANT ALL PLANTS PER THE PLANTING DETAILS, STAKE/GUY AS SHOWN. TOP OF ROOT BALLS SHALL BE PLANTED FLUSH WITH FINISH GRADE.
9. THE CONTRACTOR SHALL NOT IMPEDE DRAINAGE IN ANY WAY. THE CONTRACTOR SHALL ALWAYS MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING, WALLS, ETC.
10. THE CONTRACTOR SHALL MAINTAIN ALL WORK UNTIL ALL WORK IS COMPLETE AND ACCEPTED BY THE OWNER. UPON COMPLETION OF LANDSCAPE WORK AN INSPECTION FOR ACCEPTANCE OF THE WORK SHALL BE HELD. THE CONTRACTOR SHALL NOTIFY THE OWNER/LANDSCAPE ARCHITECT FOR SCHEDULING OF INSPECTION AT LEAST SEVEN (7) DAYS IN ADVANCE.
11. THE CONTRACTOR SHALL MAINTAIN AND GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE OWNER. REPLACEMENT PLANTS SHALL BE GUARANTEED FOR AN ADDITIONAL 90 DAYS. MAINTENANCE SHALL INCLUDE MOWING, WEEDING, FERTILIZING, CLEANING, INSECTICIDES, HERBICIDES, ETC.
12. ALL DISTURBED AREAS ARE TO BE SEEDED WITH STANDARD SEED MIXTURE.
13. ALL PLANT MATERIAL OUTSIDE OF L.O.D. MUST BE INSTALLED CAREFULLY TO MINIMIZE FURTHER NATIVE LANDSCAPE DISTURBANCE

STANDARD SEED MIX

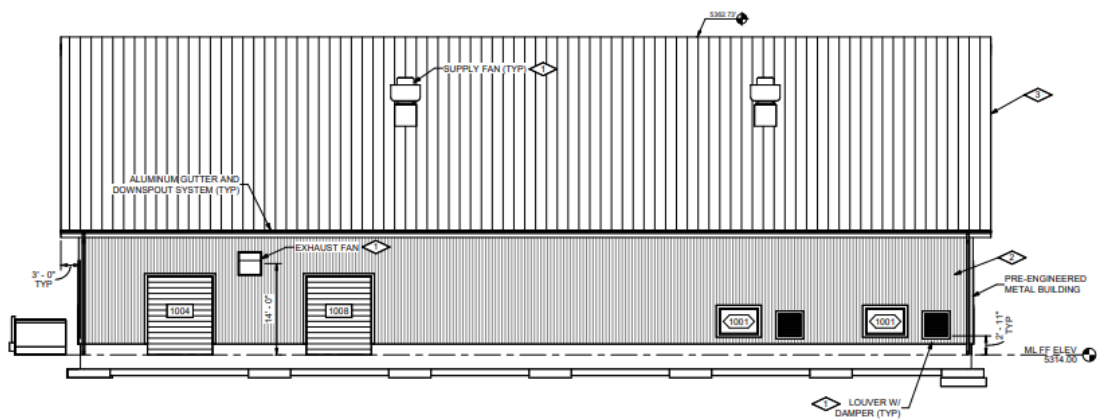
<u>SPECIES</u>	<u>PLANTING RATE (PLS#'/S/ACRE)</u>
LOLIUM PERENNE	PERENNIAL RYEGRASS 8.75
ELYMUS TRACHYCAULUS	SLENDER WHEATGRASS 7.00
PSEUDOROEGNERIA SPICATA V. SECAR	BLUEBUNCH WHEATGRASS 5.25
PASCOPYRUM SMITHII	WESTERN WHEATGRASS 5.25
FESTUCA OVINA	SHEEP FESCUE 3.50
LINUM LEWISII	BLUE FLAX 1.00
A. TRIDENTATA SP. WYOMINGENSIS	SAGEBRUSH 1.25
TOTAL	32.00

