



# Staff Report to the County Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** To hold a public hearing is regarding a proposed ordinance to amend § 106-2-4 of the Weber County Code to allow lot averaging to occur in the A-3 zone and to offer clarifying procedural and administrative requirements for lot averaging in all applicable zones.

**Agenda Date:** Tuesday, March 12, 2019  
**Staff Report Date:** Thursday, February 13, 2019  
**Applicant:** Kendall Harper  
**File Number:** ZTA 2018-06

### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@webercountyutah.gov  
(801) 399-8763

**Report Reviewer:** RG

## Applicable Ordinances

§106-2-4: Subdivision Standards – Lots.

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary

On August 21, 2018, the County Commission adopted an ordinance amendment that allows lot averaging in the A-1 and A-2 zones. Lot averaging allows reduced lots widths and lot acreage as long as the average width and acreage is equal to or greater than the minimum lot width and acreage of the zone. This will result in lots that are smaller than the zone's minimum while also requiring the acreage difference be offset by lots that are larger.

The attached ordinance proposal will extend lot averaging to apply in the A-3 zone as well. The proposal also addressed administrative details necessary to track and administer lot averaged subdivisions.

## Staff recommendation

For a complete review of the Planning Division's policy analysis, please review the Planning Commission Staff report, attached as Attachment B. Planning Staff recommends adopting the ordinance attached hereto as Attachment A.

## Planning Commission Recommendation

Given that the County Commission has previously adopted the lot averaging allowance for the A-1 and A-2 zones, staff recommends extending its use to the A-3 zone, as proposed in the [the attached ordinance]. This recommendation is based on the following findings:

1. The changes offer another tool that could help implement the general plans objective of clustering parcels in exchange for more open areas.
2. The changes will provide additional clarity to the existing ordinance.
3. The changes will strengthen the administration and long-term tracking of lot averaged subdivisions.
4. The changes are not detrimental to the health, safety, and welfare of the public.

## Attachments

- A. Proposed Ordinance for Lot Averaging in the A-3.
- B. Planning Commission Staff Report.

**ORDINANCE NUMBER 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO ALLOW “LOT AVERAGING” IN THE A-3 AGRICULTURAL ZONE.**

**WHEREAS**, the Board of Weber County Commissioners (herein “Board”) has heretofore adopted land use regulations regarding the subdivision of land; and

**WHEREAS**, the Board has determined that certain provisions in these regulations should include more flexible lot standards in the A-3 zone; and

**WHEREAS**, the Board is desirous to modify these regulations to offer more flexible standards for subdivision lots while not increasing an area’s overall density; and

**WHEREAS**, after public hearing on January 22, 2019, the Ogden Valley Planning Commission offered the Board a positive recommendation for the attached ordinance amendments.

**WHEREAS**, after public hearing on January 8, 2019, and additional discussion on February 12, 2019, the Western Weber Planning Commission offered the Board a positive recommendation for the attached ordinance amendments.

**WHEREAS**, the Board finds that the amendments found herein are not contrary to the general plans; and

**WHEREAS**, the Board finds that the amendments found herein will better achieve the desired outcomes for flexible lot standards, and promote the general public welfare.

**NOW THEREFORE**, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code

**See Exhibit A (Clean Copy) and Exhibit B (Track Changes)**

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By \_\_\_\_\_,  
Scott K. Jenkins, Chair

Commissioner Jenkins voted: \_\_\_\_\_  
Commissioner Harvey voted: \_\_\_\_\_  
Commissioner Froerer voted: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

1 **Title 106 - SUBDIVISIONS**

2 ...

3 **CHAPTER 2. – SUBDIVISION STANDARDS**

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5 **Sec. 106-2-4. - Lots.**

6 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites  
7 for buildings, and be properly related to topography and to existing and probable future  
8 requirements.

