

**MINUTES**  
**WEBER COUNTY COMMISSION PUBLIC HEARING**

Tuesday, December 5<sup>th</sup>, 2023 – 5:00 p.m.

Via Zoom meeting + at Weber Center, 2380 Washington Blvd., Ogden, UT

In accordance with the requirements of Utah Code Section 52-4-203, the County Clerk records in the minutes the names of all persons who speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The county does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

**WEBER COUNTY COMMISSIONERS:** Gage Froerer, James "Jim" H. Harvey, and Sharon Bolos  
**STAFF PRESENT:** Ricky Hatch, County Clerk/Auditor; Chris Crockett, Deputy County Attorney; and Craig D. Brandt, of the County Clerk/Auditor's office, who took minutes.

- A. WELCOME:** Chair Froerer
- B. PLEDGE OF ALLEGIANCE:** Commissioner Bolos
- C. PUBLIC HEARINGS:**

- 1. Request for a motion to adjourn public meeting and convene public hearings.

Chris Crockett (Chief Civil Deputy): When we have large groups coming out on matters that are important to the public, we find it helps with the administration and efficiency of the meeting to go over some of the Rules of Order from our County Commission policies and our expressive activity restrictions policies. I'll read first from our expressive activity restrictions policy:

The purpose of the policy is to promote and Foster freedom of expression in the public space by balancing the First Amendment right to freedom of speech and assembly with the County's right and responsibility to provide services to the public and to maintain a level of decorum that is appropriate for public spaces. Expressive activities means peacefully assembling, protesting, debating or speaking, distributing literature, carrying a sign, signature gathering, or circulating a petition.

Usually when talking about expressive activity in public forums we most often talk about two in particular. One is general public forums, such as on your sidewalks and on your roads where there's little restriction of expressive activity. The one that's actually going to be applicable tonight is referred to as a limited public forum. That is an area that has not traditionally been open for the free exercise of expressive activity but is made available by the county for expressive activity, subject to the restrictions contained in this policy including the Commission Chambers. Those restrictions which have been recognized throughout the country and the United States Supreme Court are time, place, and manner restrictions. They're constitutional in that the those time, place, and manner restrictions don't go to the subject matter or the viewpoint that is protected by the First Amendment, but are content neutral such as limiting the number of speakers or limiting time limits so that the meeting can run orderly and efficiently.

Next I'll turn to the Rules of Order that the commission is governed by and I'll read a couple of sections. First, one from public hearings:

While the public hearing is open, the commission may ask questions of the speakers but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the chair shall close the public hearing. The commission may then deliberate or take action on the matter at hand upon the closing of the public hearing.

Now, rules regarding citizen participation and comments. We've passed around signup sheets which I have right here for those who have indicated that they wish to speak and provide comment tonight.

The chair shall recognize each person requesting to speak. In turn, a person may not speak unless recognized by the chair. Upon being recognized by the chair, each person shall have a time limit of 3 minutes and shall be given notice that one minute is remaining. The time limit shall govern all public hearings, citizen comments on the agenda items, and citizen comments on non-agenda items. Comments shall be addressed to the commission. Speakers shall use good manners and refrain from personal attacks, boisterous language, or profanity. The chair is charged with the responsibility of preserving order and decorum and if necessary shall cause to

be silenced or removed from the Commission Chambers any person speaking out of order or disrupting the order of the meeting.

I don't expect that to happen tonight it but I have seen it happen. Usually that's followed with the chair giving a warning, ask the individual to give them direction whether it's if they're speaking out of turn or they're causing a disruption or a delay to the meeting. But if they continue to violate and disregard the chair's directions they may be asked to be removed from the meeting.

Chair Froerer: Our intent is to follow the procedures as outlined. We have 10 people speaking 'for' and 10 people 'against' with possibly up to five alternates, if time allows. One thing I would want to make clear is that we'd ask people not to repeat themselves. We want to make sure that if you signed up to speak in 'favor' or 'for' that your comments are 'for' or you'll be called out of order. We want to make sure those list that we put out are recognized as what we want to hear from the public. It's our duty and our obligation tonight to hear from both sides. As my grandfather once told me, no matter how thin you slice an issue there's always two sides. It's our duty and job tonight to listen to both sides. Keep in mind this is not the first opportunity we've had as a Commission to look at this issue. Just because you may not have the opportunity to speak tonight your prior communications have all been noted and have been taken into consideration. I would say to make sure again this will be a legislative format; no public outbursts, applause, or yelling will be allowed or you'll be asked to leave. We're here to hear from both sides. We want to make sure this is a civil hearing. I expect everybody to be civil to their neighbor and to respect different opinions. As our governor says, let's disagree nicer. Or as I've often been told, it's okay to disagree but not to be disagreeable. I would hope that you keep that in mind. We're all neighbors and friends here today. It's not good form to make personal attacks or to make your neighbor know that they may be in a harm's way or harassed, which is just not proper in this situation. Those speaking at the mic need to have the opportunity to be heard, no matter what that may be.

Commissioner Bolos moved to adjourn the public meeting and convene public hearings, 5:08 p.m.; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

2. Public hearing and possible action on an ordinance to amend the Street Regulating Plan for New Town Eden and Old Town Eden and proposed amendments to the architectural theme requirements and standards of the Form-Based Zone to allow a wider range of style options. File #ZTA2023-03.

Charlie Ewert (Planning): One minor change to the maps at the back of the Ordinance was made to clarify the changes being made. Otherwise, this has not changed.

Commissioner Bolos: Thank you, Charlie, for your patience in getting me up to speed. It helped me make my decision.

Chair Froerer: Just to be clear, there were several maps shown over the last number of months. Can you show the latest set of maps? What streets were eliminated?

Mr. Ewert: There used to be a multifamily and government and institutional street that rounded the bottom of the bluff here in Eden that's been pulled off. There was a street that went through what is currently the Sunnyfield Farms that had a variety of different uses including commercial multifamily and small lot residential that kind of bounded this area here that's been pulled out as well. There are also quite a few other streets that have just been changed in general and most of that is up in where the applicant is requesting the rezone. When looking at the total net length either loss or gain of specific street types, here you're losing quarter of a mile of a mile of government institutional streets. For reference, government institutional builds on top of the vehicle oriented commercial which builds on the mixed use commercial. Mixed use commercial you can get quite a bit of density in there. That means you can do the same in vehicle oriented as well as Government institutional. Overall your total net Road length loss is about 1700 ft less road on these planned Street Regulating Plans and that equates to roughly about 53 less development rights that could be transferred into this Village in the future, unless something changes or streets change in the future. So a little bit less development potential for the Eden area. We recommended a variety of different plans to the Planning Commission. There's a whole bunch

of different ways to do this and this is the one that we came to a conclusion on after working with you guys to kind of try to figure out where some of the alignment should be. This is our recommendation.

1. Public hearing and possible action on an ordinance to amend the Weber County Zoning Map, rezoning, and possible development agreement on approximately 20 acres of land at approximately 5204 East, Hwy 166, from the AV-3 Zone to the FB Zone. File #ZMA2023-09.

Charlie Ewert (Planning): The applicant would like to address the Commission.

Brent Bateman (Attorney representing the applicant): Two points. I want to amend a comment from the Planning Commission meeting when I said the growth is coming. I want to amend that comment by saying growth is here. The question is how do we manage it? I have done land use law for the last 25 years. This is my opinion that this plan to manage growth is a good one. The second point I want to make comes more from my legal background. Other applicants are going to come. My clients are trying to implement the General Plan as approved by this body (Commission). The question before you is are you going to follow your Plan or not?

Chair Froerer: Mr. Bateman, do you feel this development meets the intent of the General Plan?

Mr. Bateman: Keep in mind that we're at the first stage of a 50 step process. Once the zoning change happens, there's a lot of other things that have to happen down the road in order to actually build homes and put things there. There are a lot of ways that you can make sure that the things happen there are beautiful, that they happen well, that they're compliant with the community, and that they work okay; all of those things are going to have to happen. The developer is definitely willing and wanting to contribute to the community. So yes it meets the plan in that it comes in with a form-based zone plan to collect density and create a density center right in the area where that's supposed to be. As we go forward we'll find out more what that looks like and how that's going to work but as far as the general plan goes, yes it qualifies.

Taylor Neilsen, Asst City Engineer from Ogden City: I was able to read through the staff report and I appreciate Mr Ewert and his team and everything they have done. As we see developments, changes, population growth amongst other items, Ogden City always has an interest in areas like these because of where we get our water for the city of Ogden. We serve anywhere between 90 and 120,000 different members of the population who will come and visit with the city. As you see development come in these different areas, it becomes important to us to try and protect those areas that serve us with water. Some of those comments that I saw were an installation of the sewer system. Your staff seem to be very thorough in a lot of those comments and we appreciate the foresight and the thought going into some of that for these developments. We know that development is eventually inevitable in many different forms so we appreciate the consideration of helping us protect our system and ensure that we're able to continue to have water for a long time to come. Thank you for those considerations. We would hope with any development that comes in that you would continue to have these same considerations of sewer systems and making sure that we have the correct and proper infrastructure going forward. Thank you.

Mr. Ewert: There is a clause in the rezone Ordinance that says the rezone does not go into effect until the Development Agreement is negotiated with the County and applicant and is fully executed, meaning it is recorded. If that is not a consideration the Commission would like to see, that can be deleted and a fresh copy will be provided for signature.