Exhibit C – Building Elevations & Floor Plans





C SOUTH ELEVATION
10A201 1/8" = 1'-0"
0 8 16
Scale in Feet



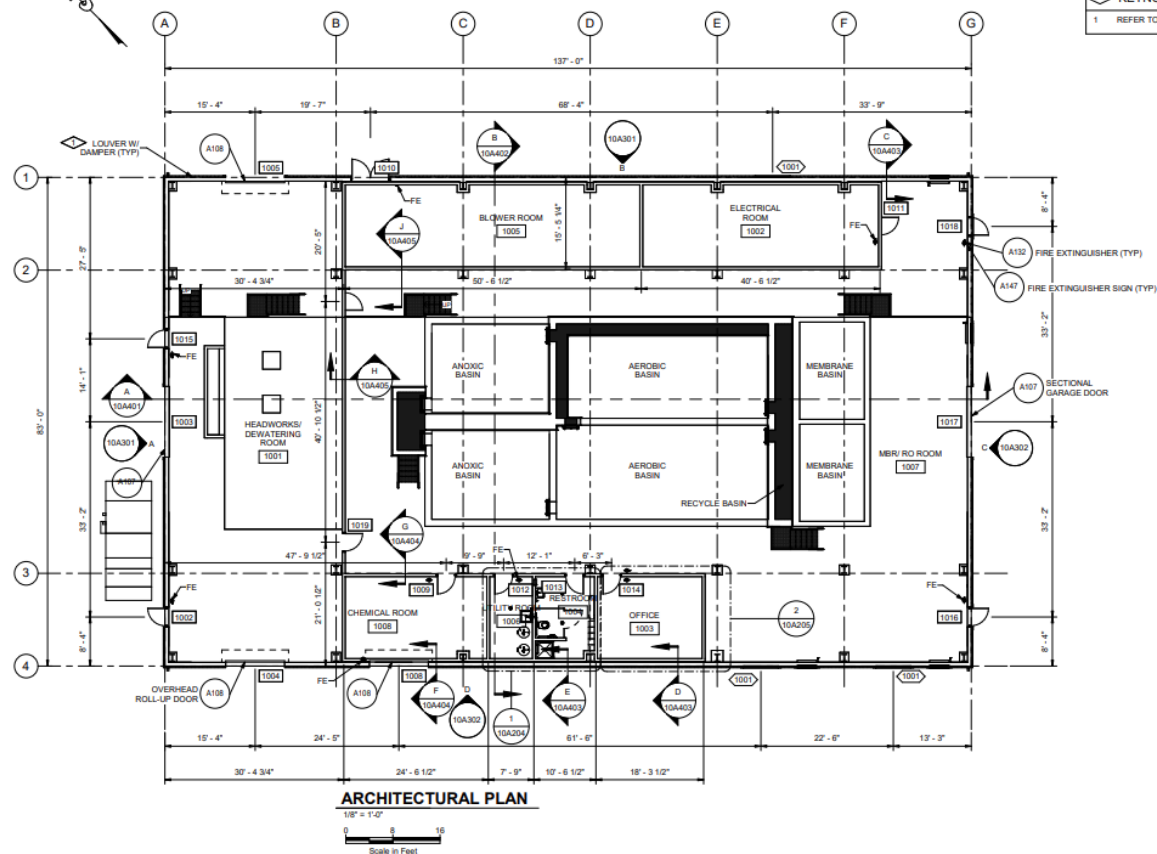
D WEST ELEVATION
10A201 1/8" = 1'-0"
0 8 16
Scale in Feet

NOTES:

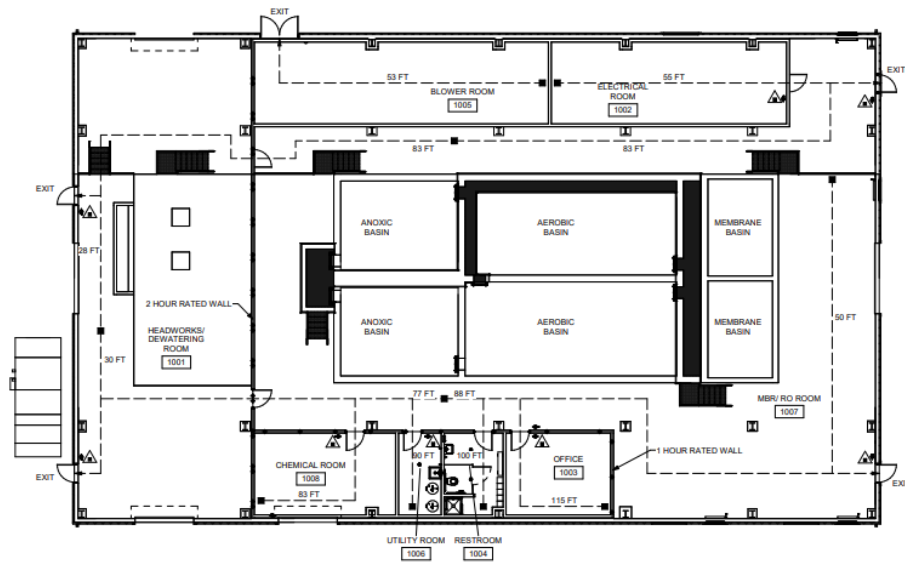
1. COLOR OF BUILDING SELECTED BY OWNER.
2. REFER TO DOOR AND WINDOW SCHEDULE FOR DETAILS.