9 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of  
10 the Land Use Code for the zone in which the subdivision is located, except:

11 (1) *Variance.* When otherwise permitted by the granting of a variance by the board of adjustment as  
12 authorized by the Land Use Code;

13 (2) *Cluster subdivision.* When in accordance with the cluster subdivision provisions of the Land Use  
14 Code;

15 (3) *Septic system and wellhead protection.* As required by the county health officer as being the  
16 minimum area necessary for septic tank disposal and water well protection if greater than the  
17 above area requirements;

18 (4) *Restricted lots and lots with designated building area.* For "restricted lots" and lots with a  
19 designated "building area", the minimum area and width requirements shall be increased in  
20 accordance with the slope density tables contained in the Land Use Code;

21 (5) *Lot averaging.* In the A-1, A-2, and A-3 zones, flexible lot area and width standards shall be  
22 allowed in accordance with the following provisions:

23 a. The minimum lot area allowed in the A-1 and A-2 zones shall be 20,000 square feet. The  
24 minimum lot area in the A-3 zone shall be 40,000 square feet.

25 b. The minimum lot width allowed in the A-1 and A-2 zones shall be 80 feet. The minimum lot  
26 width in the A-3 zone shall be unaffected by this section.

27 c. The average area of lots within any zone in the subdivision shall equal or exceed the  
28 minimum lot area for the zone.

29 d. The average width of lots within any zone in the subdivision shall equal or exceed the  
30 minimum lot width for the zone.

31 e. A table shall be provided on the final subdivision plat showing the area and width of each  
32 lot within the overall subdivision boundary, the average area and width of all lots within the  
33 overall subdivision boundary, and the average area and width of all lots within each zone in  
34 the subdivision.

35 f. A subtitle shall be displayed on the final subdivision plat that reads "A Lot-Averaged  
36 Subdivision."

37 g. A note shall be placed on the final subdivision plat that reads "for each zone in this  
38 subdivision, the average area and average width of lots within the zone equal or exceed  
39 the minimum area and minimum width allowed in the zone. An amendment to any part of  
40 this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."

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20 accordance with the slope density tables contained in the Land Use Code;

21 (5) Lot averaging. In the A-1, ~~and A-2, and A-3~~ zones, ~~the following~~ flexible lot area and width  
22 standards shall be allowed in accordance with the following provisions: provided when there is  
23 sufficient diversity of lot sizes and widths within the overall subdivision boundary, and that the  
24 base density, as defined in Section 101-1-7, of the overall subdivision is not increased:

25 a. The Mminimum lot area:- allowed in the A-1 and A-2 zones shall be 20,000 square feet.  
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42 this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."

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## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action on ZTA 2018-06, a request to amend the subdivision code to allow lot averaging subdivisions in the A-3 zone.

**Agenda Date:** Tuesday, February 12, 2019

**Staff Report Date:** Thursday, February 7, 2019

**Applicant:** Kendell and Cindy Harper

**File Number:** ZTA 2018-06

#### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

### Applicable Ordinances

§106-2-4: Subdivision Standards – Lots.

### Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

### Summary and Background

On August 21, 2018, the County Commission adopted an ordinance amendment that allows lot averaging in the A-1 and A-2 zones. Lot averaging allows reduced lots widths and lot acreage as long as the average width and acreage is equal to or greater than the minimum lot width and acreage of the zone. This will result in lots that are smaller than the zone's minimum while also requiring the acreage difference be offset by lots that are larger.

This proposal will extend lot averaging to the A-3 zone as well. The proposal also addressed administrative details necessary to track and administer lot averaged subdivisions.

There is no A-1, A-2, or A-3 zoning in the Ogden Valley. This change will not affect it. However, this change is being made in the subdivision code, over which both Planning Commissions have stewardship.

### Policy Analysis

#### Policy Considerations:

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan and existing ordinances.

*General plan.* The general plan is supportive of flexible subdivision types. Specifically, the general plan advocates for lots to be clustered into smaller groups while enabling the remainder land to be open.<sup>1</sup> There are a number of ways that this can be accomplished. The current PRUD ordinance and the current cluster subdivision ordinance both offer a product to help advance this objective.

Some landowners struggle to meet the acreage and density requirements of the PRUD and cluster subdivision code. Others are troubled with the PRUD and cluster code's requirement to offer preserved contiguous open space

<sup>1</sup> West Central Weber County General Plan (P. 2-12 – 2-15)

areas. These landowners often opt to create a traditional subdivision instead of a PRUD or cluster because of these issues. This choice could be viewed as a missed opportunity to encourage any degree of clustering on the property. Lot averaging could offer a degree of lot clustering in a highly flexible manner based on a developer's desired configuration, rather than mandating the traditional minimum lot sizes of the zone.