## 2. Public Comments:

- Zane Froerer, 5500 E, Eden, UT (Against): I have been retained as council by several interested parties. As I understand it, there are two requests being considered today. Both are applicant requests. The outcome my clients request is the denial of both applications on the ground they are inconsistent with the General Plan and would thereby improperly be an ad hoc amendment to the General Plan, leading to the very urban sprawl the General Plan was intended to limit. This is not about stopping development; it is about managing development consistent with the General Plan and that is what my clients are asking that this commission respect the General Plan. I'm going to use my time and the time that's yielded to me to try and explain on behalf of my clients why they feel like this does not meet the General Plan. So let me talk about the street regulating plan first. The

proposed amendment to the street regulating plan is inconsistent with the General Plan. Under the current General Plan, the proposed Street Regulating Plan makes drastic changes to the County's infrastructure and public utilities. This includes proposed new roads, repurposing through up zoning or down zoning existing roads, and adding a privately financed sewer system to the network of utilities within the affected area. If you look at the maps on pages 39 and 40 of the General Plan, you'll see the roads that are outlined on the General Plan. Street Regulating Plan adds multiple roads that are not depicted on those General Plan maps and this is important as we go through this. Under the existing General Plan there are two distinct areas of designated higher density planning within the greater Eden area, New Town Eden and Oldtown Eden. If you go to page 31 of the General Plan maps, it's the map with the tiny circles showing the designated Villages. The Planning staff report on the rezone issues acknowledges that the General Plan has designated eight of these Villages which include two distinct Eden Villages. This is not an attempt to tweak or make modifications to an already existing plan. Instead it is an attempt to create a new single, contiguous Eden Village eliminating the rural transition Corridor separating these two Villages as adopted by the General Plan. That's the biggest problem with this rezone and the change eliminating the rural corridor.

- Laura Warburton, 7328 E 1450 W, Huntsville, UT (For): I served on the Planning Commission for eight years and my signature is on the current, lawful Ogden Valley General Plan. I want to play a two minute excerpt from our Governor Cox at the Fall EOC conference where he makes a plea to pave the way for development for the sake of our current families. Governor Cox: "Every Planning Commission, every Commissioner, every City Council, this should be your number one issue. What are you going to do in the next year to increase the supply of housing in your communities, period? If you don't want state government to do it, then figure out how to do it. Figure out a way to build housing quicker and cheaper, figure out how to make decisions faster..." Commissioners, in the Ogden Valley today less than 10% seek to impede our shared vision for growth. We cannot let the concerns of a few hinder the aspirations of the many. The Valley's growth enhances our quality of life and economic opportunities fostering the community's well-being. Let us reaffirm our commitment to collaboration overcoming challenges together. Our unity will propel us towards a future where the Ogden Valley stands as a beacon of resilience and prosperity for all.
- Cord Pack, 2265 N Hwy 158, Eden, UT (Against): I would like to share my deep love and incredible respect for the men and women who have gone on before. Cemeteries are filled with white crosses so that we can be here tonight. I defer my remaining time to Zane Froerer.
- Mr. Froerer (Against): Page two of the Planning Commission report you can see this is the proposed area of the rezone; this is the corridor of rural community that was contemplated by the plan. I'm going to use this from page 13 of the report because I want you to compare these two circles. This circle, on purpose or unintentional, is intentionally larger than the red circles on the General Plan. The proposed road we're talking about does not exist yet and it is not included in one of the smaller circles in the General Plan but it is now included in the proposed rezone amendment planning staff report. This is important because this appears to be exceeding the bounds of the General Plan. This request was properly rejected by the Ogden Valley Planning Commission which noted that it did not conform to the existing General Plan because the Street Regulating Plan specifically impacts the approval of infrastructure particularly roads, roundabouts, etc. This is uniquely problematic for the County. It is my opinion that the Street Regulating Plan is an attempt to amend the General Plan rather than comply with the General Plan and implement the General Plan. It is an attempt to amend the General Plan and to do that in an ad hoc way by changing zoning and by using the Street Regulating Plan to affect the change that would otherwise have to take place through the General Plan amendment process. This is important because each County may amend their General Plan but under Section 403 of CLUDMA (County Land Use, Development, and Management Act) starts with the Planning Commission. So the Planning Commission recommends a General Plan Amendment and the County Commission can then take that up; the County Commission can literally do whatever they want with that, they don't have to abide by that but the process starts with the Planning Commission. That is important because that is how the public gets invested in the process.

- Mark Swepe, 3518 Moose Hollow, Eden, UT (For): We're all neighbors in Ogden Valley. Really my intention originally is to share my thoughts with you because of the divisiveness and the negativity around this subject. I appreciate everyone has an opinion but you know we should just continue to be good neighbors. I know and I'm friends with most people here and you know I just want to share my opinion and I'm sure everyone gets to do the same. I hope that we can come to a happy resolution and maintain our friendship in the Ogden Valley. In response to the divisiveness, my wife and I want to express how we, as longtime residents and business owners, love the valley as well as the lifestyle that's found in the valley. It's a magical place that hasn't changed much over the years. However we are lacking a number of amenities such as restaurants, commerce, short-term and affordable housing, and infrastructure such as sewer. These are all key to managing and accommodating the imminent growth which will happen regardless of what a large portion of Ogden Valley thinks. We love and support careful planning, foresight, and thoughtfulness the developers of Eden Crossing have put into modeling managing and implementing the growth of commercial hubs so as to be way ahead of the game as the Valley's part and full-time population and visitor interests grow. Planning ahead for the inevitable is not only responsible but necessary to maintain the wonderful pastoral feel that we have today. And envisioning and implementing community needs such as future traffic flow, commercial corridors, residential and commercial development, as well as affordable housing and community amenities is key to maintaining the look and feel of Ogden Valley that grows in interest, population, and use. Great expense has been and continues to be incurred both financially and emotionally in the effort to build a community where the needs of the residents as well as the numerous visitors are met well into the future. Infrastructure, commerce amenities, and housing and we are in support of in the development of Eden Crossing and thoughtful well-planned growth and petition you as County Commissioners to take that into consideration.
- Shannon Francis, 4609 E Creekview Dr, Eden, UT (Against): I defer my time to Mr Froerer.
- Mr. Froerer (Against): Let me take a moment to talk about Section 406 of CLUDMA which I think is important in this case because oftentimes counties appropriately treat a General Plan as a guide. But in this case where we're talking about expanding the streets and infrastructure, it's more than a guide. Under Section 406 of CLUDMA, the county may not approve any public infrastructure that does not conform to the General Plan. Because the Street Regulating Plan diverts and is not consistent with the General Plan, I think it would be illegal for this commission to approve these applications at this time without first amending the General Plan. This doesn't speak to whether this is a good idea or not. This speaks to the process getting the public to invest and as you can see from all the people here the public is invested. They want an outcome that's fair. Let me switch over to Eden Crossing rezone. One of the big issues I think exists in this situation is the issue of whether or not this is spot zoning. Spot zoning occurs when an authority grants special privileges or imposes restrictions on a particular property that are not otherwise granted or imposed on surrounding properties in the larger area and without regard to the unified plan. It's that last part that I really want to focus on if this is inconsistent from the General Plan because we're going outside of the village, and I really believe looking at the maps we are, we're no longer in New Town and we're no longer in Old Town, we're in between. What we're doing is we're combining the two and that clearly was not the intent of the General Plan. The General Plan intended there would be two distinct Eden towns with a rural Corridor where there was a transition away from those. By doing this you are eliminating that transition and I think you are doing it through spot zoning you are granting privileges outside of these villages to a particular property and allowing them, in the words of the planning staff, to create their own urban center. This urban center is not called for in the General Plan; it's explicitly excluded in the General Plan in favor of the two existing, already designated Eden Town centers. That's part of the reason why the Planning Commission denied this rezone. I would advise and encourage the commission to follow the planning commission's denial and follow their recommendations based upon the factors that they laid out. Finally pressing ahead with these applications has serious legal implications which I have attempted to summarize in this short presentation. What I'd like to see is instead of changing the General Plan through ad hoc amendments the commission works with the community and get this done right. Thank you.

- Dr. Robert Wadman, 4019 E Bluebell, Eden, UT (For): My family and I have lived the Nordic Valley area for 26 years. Prior to over the past decade I have had the responsibility of assisting countries that were formerly under the Soviet Union in their transition from communism to democracy. Seeing these fresh democracies expand has been a unique experience and as we look at our situation today we've seen the exercise of the First Amendment. The number of people that have put up signs, the number of people that have had a chance to speak, and so on in the course of that, I think as we look at the Constitution we often miss some of the points that are kind of buried. First of all, in the Fifth Amendment to the Constitution the last paragraph points out that property cannot be taken without just compensation. When you say property is taken, the Supreme Court has ruled that taking the economic development and potential financial benefit for the owner of the property is in fact covered by the Fifth Amendment. I want to point out that Anton Scalia, probably one of the most conservative justices, has written in the case Lucas versus South Carolina Coastal Council, "that sustaining a Zone to the detriment of a person's ability to gain economic opportunity is unconstitutional." So you have in front of you a set of circumstances right now that is on that really loose ended part the idea that in the Constitution there is no mention of local government it is the federal government and deferred under the 10th Amendment to state governments and then the state government has down gone forward with this idea that local governments can pass ordinances. But the bottom line is it goes back to the federal government, the United States Constitution, and if you'll read closely the Lucas versus South Carolina Coastal Community that Anton Scalia writes to sustain a zone that deprives economic benefit is unconstitutional now having lived in Ogden Valley now for 26 years we've enjoyed the Valley. My time is gone, thank you.
- Stephen Noel, 3067 N 4975 E, Eden, UT (Against): I refer to that statement above your heads there on the wall that says public trust to conduct the Affairs of County government in such a way as to nurture public confidence. It is reported that trusting government currently is an all-time low. The people's confidence in government has taken a huge hit and I think you know this and I respectfully ask you what this body and the planning department has done and is doing to fix this, generally and specifically with respect to the land use decisions in the valley. In October of last year, the Planning Commission was asked to approve mixed use zoning and it did so however this body chose to expand that approval to include a Street Regulating Plan. That Street Regulating Plan was not a part of the Planning Commission's approval while streets were mentioned it was not a part of that approval. I find it troubling this body asked the Planning Department to actually expand that approval in such a way to include an actual Street Regulating Plan and then voted on it in January of this year. That Street Regulating Plan is not properly before this body. It got off to a bad start and it is invalid from the beginning. While this body has the authority to adjust what a Planning Commission might request, it doesn't have the authority to create something that wasn't there to begin with. Even if such authority existed, Commissioners I submit it is not good government. This body seems shockingly intent, to me anyway, to transforming Ogden Valley. Now growth may be coming but this is not an exercise in dealing with growth that is coming. This, in my opinion, is an exercise in creating this growth and then using that creation to justify these actions that are being proposed today. The vision that is being proposed is hugely impactful to the citizens of the valley and honestly it should have occurred to at least one member of this body or the Planning Department to send that so-called expanded version of the Planning Commission's approval back to the Planning Commission and let the Planning Commission address it and let the public see what's being proposed, specifically to get investment and to be a part of it. This body and the Planning Department should seek first to understand and to listen to the public and those of us who will have to live with the consequences of this vision of the valley. I understand that you may not want to have to spend several hours listening to the public express disagreement with your proposals but honestly that is the work of an elected official. Limiting the discussion to 10 'for' and 'against' creates the illusion that the Valley residents are split down the middle on these issues and that is just not the case. Thank you.
- Phil Hansen, 1682 N 6250 E, Eden, UT (For): I'm a full-time resident in Eden, owner and operator of a restaurant based in Eden, and a backcountry operation in the mountains. Also, I recently served as the interim general manager of Powder Mountain. All of our businesses in the tourism hospitality