KEYNOTES:

1. REFER TO HVAC PLAN FOR SIZE.
2. R-30 HR3-W 3" INSULATED WALL PANELS 20" SPACING, WITH PRE-FINISHED METAL SOFFIT WHERE REQUIRED.
3. R-40 HR5 INSULATED STANDING SEAM METAL ROOF 10" SPACING WITH PRE-FINISHED METAL SOFFIT WHERE REQUIRED.

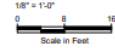


- NOTES:
1. REFER TO DOOR AND WINDOW SCHEDULE FOR DETAILS.
 2. REFER TO FINISH SCHEDULE FOR WALL FINISH INFORMATION.
 3. COLOR OF BUILDING SELECTED BY OWNER.
- KEYNOTES:
- 1 REFER TO HVAC PLAN FOR SIZE AND LOCATION.



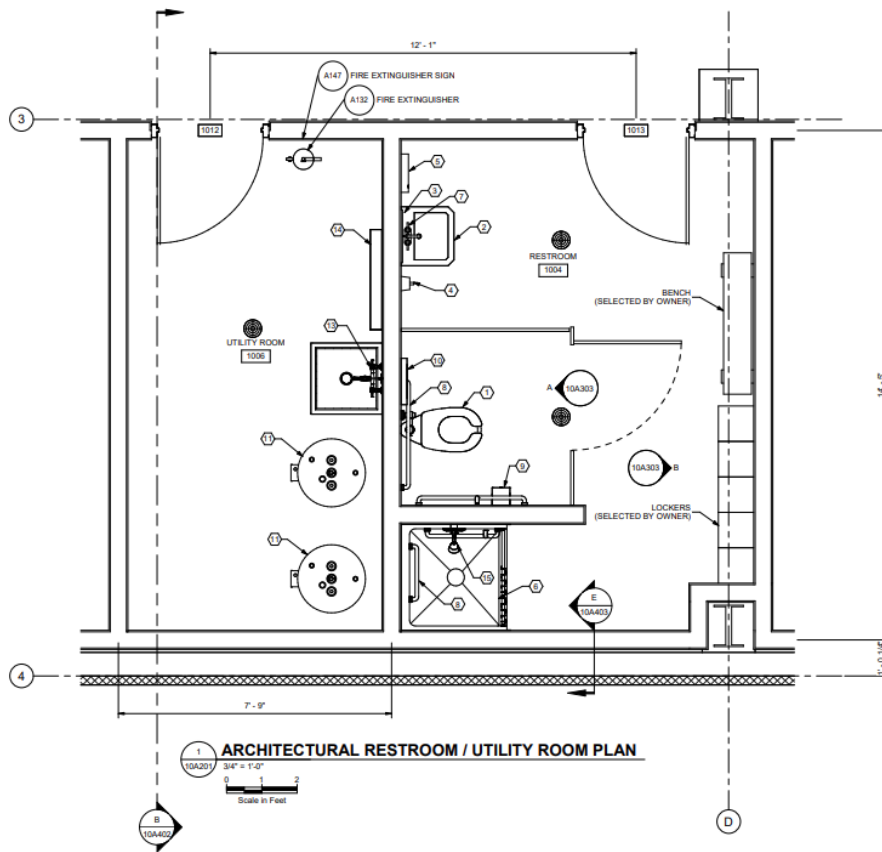
- THE DISTANCE IN FEET TO EXIT FROM SQUARE DOT TO ARROW
- OC OCCUPANCY
- SF SQUARE FEET
- OLF OCCUPANT LOAD FACTOR
- OL OCCUPANT LOAD
- SPR SPRINKLER
- NA NOT APPLICABLE
- EXIT EXIT SIGN LOCATION
- INDICATES 1 HOUR FIRE RATING
- INDICATES 2 HOUR FIRE RATING
- INDICATES 3 HOUR FIRE RATING
- INDICATES 4 HOUR FIRE RATING
- ▲ FIRE EXTINGUISHER, MULTI-PURPOSE DRY CHEMICAL WITH RECESSED CABINET WALL MOUNTED, 10M FOR 75'-0" MAX TRAVEL DISTANCE
- ▲ FIRE EXTINGUISHER, CARBON DIOXIDE WALL MOUNTED FOR CLASS C FIRES (NO DRY CHEM) (11M FOR 75'-0" MAX TRAVEL DISTANCE)
- NON-OCCUPIED AREA