*Ordinance.* The purpose and intent of the A-3 zone is:

*"The purpose of the A-3 Zone is to designate farming areas where heavy agricultural pursuits can be permanently maintained."*<sup>2</sup>

The preferred use of the A-3 zone is:

*"Agriculture is the preferred use in Agriculture Zone A-3. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agriculture use shall be subject to restriction because it interferes with other uses permitted in the zone."*<sup>3</sup>

In the A-3 zone the minimum lot size for certain uses, including single-family residential dwellings, is two acres. Despite the purpose, intent, and preferred use of the zone, the highest and best use of land in this zone is often realized when it is divided into the minimum lot size possible. This market force is in direct conflict with the purpose, intent, and preferred use, as it is difficult to sustain and operate a profitable agricultural use on two acres of land.

With this market dissonance, and given that there is an affordable housing crisis in the region that is directly related to a short supply relative to the demand, it seems highly likely that, in time, existing agricultural properties will slowly convert to two-acre housing tracts in the A-3 zone.

The cluster subdivision ordinance could help preserve some of this farming acreage, as it requires permanently preserved agricultural acreage of 10 acres or greater. The PRUD ordinance could also provide open spaces to help preserve agricultural acreage for the long term. However, neither the cluster subdivision ordinance nor the PRUD ordinance offer any provision for small acreage subdivisions. In most years over the last decade, there have been more lots created in small subdivisions (under 5 lots) than in large subdivisions. Currently there is no tool to offer these small subdivisions flexible lot standards that could yield a little more acreage beneficial for agriculture and/or open space. The attached lot averaging proposal, while not a unilateral solution for long term agriculture, can be a tool in the Weber County planning toolbox to help create larger acreage lots beneficial for open spaces and/or agriculture, as the larger lots will be prohibited from further division by a note on the plat.

There is less predictability in this type of tool than that of the cluster subdivision tool, as it relies on a developer's desired layout, but it will predictably provide some smaller lots in exchange for other larger ones. The provision for smaller lots could help alleviate some of the affordable housing concerns of our area, as less acreage could yield a more affordable product for families who cannot afford the larger acreage lots.

A closer review of the proposed Exhibit A may lend to the following:

- Lines 11 – 20 are simple changes intended to help with readability and ordinance clarity.
- Lines 21 – 40 are the proposed lot averaging ordinance changes.
- Lines 21 – 24 revise the previous paragraph to create a modified list of parameters for lot averaging.
- Lines 25 – 26 keep the existing 20,000 square foot minimum lot requirement for A-1 and A-2, and add a 40,000 sqft minimum lot requirement for lots in the A-3 zone.
- Lines 27 – 28 keep the existing 80-foot minimum lot width requirement for A-1 and A-2, but requires the lot width of the A-3 zone to prevail.
- Lines 29 – 32 specify how the averaging is intended to function.
- Lines 33 – 42 require specific information to be displayed on the subdivision plat. This is in order to better track the lots that are a part of "a lot-averaged subdivision." This tracking will help staff ensure that a resulting lot that is larger than the zone's minimum acreage due to other lots be smaller cannot be resubdivided due to unintentional oversight.

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<sup>2</sup> Weber County Code § 104-8-1

<sup>3</sup> Weber County Code § 104-8-2

## Past Action on this Item

The Western Weber Planning Commission discussed this idea in their December 11, 2018 work session. They held a public hearing for this item in their January 8, 2019 meeting, wherein they tabled the item until the minimum lot area for a lot-averaged lot in the A-3 zone is increased from 20,000 sqft to 40,000 sqft.

On January 22, 2019, the Ogden Valley Planning Commission heard this request and offered a positive recommendation to the County Commission.

## Staff Recommendation

Given that the County Commission has previously adopted the lot averaging allowance for the A-1 and A-2 zones, staff recommends extending its use to the A-3 zone, as proposed in the Exhibits. This recommendation is based on the following findings:

1. The changes offer another tool that could help implement the general plans objective of clustering parcels in exchange for more open areas.
2. The changes will provide additional clarity to the existing ordinance.
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4. The changes are not detrimental to the health, safety, and welfare of the public.

## Exhibits

- A. Proposed Ordinance Changes – Track Change Copy. [Updated with WWPC's desired changes (1/9/19)]
- B. Proposed Ordinance Changes – Clean Copy. [Updated with WWPC's desired changes (1/9/19)]

1-9-19 A-3 Lot Averaging DRAFT

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