space are already facing very serious issues in our lack of labor, affordable housing, lodging for our guests, and offices for our operations. I was excited when I saw the plan for Eden Crossing because it has solutions for all four of those issues. We struggle every year to pull together enough employees for our operation. The nature of our business requires late nights and really early mornings making the commute a big tax on our employees lives and limiting factor on both the quantity and quality of employees we can attract. Equally challenging is scrambling to find lodging for our guests. It's no secret that our ski resorts on that side of the valley have struggled and one of the major reasons is the lack of places to stay. Without those we are relegated to just day trips and business passing through. On the personal side, it's been my dream ever since I was a kid to live in this Valley and even more of a dream to work here. The reason I bought here is the same reason I'm in the tourism industry. I love sharing the feeling of our Valley and playing in our mountains and lake with my family friends and visitors from all over the country and globe. I was excited when I first learned of the General Plan because I thought it provided a smart solution to protect the space we all love and designate space for housing and amenities our businesses depend on. I think we have a real opportunity to be one of the few mountain communities where people that work here can also live here. I believe adhering to the General Plan are Powder Mountain, Nordic, Snow Basin and have all recently announced major investments and the housing and lodging provided in Eden Crossing will be critical factors to our success. I believe adhering to the General Plan and approving Eden Crossing will provide the infrastructure and amenities our businesses need and many of our residents want, while preserving the feeling that makes this a place this place a true Eden. Thank you.

- Angela Dean, 6550 North Fork Rd, Liberty, UT (Against): Adjusting the street regulating plan as proposed results in zoning that is pulled like taffy each time a development proposal requests it, transferring development opportunity from existing properties to enrich another. County Planning staff stated in 2021 that Valley Junction was planned to be the new Eden Town's Main Street and it's reflected in the ordinance adopted in 2022. This change would allow one private individual to override this and relocate Main Street to their land. This moving target creates chaos, uncertainty, and is the antithesis of planning. This reactionary form of zoning squashes development potential rather than encouraging it. If we can't trust the General Plan and implementation of zoning, how can you expect local businesses and residents to take a risk on a moving target? Staff and the Ogden Valley Planning Commission have pointed to flaws in the current TDRs implementation that run counter to the General Plan. Rather than allowing those flaws to be exploited, the focus should be on amending it to function as intended. This change opens the floodgates to misuse. Bringing TDRs from hidden hillside locations to visible valley floor open space is in direct opposition to the stated goals, not to mention tens of thousands of commercial square feet that will be built without the use of TDRs. Past comments among you imply that citizens opposed to this are completely against growth or are uninformed. That is both insulting and inaccurate. If information has been misunderstood along the way, it's precisely because it's coming at us at the speed of light with rules changing by the minute. This process has felt like someone has thrown a thousand marbles across the gym floor and we race to pick them up before the game is over. Yet here we are with heroic efforts made by many who have rapidly put the pieces together and have a deep understanding of the General Plan violations being proposed. You have heard from many concerned citizens through calls, letters, and meetings urging you to join the Ogden Valley Planning Commission to vote no to this proposal and there are thousands who have signed petitions against it. You have heard over and over the many specific ways this does not meet the vision, goals, principles, and implementation policies of the General Plan. You have heard that but are you truly listening? Smart growth means leveraging our unique individual strengths to foster a strong sense of community spirit. It has the potential to attract businesses and visitors and serve the needs of residents while preserving our unique identity. You have a great asset in this room tonight - an engaged informed and action-oriented citizenry. This should be seen as an opportunity not opposition. We should be on the same team striving to preserve the unique sense of community in place while preparing wisely for changes that will come given the rapid pace of change recently. It may be time to revisit the General Plan rather than rush to approve this before evaluating the long-term impacts against the will of the people. Let us undertake this process together with a diversity of voices at the table making informed and intentional choices that

define our future. Even though the majority in this room are not given the chance to speak they are here for the love of Ogden Valley and are passionate about protecting their home. They're full of hopeful anticipation that they will see government at its best. Thank you.

- Amber Rowle, 3364 N Hwy 162, Eden, UT (For): Thank you so much for allowing me to share my thoughts and feelings tonight. I have a love for this charming Valley at a place that I call home. My connection to Eden dates way back to high school. It has always been a dream of mine to not just visit but to live here and I am very proud to call myself a resident of the valley. When I made the decision to move here as a single mom I found a great home for me and my 17-year-old. Sadly, my adult children, who love Eden as much as we do, are not able to find any affordable homes to rent or buy at this time. The mountains and the feeling and the energy of this community is the reason why I chose Eden to be our home. I tell my friends there's just something about this Valley, that you breathe differently when you're there as I had settled into my daily life here. I've learned of the opportunity and a plan to enhance and strengthen the community. While Maverick and the Valley Market cater to our essential needs, and I love it, but it's not a great option for meeting new people and building friends and connections, especially for families with older children. As a mother, I believe that having a place for our kids to interact to make friends and have a safe walkable Main Street where they connect with other people that's outside of school is very important. The prospect of Eden Crossing fills me with hope and excitement. I believe this is a very thoughtful development in line with a General Plan. This is not going to change the charm of our amazing little magical Valley. We can still have large fields, we can live in nature, be in the mountains, ski and boat, and we can have the properties that we all love. But how great would it be to have a main street where families can gather like mine enjoy family friendly community spaces, walk to local shops and restaurants, and have affordable housing so our children can have the opportunity to continue to live in the place that they can call home. I see Eden Crossing as a major social-economic asset to our community and taking a step forward and investing in the health and safety of our community while protecting our valuable water resources. I believe this plan will enhance the quality of life for families in our Valley while preserving the charm and essence of this special place. Thank you so much for your time tonight.
- Tina Allred, P.O. Box 64, Eden, UT (Against): Commissioners the majority of Ogden Valley do not feel represented by you as you can tell by the massive attendance at the meeting tonight. They are desperately trying to get through to you. They don't feel you are representing their best interests. They don't support the changes being made in the valley so much so that the citizens have rallied to support an effort to become our own City to create representation which will reflect the will of the people. I can almost guarantee you if you do not follow the recommendations of the Ogden Valley Planning Commission and deny approval on the two issues at hand tonight, this will assuredly pour fuel on that fire. We feel this development goes against several principles of the Ogden Valley General Plan and here are just a few:
  - Land Use Implementation 1.2.4: Prohibit to the extent allowed by law development in identified crucial habitat areas, wildlife corridors on a identified prominent ridge lines, and within natural riparian areas and natural waterways.
    - Both of the land Parcels in this project are sitting right in the middle of a riparian wetland as identified by the US Fish and Wildlife Service. Not only would this proposal move the development towards this Wetland but currently a blackwater sewer line has been or is about to be put in right through the middle of it and I have a map for you.
  - Commercial Development Implementation 1.1.2: Require new commercial or mixed use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until some time as the community supports it. Future commercial or mix zoning rezoning should only be considered adjacent to existing commercial or mixed use zoning in a manner that creates Village clusters and avoids strip commercial along the highway corridors.
    - This project is clearly not adjacent to any commercial zoning. In fact, it lies between two residential properties. The property is not currently zoned for



commercial use. Let's be honest, the consequence of amending the street regulating plan is nothing more than changing the zoning. The catalyst for this proposed change seems to have been the submission of this project which benefits a single developer.

In a recent article regarding water conservation in the Standard Examiner dated October 4<sup>th</sup>, 2023, Commissioner Froerer made an interesting statement in the article that read, in part, "Left out of the equation though is the Ogden Valley. The Western Weber Planning Commission in July recommended changes which the Commissioners approved on 20 September 2023, while members of the Ogden Valley Planning Commission said they weren't interested." Commissioner Froerer was quoted as saying, "obviously we are going to respect the Planning Commission's wishes." I find that statement refreshing because both the changes to the Street Regulating Plan and rezoning of agricultural property to commercial have come before the Ogden Valley Planning Commission and have been soundly rejected by the citizens of Ogden Valley are asking you to respect the decision of the Ogden Valley Planning Commission. Thank you.

- Kristal Schweppe, 3518 Moose Hollow Dr, Eden, UT (For): I do know a lot of people that are actually for this proposal, but unfortunately when you make public comments the attacks have been quite frequent and quite harsh. So I know a lot of people just tend to not want to say anything for fear of retaliation. I'm a local business owner that serves Valley homeowners and I'm here to offer my support of Eden Crossing. In my experience there's little to no commercial space available in the valley for those of us who live and want to work here. When a space becomes available it results in a bidding war and many opportunities are lost because of little-to-no inventory. I desire to see community growth and more opportunities for residents. Thank you. Now I'll be reading statements from two other business owners that reflect my thoughts and support of Eden Crossing. First, a statement from Roger Terry:

I'm a partner of both Morgan Valley food LLC and Terry Phillips Properties LLC, together owning 12 plus acres of property in the heart of Eden Village designated area, approximately six acres on each side of Wolf Creek Drive just north of the four-way stop. Having reviewed the Eden Crossing plan, I quickly came to the conclusion that creating a walkable Main Street and mixed use commercial District without the additional crush of added traffic congestion is an idea that I could support. A well-planned off highway mixed use development with infrastructure and feeder roads will help Eden community avoid traffic problems and congestion that will be coming with inevitable growth to the area. A cluster of development around sewer infrastructure is what the General Plan has called for. A well planned off-highway mixed use Main Street that is easily accessed by driving, biking, or walking opens up several possibilities for community events such as street festivals, outdoor markets, and concerts. These could be held in such a location without the impact to state highway traffic. I support the Eden Crossing development and Street Regulation plans. Thank you.