ARCHITECTURAL EGRESS PLAN



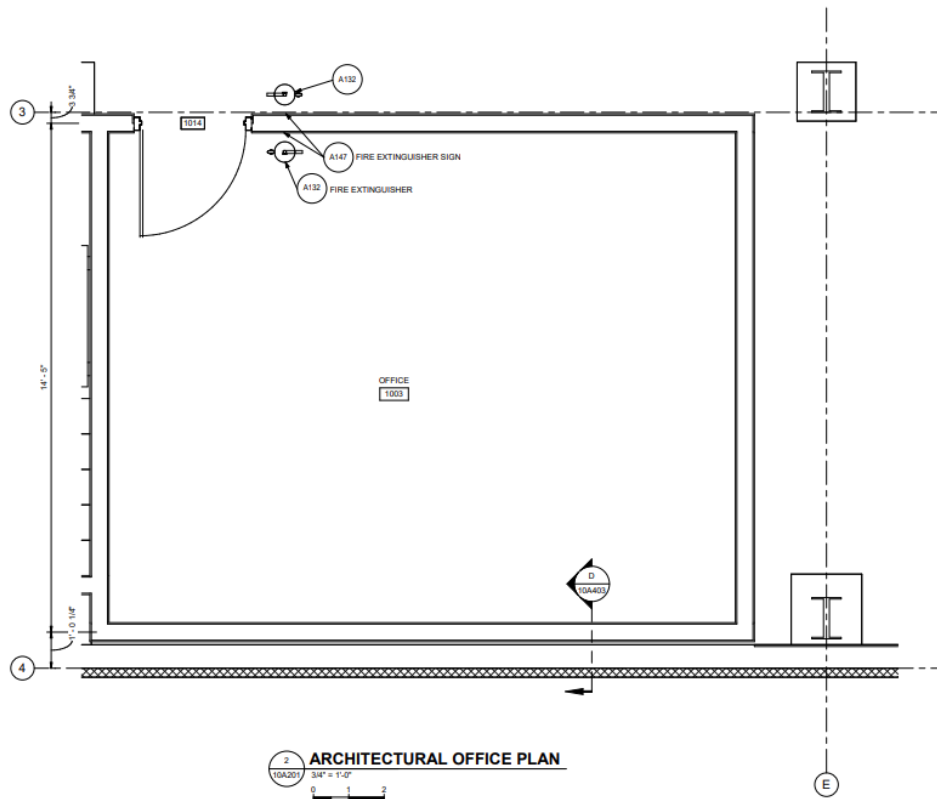


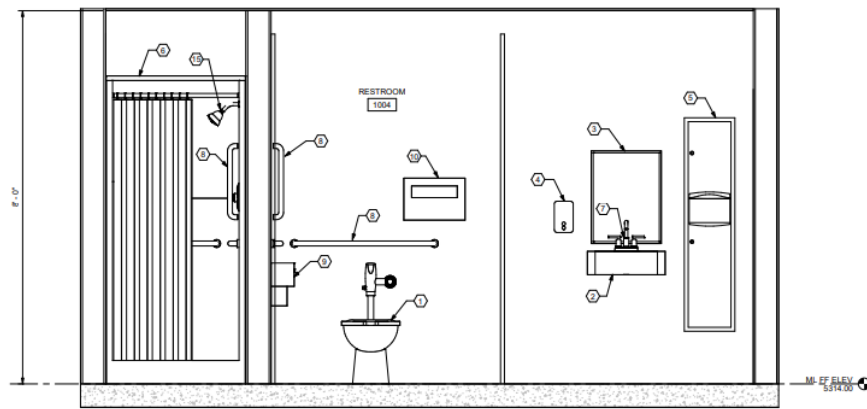
1. SEE FINISH SCHEDULE FOR WALL FINISH INFORMATION.
2. SEE PLUMBING FIXTURE SCHEDULE FOR FIXTURE DETAILS.



NOTES:

1. SEE FINISH SCHEDULE FOR WALL FINISH INFORMATION.

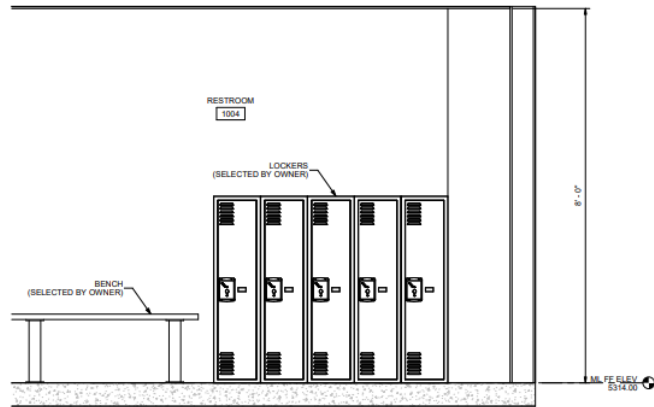




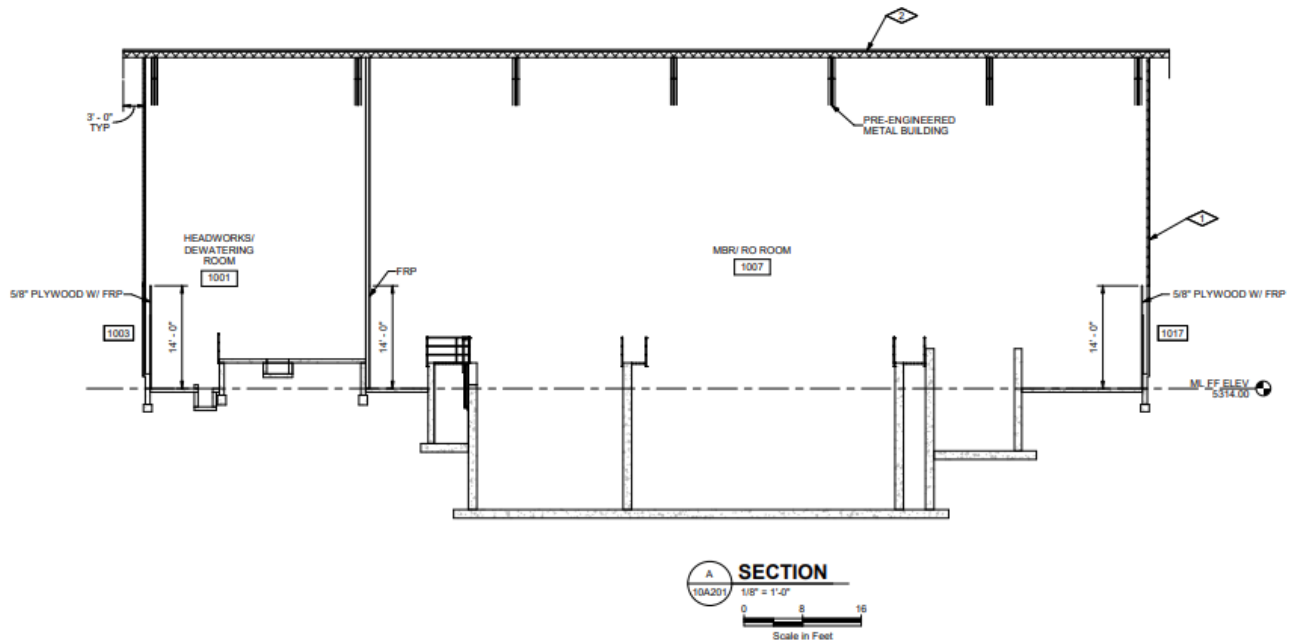
NOTES:

1. SEE FINISH SCHEDULE FOR WALL FINISH INFORMATION.
2. SEE PLUMBING FIXTURE SCHEDULE FOR FIXTURE DETAILS.

ELEVATION
A
10A204
1" = 1'-0"
Scale in Feet



ELEVATION
B
10A204
1" = 1'-0"
Scale in Feet

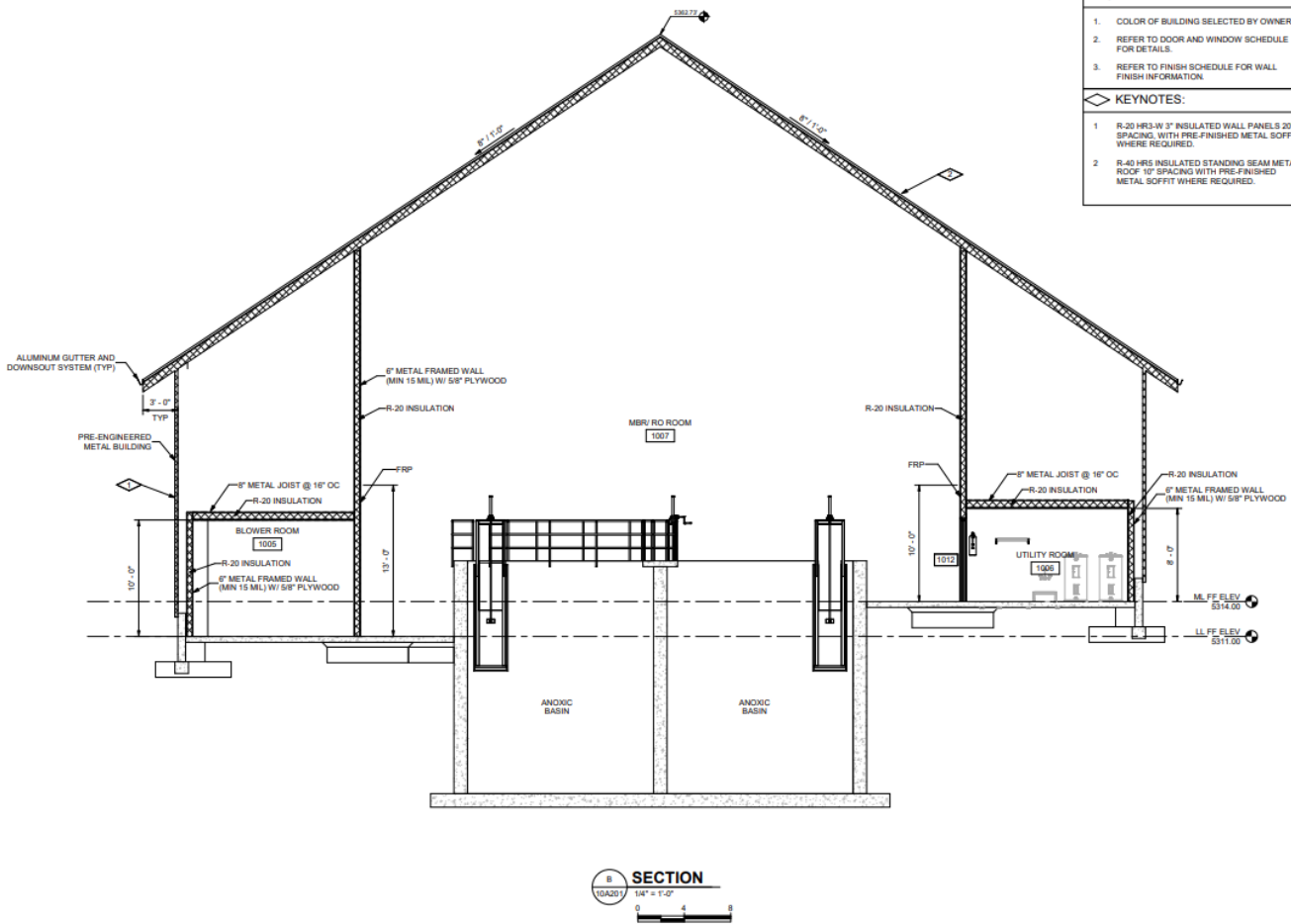


NOTES:

1. COLOR OF BUILDING SELECTED BY OWNER.
2. REFER TO DOOR AND WINDOW SCHEDULE FOR DETAILS.
3. REFER TO FINISH SCHEDULE FOR WALL FINISH INFORMATION.