Next is a statement from Richard Snider:

I've been a valley resident since the 1980s. In the 90s I developed a commercial property in the center of Eden. The Eden Professional Center was an early effort to create a work environment for those who lived in the valley. Our project has been a success for the past 25 years and many Valley residents have positively benefited from this project. We are involved with Nordic Valley ski resort with the specific intent of representing our community. Not growing any Community, whether it be Jackson Hole, Mount Snow, Breckinridge and now Eden, all places of which I've lived, are void of those old and new residents who intrusively complain and verbally tear down those who want wish to improve upon the community and its infrastructure and offerings. Growth in Ogden Valley is not going to stop. The concept of developing both infrastructure and amenities and the downtown area of Eden is a must. We only have two choices: be left behind or try to stay a step ahead of what is inevitably coming our way. Both my wife and I are in favor of these concepts that are being put forward. We feel strongly that now is the time to embrace and

hammer out these sorts of infrastructure upgrades. We believe there are thoughtful caring people involved in this process. Thank you.

- Kirk Langford, P.O. Box 600, Eden, UT (Against): Thank you for your service, Commissioners, and for having this meeting and letting people talk about this particular project. I am not in favor of this particular project not because it's "no growth" or "not in my backyard". I don't think this is smart growth. I have grown up in the Valley from the time I was a little kid and as Gage just said many times or, sorry, Commissioner Froerer, the valley is not the place we grew up in. But this is a super high density project in the wrong spot. The geology and geography of this piece of property has been wet and flooded. The drainage off of Wolf Creek and Weber bounced the water off to the East and it's going down into Oldtown Eden. And it's just not the place where this project should be. It's also in my opinion from being 45 years in the ski business, 25 years running one of the major companies, the kind of project you would see in a resort ski town. I don't think you could get this through any Planning Commission or city commission and any resorts I've been to around the country and I've been to them all. I've been involved in this planning process since the early 90s when Craig Barker was still here. I'd like to just address a couple other things. Talk about the transfer development rights. You know we're not saving and we have not saved one foot of any farmland or valuable open space with this TDR. We've transferred TDRs off steep slopes that maybe wouldn't have got developed for decades. We're inducing demand and inducing demand is something that planners know is an action they want to try to avoid. We have commercial that was identified in the General Plan and I was there for every meeting in that General Plan and their Old Town area and that's working out wonderfully. There's the New Town, which was behind the Maverick, and as couple of you Commissioners would know that's where I think you should be rezoning. You should continue that up along the river so you can leave the road open. With this rezone in front of this area and the four-way stop and the roundabout, it's going to be impossible, it's going to be a sore for this community for the future and decades beyond. I would also ask you to not forfeit your ability to negotiate a community benefit for this rezone before you sign the rezone. So far we haven't seen any positive benefits for this developer. It's outside where it's supposed to be, the density is higher, we're not transferring development rights off of the farms, they're coming off of places that aren't going to be used anyway, and we should suspend the TDR ordinance until we can get our hands around that. So please negotiate for the rezone and I would deny this. Thank you.
- Scott McGonegal, 3575 N Foothills, Eden, UT (For): I've been an Ogden resident for 25, 26 years. I've raised three kids there; all own property up there now. My kids have been married in the valley; they all own property and live there. So we've seen a lot of growth happen over time. Just like this, we had people opposing Trappers Loop, we had people opposing Valley Elementary. Like our governor of Utah says it's time to grow ahead of that growth. If we wait, we're going to be overran. John I've known since I've moved here probably 35 years. I've been on a lot of his developments. He's built bike trails that I bike on every summer that he didn't have to build. He has horse trails that he didn't have to build to connect trail to trail through his communities. He's the right guy to do this. He's one of us; he's lived here for longer than me. We can have an out of state guy come in and just slam bam and want our money and leave. That's not what John is about; he's going to do it right; he's who we want to have do it. There's going to be growth, we have to do it right, and John's a great guy to do it. Thank you.
- David Hansen, 3048 E 4100 N, Liberty, UT (Against): I yield to Zane.
- Mr. Froerer (Against): There's two things I wanted to say. One, I want to make sure this Commission is taking into account the new modifications to CLUDMA regarding the water and use. I think that needs to be incorporated into the General Plan before this moves forward. The second thing is just the tone. This is not a question about property rights, it's a question about entitlement. The idea that this is important as property rights that's a straw man; we're not here for property rights. We're here to determine whether or not there is an entitlement. I could no more go out and operate a nuclear waste facility on my property or build even a humble home without the county approving it through the entitlement process. There's this parade of horrors that's been argued and

presented that it's either you do this or we're going to be overrun by rampant out of control development. That is not the dichotomy that we face; that is a false dichotomy. I want to just read this statement that I worked through with my clients because I think it's important to set the tone of what my clients are about. Opposing these applications is not rejection of the efforts to develop within the guidance of the General Plan. The applicant, Mr Lewis, has a history of development within the Ogden Valley. While there may be mixed opinions, it cannot be denied that these projects have had a lasting impact upon the community. In the most generous of assessments, the projects have often added great value to the community. The applicant has certainly played a prominent role in shaping the future of Ogden Valley and often in positive ways. However, this is a product of collaboration with a county that advocates for the community using the tools at its disposal. Those challenging these applications sincerely believe that the County has failed them by neglecting its role in this process. Great things can be accomplished when a developer such as the applicant and a diligent County each do their parts and properly abide by their roles. The County needs to go through the proper processes which will allow the community to have confidence that the General Plan is what the County professes it to be and that the process business will not be bent to the urgency of a special interest. That special interest can have a seat at the table but the special interest will be expected to follow the rules and then a great product will emerge from that by properly amending the General Plan through the Planning Commission process or by denying this and asking the applicant to conform to the General Plan. The County will reassure the community that it takes its role seriously, it will communicate that special interest can have a seat at the table but will also play by the rules, it can eliminate questions of conflicts of interest that exist when stakeholders in the community also act as crucial decision makers, and most importantly it will result in a legacy of development where applicants such as this one here and the community are able to build a sense of engagement where win-win is achievable. Thank you.

- Irene Dirmann, 4061 E Bluebell Dr, Eden, UT (For): I love the valley in our community. However, we are missing some amenities which I would like to see come to fruition and from everything I've read about the Eden Crossing plans do cover all of this. Now growth is going to happen, it's the natural order of things; nothing stays the same. Statistically the State of Utah has the highest birth rate in the country and are in the top three of immigration. Utah also has something else to consider. Should Utah be the state that is chosen to host the Winter Olympics a decade from now, the Eden Crossing proposed development is not just smart, it's sensible. It confronts what lies ahead. It predicts smartly the expansiveness of our upcoming future. It encompasses what the valley and this community will require to sustain its growth and provides increased housing which is in short supply. With the state growing so rapidly, it is a vital need. Personally, with no longer being allowed to approve short-term rentals, I need to be able to refer friends and guests that previously rented my home and love it here to a hotel in our Valley rather than elsewhere. Frankly driving is a waste of time and resources and creates more traffic. The Eden Crossing Plan will reduce traffic impact on Ogden Canyon. The other growth that I would support and should be taking place are the amenities that we are currently missing. A larger market or markets plural if you like restaurants, coffee shops, a spa, retail stores and boutiques, and to be able to support a culture for the Arts, which is another missing piece in our Valley. I'm delighted with the plan of the proposed traffic routes and a walkable Main Street where we can enjoy all that it will have to offer in the future, as well as the ability to have markets and festivals. I live next to Osprey Ranch and I appreciate the low density development that has taken place there. It is a good example of the General Plan working that we have local developers proposing these improvements to provide better amenities and opportunities for our community. It's a big plus. These are people that understand our Valley and its needs. Thank you for listening.
- Hugh Shaum, 24971 Highway 166, Eden, UT (Against): First off Commissioners, I personally want to thank the Ogden Valley Planning Commission, Commission members Montgomery, Barber, Wampler, Torman, and Shuman. On May 23rd they denied the applicant's request for a Street Regulating Plan. Why did they do that? Well, I think we've heard tonight it didn't fit the General Plan. Fast forward - I have met with each one of you three multiple times and I personally want to thank all of you. I've met with you Commissioner Bolos, Commissioner Froerer, and Commissioner

Harvey; and in fact Commissioner Harvey even called me and said, “Hugh I'd like you to go with me and ride and we'll meet with Mr Lewis and Mr Hill” and we did that day and I can't thank you enough Jim for doing that. With that being said, I'm opposed to the Street Regulating Plan because as of now I'm the only person that lives right next door to that. There's not one other person and I will tell you that by having that go in it's not going to affect the traffic in Ogden Canyon it won't at all I will say this that it's outside the General Plan it was never intended to be like that. That's a farm, it's a flood plain. We've heard this over and over again already talked about and I'm opposed to that. But what does it do to my neighbors? On May 23<sup>rd</sup> we heard from Charlie Ewert when asked by the Ogden Valley Planning Commission what will it do to Highway 166. I live on Highway 166 and his reply was we're going to have to expand it. Well guess what's going to happen somebody's loses their house, somebody loses their farm. Why? Just say no. That's all I've asked of each one of you is honor our servants that serve our Valley, the Ogden Valley Planning Commission. I fast forward to November 14th on the rezone that came up again; they thought about it; they had courage and they said no. I respect them and I would ask you to respect that wish just like you would because actually you all appointed them. It wasn't me, I didn't appoint them. I'm just a citizen. They stood up and knew what was right. I want to talk about this, I think it's real important. The applicant, just so you know, the applicant had approved last year at The Exchange up by Wolf Creek, there's a hotel and housing area that's already been approved. There's ample housing within the valley, there is, there absolutely is. I want to talk a little bit about Legacy you know I shared this about two weeks ago I looked out my window and it was pitch black and that blackness was because there was nothing that was up yet, we had beautiful dark sky. This will violate the Dark Sky ordinance and I want you to consider it tonight and say no. Thank you.