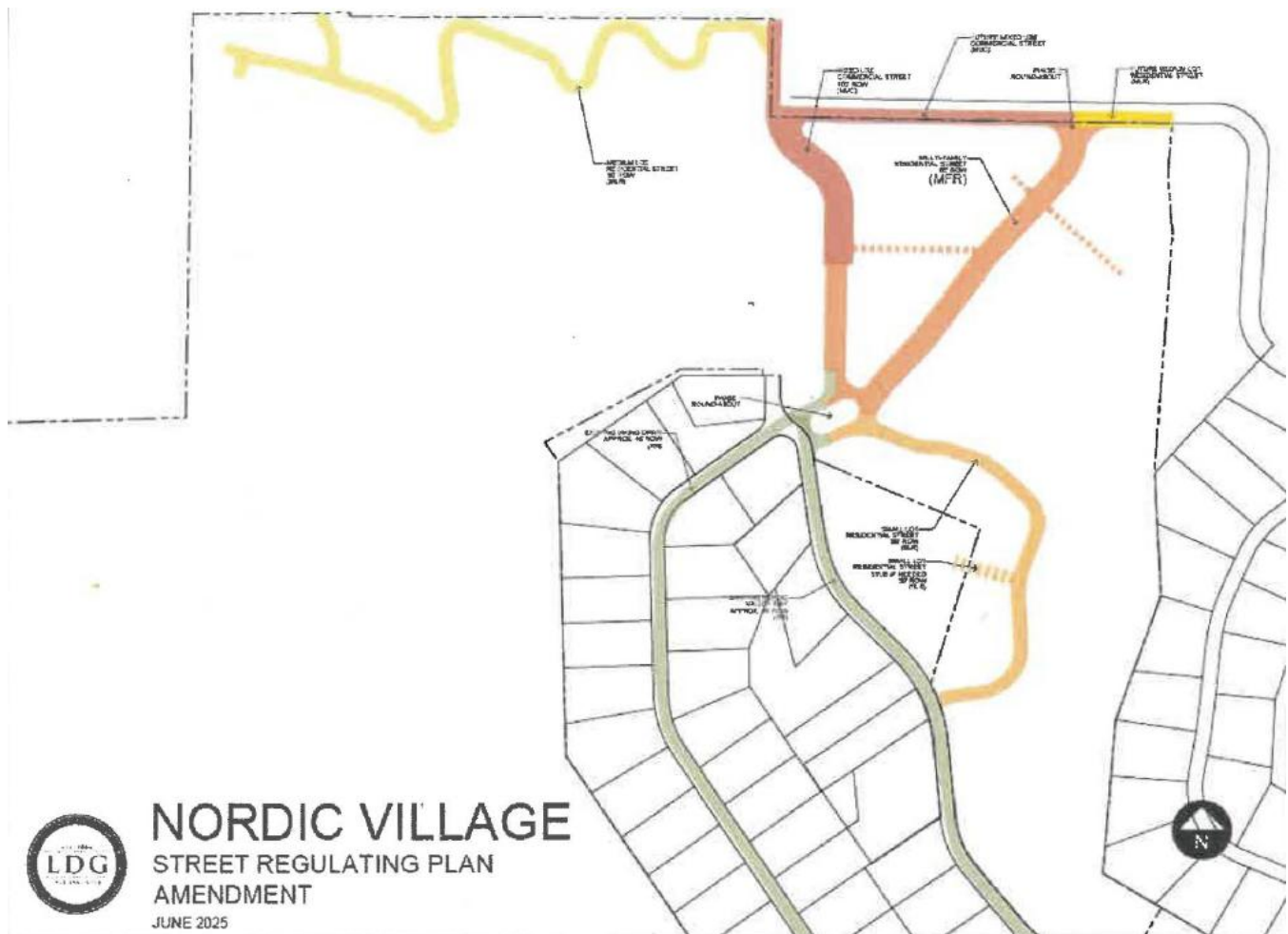
KEYNOTES:

1. R-20 HD-3-W 3" INSULATED WALL PANELS 20" SPACING WITH PRE-FINISHED METAL SOFFIT WHERE REQUIRED.
2. R-40 HRS INSULATED STANDING SEAM METAL ROOF 10" SPACING WITH PRE-FINISHED METAL SOFFIT WHERE REQUIRED.



Full set of engineered plans on file with Weber County.

Exhibit C – Nordic Village Street Regulating Plan



2026

JANUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

MARCH

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

CALENDAR KEY :

	Weber County Planning Commission
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS

APRIL

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JUNE

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				



2026

JULY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

CALENDAR KEY:

[illegible]

OCTOBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