- Cass Butler, 933 Wall Ave, Eden, UT (For): I'm here on behalf of Orluff Opheikens, a long-term developer of property up in the Ogden Valley Eagle Ridge. I've come as his representative and as his attorney. Orluff is in support of this proposal and I'd like to address a couple of issues. There's been concern expressed about spot zoning. I point out that Commissioner Jeff Burton addressed that in his remarks. He felt this proposal would prevent sprawl by concentrating a development in areas where there is sufficient infrastructure to support such a development. I also remind the Commissioners of the plan statement that Ogden Valley community desires physical development to complement not overwhelm or compete with the rural character of the valley. I'd suggest this proposal does not overwhelm and it is consistent with the plan. Finally, on behalf of Orluff want to thank the Commissioners for the careful attention they're paying to this issue as well as the good citizens that are here expressing their concerns. I'd like to defer my remaining time to Brent Bateman.
- Mr. Bateman (For): I said at the beginning that I was here to make sure the law gets followed and that's why I've gotten up here the second time. I know both Mr Noel and Mr Froerer and they are accomplished and talented attorneys who I respect greatly. But I want to comment on a couple of things they said. First of all, as Cass mentioned, spot zoning was mentioned. Just need to make it clear spot zoning is not illegal; as a matter of fact, it's perfectly legal; and, as a matter of fact, it happens every day. Spot zoning is a pejorative term for legislative development agreements. You enter in a development agreement that applies to one area and that becomes the legislation for that area. Secondly, I'd like to point out that the General Plan is a plan. It's a plan. The location of the circle, the statements that are in there - they're a guide. Your job is to do what's best for this County and it's especially true because as Mr Noel said doing this ‘yay nay yay nay yay nay’ approach to public comments gives the impression the county is divided. Well, meeting where everyone comes up and speaks against also gives a false impression. This is not a vote. There are people who are in favor of this; those people deserve to get heard as well. Your job is not to necessarily say more people are louder on one side or the other your job is to say what's best for the community long term. Thanks.
- Kelli Booth, 5255 E Hwy 166, Eden, UT (Against): On May 23<sup>rd</sup>, 2023, the Ogden Valley Planning Commission voted a denial recommendation to the County Commission. They said in terms of the

Street Regulating Plan and form base village the amendments are not supported by the General Plan, the area is not ready for the proposed changes. It was a 5 to 2 vote. On November 14th again it was a denial recommendation. This was within six months they've had working sessions and they've had meetings. In the meeting on November 14<sup>th</sup>, Charlie Ewert stated publicly this rezone proposal does not follow the General Plan as currently written; that is why the applicant was requesting an amendment to the zone. This lawyer here just said a General Plan is a guide. Well, let's use it. We spent a lot of money on it, we spent a lot of time. I think it's interesting to repeat the denial was based on logic, it was based on common sense, and principles outlined in the General Plan. These are appointed officials appointed by the Commissioners. Additionally, any rezone requires an environmental impact study right? We should look at what it's doing for the environment. Tina talked about the wetlands. We haven't heard how their historic irrigation ditches are going to be preserved and protected when these streets get put in. We haven't heard how the County is going to mitigate and keep the displaced water from flooding residents' homes and basements. Huntsville has a hotel. Who was looking for a hotel? Huntsville has one. Eden had one. It actually was owned by the developers who's proposing this and at one point owned by him. And guess what? It went out of business. We've had a hotel in Eden. I wanted to bring up another issue. Knowing incorporation will soon be on the ballot, it would be reckless for the County Commission to move forward with such a big decision. This is an important matter. It is a pivotal moment for Ogden Valley. It cannot be taken lightly. We ask that you go through the proper procedures and the proper processes. It will have ripple effects I have with me a petition of 3,000 names and letters for those who were denied the opportunity to speak during this format. I would ask everyone who signed this petition who is present to please stand.

Chair Froerer: No we're not going to allow that.

Okay, well, my guess is if they're wearing red they have done it. As representatives to the public, we ask you deny the Street Regulating Plan and rezone. In the meantime, create a process for updating the Ogden Valley General Plan that involves public support, addresses TDRs, and is transparent from start to finish.

- Jeff Barber, 8949 Eagle Way, Huntsville, UT (For): As you all know I am a current member of the Ogden Valley Planning Commission and I voted no twice on this matter. I voted no not because I'm not in favor of this proposal or this project or any other project. I think careful deliberation was given by the Planning Commission twice. In my case, and I only speak for myself, I gave it very careful consideration and I would like to see this project be successful because growth is going to happen it needs to happen. Well is this the greatest project? I don't know. Is it the worst? I don't know that either. But if a project like this is going to go forward I'd like to be successful. My concern is there is something that's going to keep this project from being successful and I think this project is very much linked to the Ogden Valley General Plan as well. We've heard it tonight referenced that this plan is going to make the Ogden Valley General Plan successful the two are definitely linked. And for this project to be successful the plan has to be successful and it won't be the way the current TDR process is written into code. Don't take my word for it. If you really dig deep and drill down, there are inherent flaws with the way the County has taken what's written in the General Plan with respect to TDRs. There needs to be the time taken for that TDR process to be understood. You just can't look at the code right now and say we have a TDR process it's going to work. It's not going to work. The folks who put in all the time and effort to create the General Plan wrote specific things in that plan that are not in the code today. Those were very well thought out, specific key points that are not in the plan and I do think whoever wants this project to be successful, and I'm one of those folks, before it can be you have to step back and fix the TDR process so that the development rights that move into these density zones are the right development rights. Right now, none have moved, none have changed hands, there is no valuation. It's not going to work. So if you want success in this or any other project you have to do that first not after the fact. Thank you.
- Talya Matheson, 5837 E 2500 N, Eden, UT (Against): I just submitted a whole bunch of reasons related to missing items in the developer's application. There are numerous pages right there of things the developer is missing in the application for a rezone. I'm going to turn my time to Dave Hansen.

- Dr. David Hansen, 3048 E 4100 N, Liberty, UT (Against): I have a BS, MS, and PhD in civil engineering. I sold two and a half years ago my interest in the engineering firm Hansen Allen and Loose. My specialty over 40 years of engineering has been surface and groundwater development. I wish to make it known that I have the following concerns about the plan and future developments in Ogden Valley, hereafter referred to as OV. I request that you listen to and take note of the strong voice of the people who have elected you to office. The plan developments for which we are here today do not conform nor follow the OV General plan. A final study to determine the feasibility of incorporating Eden and Liberty is planned to be released on December 7th two days from now. The study is being completed mostly due to the lack of consideration OV residents feel they have received from this Commission. In my opinion many of the decisions of the commission have gone against the majority interests of residents who actually live in OV. Little consideration should be given to comments made by those who do not live in Ogden Valley or anywhere near these proposed developments. As I said I'm a civil engineer. I have assisted with the feasibility investigation of many developments including water resource evaluations. I understand development will come to this Valley but it must come responsibly not as large scale developments that are not in conformance with the existing plan. One that creates new retail development that is surrounded by agriculture and residential zones and one that adds to the already struggling businesses that fight to keep their doors open. Changing the rezoning process will not only make it easier for Eden Crossing to be approved but will have impacts across the valley and open the way to similar type developments in both Eden, Liberty, and beyond against the desires of the community. Do not make OV a new Park City or Sun Valley; it's already a recreation hot spot for many of these factors: we have lake recreation, three ski resorts, OHV recreation opportunities, camping, hiking, biking, snowshoeing, cross country skiing opportunities in North Fork. This Commission was elected to represent the interests of the public; the interests of OV are different than communities west of the Wasatch Range and we request that you properly represent OV in your decisions for the Valley. Please say no to the road plans changes and the methods of rezoning, and say no to Eden Crossing as currently proposed. All developments must be in conformance with the plan. Thank you.
- Bruce Warburton, 7328 E 1450 W, Huntsville, UT (For): I'm a property rights advocate and I think that if he's following the law and he's obeying the rules he has the right to do what he wants with his land. I think that the development is good for the Valley. All the arguments and opinions that I've heard tonight, most of them are coming with technicalities that 'this hasn't been done and this hasn't been done'. Well these things can be handled in the development agreement between you and the developer. And it can be done right. They can do it to where there is no water; they can control the water and put it in where it needs to be. They can create these solutions to the problems that people are complaining about. So I'm in for this, I think it would be a great thing for our Valley. Thank you.
- Paula Willden, 2970 N Wolf Creek Dr, Eden, UT (Against): I am not against development however I do support legal and smart growth. Why are we rushing this when we have an opportunity to keep the valley special, to offer the world our Garden of Eden? And what about my property rights? In February of 2023, I received a call from my mother while I was out of town. She called me asking if I was aware of anything happening in the field out back. My response no there shouldn't be anything happening in the field. Our fence was being ripped out by accident, a fence that my family has owned since 1947. Quite the 642 feet foot accident. We received farm equipment damaged loss of fencing cistern damaged, my dog run was completely destroyed, and dozens of our trees were ripped out so I retained legal counsel. I didn't announce or share my family's Farm situation for seven months until I started reading posts online promoting the development and how these projects were being handled seamlessly flawlessly because of my speaking out I was paid a very aggressive visit to my home on September 25th 2023 where I was berated on my front porch the day after the original article of the farm was published in the newspaper. I was home alone as my husband was out fighting wildfires in Texas. He watched the conversation unfold from our cameras on our home. I was threatened with a lawsuit even though the perpetrator was denying any involvement. A police report case file number 23 WC 34728 was filed as I should not fear for myself or my children at my

home but I do. Then on October 28th I received a call from my wonderful neighbor asking if I was missing signs some signs that were posted on my fence. A man affiliated with the applicant was caught red-handed stealing people's signs right off their property; 12 counts of theft and 12 counts of trespass were filed, case file number 23 WC39181. I come here today to speak for all of those who have been silenced, the people whose careers would be affected, the farmers who are unable to attend, the people my own age who are at work or raising families who can't be here. Why should I or we need legal representation to show you what is happening is not right. You have a fiduciary obligation and the elected position you accepted, voted into by the people to watch and protect the people. Thank you.

- Seth Bailey, 1671 N 6250 E, Eden, UT (For): I'm a property owner and a business owner in Eden and like so many others my love for Eden started with its spectacular mountain scenery and vast amount of open spaces. Ogden Valley has been a hidden gem. I bought in Eden because my belief is that it can continue to be a gem despite not being as hidden anymore. Growth is the only evidence of life. A thoughtful leadership group in 2016 foresaw just how much life would be born in the Ogden Valley. When I learned about the General Plan that was adopted and what it set out to balance and preserve, I was even more convinced that the Valley would remain a gem. It laid out in values and principles a guide book of preserving open spaces, prioritizing view sheds and clustering growth and now we are here ready to execute. Guided by those values and vision and nowhere in that General Plan does it say don't execute. Eden Crossings is just one of the many projects to come to breathe life into the valley and from what I've seen it seems to be a bullseye in supporting this General Plan and as the Ogden Valley General Plan moves from paper to performance, Eden Crossings with a local developer is a great way to start the engine and begin performing under the guidance of the General Plan. Appreciate your time. Thanks.
- Trish Painter, 6961 Durfee Way, Liberty, UT (Against): I defer my time to Steve Noel.
- Mr. Noel (Against): We should give way to voice and inclusion and letting the public be able to express its concerns to you. I think it would actually be a violation of this Commission's duty to approve these two proposals tonight without at the very least addressing the TDR issue. It is just a problem, it just is. You may not agree so publicly but I think privately you would. It's a problem and it has to be fixed before we even go forward. I'm a property right proponent. I've represented many to defend their property rights and my own. But they're not unlimited as was explained earlier by another speaker we have to learn to get along with each other as we use our property. Spot zoning I agree is not always illegal but it's usually dumb and it doesn't make sense and we need to be careful whenever there is a potential for spot zoning or the effects of any type of zoning that could give rise to those issues. The architectural designs or at least some of those that might be proposed I have to wonder if they are consistent with what was originally proposed by this body or at least the Planning Department to the Planning Commission back in October when it said that the proposed Eden Village mixed use Zone requires Street Front buildings to have a facade that has specific architecture, materials, and colors the Oldtown Eden area will have Street front facades with architecture, materials, and colors that resemble Western Main Street buildings from the 1890s to the early 1910s. Currently the Blacksmith Shop and the General Store meet these requirements with either brick or wood fronts. I don't know exactly what's being proposed there but I don't know that it is consistent with that original proposal. I will just end with if this meeting happens to last well until evening so be it. It may be uncomfortable to have to listen to dissent but it's been my experience that when someone approaches these issues with passion or emotion or even some anger it's often because they're not being listened to. I ask this body to please listen to the Valley residents when addressing these proposals. Thank you.
- Chad Booth, 5255 E Hwy 166, Eden, UT (Against): I come on behalf of a group of the original brains behind the General Plan and some of the original people who were on the committee at the time. Having spent collectively hundreds of hours of input into the development of multiple parts of Weber County ordinances, including the General Plan, we believe the Eden Crossing development should not be approved in its current form. We would like to point to four reasons for that opinion. As has often been stated one of the core goals of the General Plan was to cluster high density,

develop and leave open space wherever possible. Eden Crossing does not do that. Rather than achieving that goal, the current Eden Crossing plan injects high density commercial parcels and high density housing into AV3 areas that are currently open spaces, agricultural, and low density residential areas. Eden Crossing will be a freestanding commercial development inserted into and surrounded by agricultural and residential properties. The public input into the General Plan included the idea that the commercial areas would be clustered and contiguous. There was much sentiment against having multiple separated commercial enterprises with, for example, a restaurant on one corner gas station on another, a market on another, with open lands or residential areas in between. The developers of the Eden Crossing are competing unfairly with commercial property owners and businesses currently located near the four-way stop. The Eden Crossing developers purchase property that is zoned av3. The commercial zones surrounding the four-way stop have been in place for decades. For years, many businesses and land owners have paid commercial rates to buy or rent commercial properties in these commercial areas and they have also paid commercial property taxes. All these commercial enterprises will be penalized if Eden Crossing is allowed to turn land that is now zoned av3 into commercial property. The Eden Crossing developers will unfairly profit from the marked increase in the value of each acre when their residential and agricultural AV3 land is turned into commercial property. Finally the Ogden Valley Planning Commission has twice recommended against the current Eden Crossing development. In previous years, early 2000s, the members of the OVPC were elected in open public elections. Currently members in the OVPC are appointed and approved by the Weber County Commissioners. We believe the Weber County Commissioners should support and trust the decisions of their OVPC and should vote to not approve the current Eden Crossing development. Sincerely, Lee Schussman, Greg Booth, Brian Smith, Kim Wheatley, and Kirk Langford. Thank you.

- Ryan Matheson, 5837 E 2500 N, Eden, UT (Against): I will defer to Steve Noel.
- Mr. Noel (Against): One concern I have is this idea that uh there's a need for certain amenities. While that may be true for some, I think the problem with that logic or that idea is that I don't think it's too far out of line to suggest many residents of the valley moved to the valley and live in the valley specifically and expressly because of its lack of amenities. We're not there so that we can have shops and stores down the street from where we live. Now it's not about 'not in my backyard' it's not about 'never where I live' but it is about being careful and the fact that the valley lacks some amenities is not a reason to stuff them into the valley. I think that it has been carefully and artfully and articulately well stated that right now I think we've got the cart before the horse. I think it's not an overstatement rather to say that there's been some examples of we've seen on the ground where action is taken without really having everything in place. I think this is a real opportunity for this Commission to listen to the residents of the Valley to not just hear what we have to say but to listen and to go back to that General Plan. Does this rezone really comply with it and its spirit when we have commercial property already available in certain areas? Do we really need to take a big 20 acre parcel, cut it in half, and stick some inside the zone and some outside of it to accommodate the vision of an artificial Main Street? I respectfully submit the answer to that question should be no. Thank you.
- Kevin Parson, 3462 E 4100 N, Liberty, UT (Against): I was on the Planning Commission and I helped with the General Plan and this totally flies in the face of the General Plan. It flies in the face of property rights of people who've spent a lot of money and a lot of time buying commercial property or looking at a piece of property that they're going to build a home on, live in hopefully, for the rest of their life and then have the rug pulled out from underneath them because of a not just a zone change but like a drastic zone change. I quit going to these meetings because I felt like they didn't matter anymore. I felt like everything I did the eight years that I spent didn't matter. I hope it matters to these guys. I hope you take the recommendation because if you don't it flies in the face of public trust, it flies in the face of everything on the wall behind you guys. Thank you.
- Elizabeth Brunner, 2400 N Hwy 166, UT (Against): I am three houses east of where this is going to go so I am against changing the road. I mean one thing is if they widen the road in front of my



house, it's going to take part of my property out of there. Also, if they decide that they want to do a roundabout or four-way stop, are we making sure that farm equipment can get through there? We are still a farming community so I want to make sure that is a possibility that we're considering when we're changing roads and putting them through people's property. That's all I have to say. Thank you.

- Robert Fuller, 5900 E, Eden, UT (Against): What's probably the most concerning element of this whole process '10 speakers in favor of the proposal 10 speakers against it' you might want to revisit Toone versus Weber County where they said notice and a reasonable opportunity to be heard is a heart of procedural fairness. If you had to sit here for a week and listen to what people want to say about their Community you're developing that would be the proper approach. I think there's three reasons you might want to consider the possibility of leaving the valley primarily AV3 and S1 right now. Number one, you haven't finished the projects that have been started up there. You daylight the storm drain from Wolf Creek down into the Eden irrigation system. Just this year, similar to 2017, when two big subdivisions there were flooding there was over nine inches of water on the road, you feverishly brought up the Weber County track hose to clean out the Lindsey ditch to use as a storm drain which is inappropriate. The point is you might want to finish the infrastructure for the existing subdivisions before you start into this unique concept with a very dense subdivision. That would be a reason to table virtually all subdivision requests for dense situations because the County hasn't kept up with the infrastructure that's needed for what we already have up there. That's going back to the 1 acre and the cluster subdivision and you know which subdivision I'm talking about that has the flooding problems. You need to get the flood water down to Pine View and so one option would be do not rezone anything other than AV3 and S1 until the storm drain is completed. The second point is there's been a substantial change in our economy; there's been a quick development up there. You might want to let the people revisit the General Plan before you make any substantial changes. Third, it is fundamentally unfair how you're considering letting a subdivision in Eden have lots with maybe three acres per unit if I'm reading it properly. Where we live on the North Shore of Pine View, we need 200,000 square feet for one building permit 200,000, 5 Acres, 300 feet of frontage for one building permit. The point would be just leave at AV3 and S1 until the community has time to revisit our General Plan. I appreciate the opportunity to speak, thank you.
- Myol Raja (Against): Thank you for providing me an opportunity to come here and speak. I was just wondering what going to happen after the density increases. We have only two or three ways to get out of the valley and one of them is Ogden Canyon which is most popular and it is very narrow. When the density is going to increase, it is going to put a lot of pressure on Ogden Valley and I don't know if there is a plan to broaden it or do something about it. Just wanted to consider the fact of the aftermath of this development. Thank you very much, I appreciate being here.

5. Request for a motion to adjourn public hearings and reconvene public meeting.

Commissioner Harvey moved to adjourn the public hearings and reconvene public meeting, 6:58 pm; Commissioner Bolos seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

6. Action on public hearing:

I2: Approval of Ordinance 2023-36 amending the Street Regulating Plan for New Town Eden and Old Town Eden and proposed amendments to the architectural theme requirements and standards of the Form-Based Zone to allow a wider range of style options.

Commissioner Bolos: I'm not going to speak to the architectural theme requirements and standards; it doesn't seem like that's been an issue that I've read about or heard about in my phone conversations and my personal conversations. I'll move to the Street Regulating Plan. A comment that I made in one of our work sessions earlier this year has been referenced to me several times and that is when the applicant was here and looking for a rezone, we were presented with the proposed changes to the Street Regulating Plan. At that point in time I was reading the text of the General Plan and the concept of villages. The circles on the map, which are for reference, and one of the notes says the village areas are shown as a

quarter mile radius circles centered on each area for these purposes the study areas are not intended as growth. They're clearly identified and I felt like this proposal fell within that radius, at least somewhat. But the Street Regulating Plan did not address that and I told the planners at that time that I that I didn't feel comfortable with the text of the General Plan not being reflected in that Street Regulating map. In the General Plan it says maps are provided for reference throughout the General Plan and in the event a provision of the General Plan text conflicts with the information provided in a map, the text provision controls. I looked at that comment and I do feel that this intersection and the immediate surrounding property falls within what I would consider the new town Eden Village. I appreciate the Planning Department and their efforts to propose an amendment to that map that would reflect that Village. I won't speak to the rezone but that those are my thoughts on the on the Street Regulating Plan.

Commissioner Harvey: I'd like to step back further and have Charlie Ewert come to the lectern, please. There have been a lot comments about the General Plan. Why was a General Plan created?

Mr. Ewert: Aside from a requirement to have a general plan or a master plan in state code in order to have zoning, the general plan was revisited in 2016 because it had been quite some time since we had done planning efforts in the Valley. We had done something in 2005; it was a recreation element but that recreation element didn't fully encompass the potential buildout of the Ogden Valley. In fact, a lot of the past planning documents failed to fully understand what existing zoning can potentially do in the valley at full buildout. So in 2016 it seemed appropriate to go back to the public and ask if the existing zones are allowed to do what they're currently doing and what they will do given economic vitality, is that what you want to see in your Valley. And the overwhelming response from the Valley public was no, we don't want to see what existing zoning is doing. It was pretty clear at that time that new development wasn't favored regardless it be under existing zoning or under new types of zoning or under any new type of General Plan. But it was also pretty clear at that time, both from the County Commission, as well as members of the public, that a mass down zone was not appealing either. When a mass down zone happened in 1998 took a third of the property values potentially of property owners in the Valley going from one dwelling unit to the acre to one dwelling unit to three acres. With that in mind, we knew we had to do something and so did the public; at least the public who were informed and involved in the process knew we had to do something. Otherwise, we were going to get one dwelling unit spread out every 3 acres across the valley floor. That's why they didn't like that appearance; they called it at that time the measles map.

Commissioner Harvey: It was called the measles map because there would be residences all over the whole valley, not including the mountain slope, but on the whole valley. During that time I remember they created receiving areas, is that right? If they didn't decide to put a dwelling every 3 acres they could put it in a receiving area. But it had a different name but it's that's the same thing it's a receiving area.

Mr. Ewert: That's right.

Commissioner Harvey: How many receiving areas are there and where are they?

Mr. Ewert: The General Plan identifies eight receiving areas across the valley floor and the reason why those areas are identified in the General Plan is because they currently have some element of commercial in them at this time. They are, for example, the Snowbasin intersection at the bottom of Trappers Loop and Highway 39. They were areas that we had reasonable anticipation that development would occur there either by past development action and building or by development agreement already in place. Those eight receiving areas are: Nordic Valley, Liberty, Wolf Creek, New Town Eden, Old Town Eden, East Huntsville, the Snowbasin intersection which is Trappers Loop and 39, and then Old Snowbasin Road and Highway 39. Those receiving areas were created to receive the density to receive the transfers that could come.

Commissioner Harvey: This master plan was supported by the community back in 2016-2017 including those receiving areas?

Mr. Ewert: That's correct.

Commissioner Harvey: What are the property rights associated in a receiving area? What type of zoning? How many people? What can go in there?

Mr. Ewert: First and foremost, in order to be considered a receiving area, it has to be zoned for that receiving area. So a Form Based Zone currently is the only type of Zone other than Resort Zone DR1 Zone that can be a receiving area. That's number one. In those hypothetical receiving areas where the circles are on the map right now, you've got a combination of different types of zoning. You could do either in this case AV3 or you could do commercial just depending on what part of that circle your property is.

Commissioner Bolos: When we looked at the map, there was another zone to the east of the one proposed that's been rezoned. Did that receive density? Was that a receiving area?

Mr. Ewert: It is a receiving area now and it will receive density at the time of development.

Commissioner Harvey: What density is associated with the receiving area?

Mr. Ewert: It depends on the Street Regulating Plan. If a property is rezoned to the Form Based Zone, at that point and not before the Street Regulating Plan becomes applicable to that property. If that property has commercial streets, multifamily streets, vehicle oriented streets assigned to that property, then they could potentially get those kinds of development potential or densities. The maximum density potential is going to be based on what the market can produce and how many TDRs can be moved. If we're very successful at implementing the General Plan and saving all open spaces, we're going to have to find a spot to put a remaining 6,000 dwelling units at least. If we're looking at maximizing that and moving them all into the villages, we're looking at probably close to somewhere between 15 and 20 units to the acre, which is the same density that the CVR 1 zone is that currently exists in the valley.

Chair Froerer: There were comments about our TDR ordinance not being successful or effective.

Mr. Ewert: It's a question of values. It's a question of are you ok in preserving open spaces now in areas that are hard to develop or would you rather see areas that are easier to develop be preserved because the harder spots that's going to be somebody else's problem? Right now the TDR ordinance is designed to treat every development right as equal even though I agree with Commissioner Barber that they're not equal. It's a lot easier to develop on an open farm field than it is to develop on a hillside. But it doesn't mean that development on the hillside won't occur; it might occur sooner it might occur later. It really just depends on the financial circumstances of the land owner. With the previous TDRs that have occurred, none have been traded on the open market that I'm aware of. And that is problematic. I don't think that's a problem of lack of desire. I think that's a problem of lack of a market and you're not going to get a market going unless you have a supply.

Chair Froerer: The TDRs will be market driven, not by the government.

Mr. Ewert: I don't think a TDR program will work if we're just focused on individual land owners who have farmland only them transferring their TDRs. It's not possible to make that work because you're talking about trading one dwelling unit per three acres for a 15 to 2,000 foot town home flat. It doesn't pencil and it won't pencil; the farmers know; the developers know. So when you're trying to marry the two together, the developers looking for a TDR at 5 to 10,000 a piece and the farmers looking at to sell a TDR at 30 to 50,000 a piece. There's some scientific math that goes into determining that value but they're not far off from what their expectations are.

Commissioner Bolos: Back to the Street Regulating Plan, I had conversations regarding existing commercial that's kitty corner from this proposal. Can you clarify for me if the streets that have been eliminated on the new proposal currently have development along those proposed streets?

Mr. Ewert: No, they do not exist yet.

Commissioner Bolos: One thing I'd like to add for those businesses. The Street Regulating Plan matches what I would consider the village of New Town Eden given that it doesn't impact existing businesses. I want to make sure that's taken care of. I've had numerous people reach out to me in support of this which leads me to believe there are additional commercial properties that can flourish here. I know the infrastructure inadequacies have probably led that to be stifled a bit but I do believe that the amended Street Regulating Plan does encompass what I consider New Town Eden, according to the general map and the intersection which is a focal point.

Commissioner Bolos moved to approve Ordinance 2023-36 amending the Street Regulating Plan for New Town Eden and Old Town Eden and proposed amendments to the architectural theme requirements and standards of the Form-Based Zone to allow a wider range of style options; Commissioner Harvey seconded with comment: I have spoke with over two dozen people who have spoke with me and asked to remain anonymous that support this.

Chair Froerer: In the notice interest of full disclosure, I've been accused unjustly of having financial interest in this which obviously is not true. But I do have a business that would be impacted and if this impacts business negatively then it impacts my property in a negative sense. I just wanted to make that clear before we take a motion on this that there is a commercial property, if in fact the comments that this hurts existing commercial, then I may vote to hurt myself. Let that part of the record.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

I3: Approval of Ordinance 2023-37 amending the Weber County Zoning Map, rezoning, and possible development agreement on approximately 20 acres of land at approximately 5204 East, Hwy 166, from the AV-3 Zone to the FB Zone.

Commissioner Harvey: There have been a lot of comments about growth. Based on traffic studies from UDOT a light is imminent there, though I think a roundabout would be better. If those goes through, I would like to see the developer contribute up to \$1M toward a solution there.

Mr. Ewert: The Nordic Valley study looked at each intersection leading from the canyon as you exit Highway 39 and enter Highway 158 and looks at every intersection all the way up to the Nordic Valley. Their intention is to estimate the kind of growth that's happening and will continue to happen in the area that is not attributable to their development and then the growth that is attributable to that development. They gave some estimations based off of a 20-year buildout horizon for the Nordic Valley development. One of the things built into the development agreement for Nordic Valley as a trigger said we need to see some updated numbers that are directly associated to Nordic Valley traffic at some point in time. That way we can really flesh out how much of the impact on that intersection is actually Nordic Valley traffic. You could certainly do something like that here.

Commissioner Harvey: There's a lot of steps that hadn't been gone through; those would all be done here if we set that traffic study now. They'd all be more measurable so we could better determine what that impact would be to that roundabout.

Mr. Ewert: That's right. Each development proposal for each subdivision we can ask for a traffic impact analysis. But if you're looking for the entire impact of the entire project over the life of the project you're not going to get that on a single traffic impact analysis, if you're doing it subdivision by subdivision. There is a lot of benefit to the community, as well as to the County's bottom line, to know what that overall impact is at the beginning. This is a good time to ask that question and ask for a proportionate share from the applicant.

\*Commissioner Harvey: I would ask up to a million dollars from the applicant. As far as a public plaza, not just a park, but someplace that the public could, go I'd like to see that near Highway 166 so the

people who live along Highway 166 aren't looking at a hotel directly across the street. I would like to see it be approximately 10% of what the total project area is; so if this project area is 20 acres that would be 2 acres. I'd like the development, not the taxpayers, to maintain that public plaza and also have it include a public easement so that the community could use it. There has been a lot of discussion up in the valley about STRs (Short Term Rentals). If the hotel is going to go in there, that's going to count in my mind towards STRs. I'd like to reduce the number of STRs for this project by 75% leaving only just a little bit. Our current plan allows for four stories; I'm not for four stories. I'm for a maximum of three stories. I'd probably be okay with some kind of a rooftop dining or something like that but I don't want to see anything more than three stories. Now, I know that the zoning in those receiving areas can be problematic when you push those back off the road that. But I'd like that hotel pushed back at least 300 feet from Highway 166 or north of the canal. If there's any types of buildings along the road, I'd like it to be single story. Then go to two story and then to three story. We talked about and we've heard this a lot but about building wealth so kids can come back up there and have a place to live or first responders or school teachers or people who work in the service industry can afford a place to live. These units need to be owner occupied; absolutely no fractional ownership that create rentals. They have to be owner occupied. Those would be my criteria that I would have to have.

Commissioner Bolos: The MDA would be extensive for me due to similar concerns as Commissioner Harvey.

Chair Froerer: Commissioner Harvey, what you are suggesting is that your motion would be in order would be to approve subject to a development agreement putting in place between the county and the developer with all those requirements you just stated, would that be correct?

Commissioner Harvey: At minimum.

Mr. Ewert: A clarifying question. We're talking about buildings next to the street being one story, then two, and then three. Are we talking about the existing High 166 or the new streets that might be in the development?

Commissioner Harvey: I was referring to Highway 166.

John Lewis (Eden Valley Opportunity, applicant): I thank you guys for your time tonight and all the consideration we've put into this. It's been a long journey. One thing I wanted to point out just as a technicality, Commissioner Harvey. The goal I think of this would be not just primary but long-term rentals. That's something else I think we need now that's very different than short-term rentals. We can certainly accommodate 75% loss of short-term rentals that's not what this is going for. We're going for places where our kids can rent, our kids can own, employees can own; but not nightly (rentals). That will be the only nuance to that particular point you made. Everything else I'm fully in agreement. And I just I also want to say, too, this is tough for me as a local of almost 30 years to hear people's fear about the unknown and they're not sure what's coming and what is Eden Crossing and why haven't we heard more about it and why aren't you asking us to be involved. It's very important to me, and it's been very obvious on all my projects, that I very much value community input in my projects. We had issues with Eagle Crest and I wanted to do storage units; the HOA there that I went to when we did that project didn't like that idea; it was lots of back and forth and compromise on both sides and it was a win-win when we finished, but not when we started. When we finished everybody got something out of that and everyone went away okay; not super happy and lost but they all got something. Same exact thing with Cobabe. They didn't want town homes very close to their houses so after a long talk we moved them down the down the hill and everyone signed off. Same thing at Legacy where they didn't want to do my rental cabins. Great, well, what do you want to see? Tell me, what does work. Let's work it out. Every one of my projects, that's what we do and we haven't done that on Eden Crossing yet because Eden Crossing has not come to you guys yet. I haven't introduced that project. This is about street regulating

and zoning to find out what we're allowed to do. Can I do a hotel? How close can it be? Is it tall? Is it short? Is it all those things? What I want to emphasize mostly to the public is this is the very beginning of a very long process. If we're lucky enough to get through this and have an approval tonight, besides being grateful, we will be committing to you guys, as we always do, to next engage the community with lots and lots of public meetings with us before we come back and say what you want to see, what works, what's reasonable. Some things we'll agree with, some things we won't agree with. But it'll be a process and a collaboration. And like the attorney here said, Zane (Froerer), I really appreciate his kind words and I would like to get all of us to a place where we can collaborate again and not just 'no you can't' and 'yes you can'; you got to get past that to 'if it's going to happen, let's have an input into how this goes'. And I just want you to know from my side of things we're open to that collaboration. Thank you.

Chair Froerer: I'd also emphasize those people that talked about water storm runoff and roads; all of those will be addressed. That's not up for discussion or approval tonight. I'm going to quote from our good Governor, Spencer Cox, who I spent quite a bit of time with over the last two years. He made the comment and I fully believe as he talks about housing and how we help our kids and grandkids to have some type of future with housing: "good infrastructure makes good development". I think we have an opportunity here to put density where there is the potential for infrastructure i.e., water and sewer. We heard from Ogden City about the nitrate problem. It's time that we started recognizing that we can't continue to have septic tanks in Ogden Valley and not impact our neighbors to the west and impact a lot of other neighbors.

Commissioner Bolos: As expressed in my motion for the street regulating plan, this supports the General Plan and fits the village area it belongs in. In one of the references in the General Plan was regarding commercial development and I'll read just a couple of excerpts, with my point being it talks about being considered adjacent to existing commercial:

- Limit all new commercial development in the Ogden Valley Planning Area to the village areas
  - I believe this plan complies.
- Avoid rezoning new property to commercial or manufacturing until such time that the community supports it
  - I believe this community is very close to supporting this if not already, pending infrastructure.
- Future commercial or mixed use rezoning should only be considered adjacent to existing commercial or mixed use zoning in a manner that creates clusters and avoids strip commercial.

Commissioner Harvey moved to approve Ordinance 2023-37 amending the Weber County Zoning Map, rezoning, and possible development agreement on approximately 20 acres of land at approximately 5204 East, Hwy 166, from the AV-3 Zone to the FB Zone with Commissioner Harvey's comments (see above\*) addressed in the development agreement; Commissioner Froerer seconded.

Roll Call Vote: Commissioner Harvey – aye; Commissioner Bolos – nay; Chair Froerer – aye

#### A. COMMISSIONER COMMENTS:

1. Commissioner Bolos: I appreciate you giving us the time, and I know most people are not interested in this, but I made a few notes along the way over the last several weeks. I want to thank everyone who came tonight. It's been a long meeting. We appreciate your comments and your engagement. I also had numerous people reach out to me and I appreciate those people. I tried to respond to everyone; I may have missed some. I had a full inbox and it was a good mix. That shows me this community is passionate about their sides of this issue and that's important. It's great when people care enough to express themselves and it's great to know that they'll be heard. I didn't know if I would bring this up but I'm going to. I've had a lot of respectful conversations with people and I've had a lot of conversations that I've been disrespected. It's difficult enough to make hard decisions without having to separate personal attacks and accusations from the facts that we're trying to consider. Those who have been respectful. I appreciate that. Some of you are here and have had email and other conversations with me and there are some probably online who know I'm talking to them as well. I really appreciate the respect. Despite accusations, I don't vote based on promises to support my re-election. I don't vote based on personal attacks by individuals, myself or others. I don't sell my votes for promises of what my future might hold. They're hard decisions and I've spent hundreds of hours researching every point that I feel is

important to this decision and have made the votes tonight in the way that I feel is best and most appropriate. Thank you to those who have shown respect to not only me but my fellow Commissioners. I really appreciate that.

2. Commissioner Froerer: Everybody's left because they probably a little let down for the outcome. Let me just say as a lifelong resident of Ogden Valley better part of 70 years, I've lived there, I've seen the Ogden Valley change over the past 70 years since I lived there and change is going to come. Change is always somewhat difficult but the Valley that we see today is not the Valley I grew up with in the 50s, 60s, and 70s. If we could go back, I would in a second. People ask me, "Stop growth." Okay, I'd like to know how to do that. We have immigration, we have a lot of people with kids and grandkids; stopping growth is not an option. But controlling growth and managing growth and looking at what we have in Ogden Valley is the proper path forward. I would urge those people in the audience that have been here tonight take the opportunity not to be negative but seize this opportunity to get involved. Work with this developer, work with the County, and tell us what you want to see up there. Again this is the beginning stage. Please be respectful to your neighbors. What I saw take place with this particular issue was not the Valley I grew up in. I grew up in a valley where you talked to your neighbor, if his cows got out you helped him, you helped him mend fences, and you didn't attack your neighbor personally. That's not the Ogden Valley way, that's not the Utah way. I hate to see that take place. I hate to see us take the path of what we're seeing on a national basis. That's not good form. I would say this, Commissioners, I appreciate your attention to this. This has been an ongoing process. This is a delicate balance that we as County Commissioners have to balance between future growths, private property rights, and what we see is the best outcome for preserving open space and giving the opportunity for those local farmers to preserve farms in Ogden Valley, which I happen to be one. There's nothing more I would like to do than preserve open space, preserve farming but if we're going to do that we can't do that by burying our heads in the sand and just say 'everything's no'. Growth is coming whether we want to recognize that fact or not. It's here in 10 years. Believe me, if we don't start making decisions that decide where and what type of development you want to see, we'll see it and you may not be happy with it because it'll be forced on us by out of state developers. The state is taking an active interest in not only the counties but what the cities do. Right now we have the opportunity to have the decisions. If the answer continues to be no, that option will be taken away from us. I want you to understand that as a former legislator; I know how that works down there. We have the opportunity now to direct what we want to see happen in Ogden Valley. I urge you to get involved help make that decision in a positive way, not by attacking and harassing your friends and neighbors.

**F. ADJOURN**

Commissioner Bolos moved to adjourn at 7:14 pm.; Commissioner Harvey seconded.  
Commissioner Harvey – aye; Commissioner Bolos – aye; Chair Froerer – aye

Attest:

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Gage Froerer, Chair  
Weber County Commission

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor