



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-05, a proposal to amend Title 106 of the Land Use Code to remove antiquated slope requirements applicable to cluster subdivisions, PRUD's and master planned developments.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 22, 2019

Applicant: B&H Investment Properties. Agent: Steven Fenton and Kevin Deppe

File Number: ZTA 2019-05

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
 §106-1: Subdivision General Provisions
 §106-2: Subdivision Standards

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

When the cluster subdivision code was amended in early 2018 the county amended the method of density calculations. Formerly, density calculations, in part, excluded area with certain slopes. In contrast, a traditional subdivision in most zones had no such reduction. This de-incentivized the use of the cluster code, hence the 2018 policy shift.

In making those changes, we missed a section of code buried in the subdivision title of the land use code. This proposal is intended to correct the oversight.

Policy Analysis

Policy Considerations:

General Plan: For a complete review of the general plan analysis for the cluster code revisions, please review the planning commission and county commission staff reports and memos on Miradi. They can be found here: <https://miradi.co.weber.ut.us/projects/view/3504>

Ordinance: The attached changes are a simple deletion of antiquated language in the subdivision code. It also addresses the definition of "net developable acreage" to be more reflective of real-world street area constraints as opposed to an estimated average, as requested by the Ogden Valley Planning Commission in the May 7, 2019 work session.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes are more reflective of the purpose of adopting the cluster subdivision ordinance amendments on May 8, 2018.
2. The changes reduce conflict in the ordinance.
3. The changes will strengthen the administration of the ordinance.
4. The changes are not detrimental to the health, safety, and general welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.
- C. Application.

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

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Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

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Sec. 106-2-8. – Reserved .

...

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

...

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered by a street right-of-way or other required right-of-way providing primary access to a lot, is considered area unsuitable for development. ~~ten percent of the total acreage within a project area shall be reduced to account for potential street rights-of-way. The portions of an existing street right-of-way located within the project boundaries may be included as part of the ten percent.~~ The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

...

Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-8. - Reserved - ~~General land development.~~

~~Cluster subdivision, master plan communities, or plan residential unit developments with slopes of 40 percent or more in the FR-1, FV-3, F-5, F-10, F-20 and F-40 zones and 30 percent or more in all other zones, shall not be classified as developable land. All other subdivisions shall meet the restricted lot requirement table, or show a buildable area as required by the Land Use Code.~~

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Weber County Zoning Map Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

| | | |
|----------------|--------------------------|---------------------------|
| Date Submitted | Received By (Office Use) | Added to Map (Office Use) |
|----------------|--------------------------|---------------------------|

Property Owner Contact Information

| | | |
|--|-----|--|
| Name of Property Owner(s) <i>Steven Fenton</i> <i>B+H Investment properties / Kevin Deppe</i> | | Mailing Address of Property Owner(s) <i>110 W. 1700 N.</i> <i>Centerville, UT 84014</i> |
| Phone | Fax | |
| Email Address <i>Crimson Ridge Utah. Steven@gmail.com</i> <i>Crimson Ridge Utah. Kevin@gmail.com</i> | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail |

Authorized Representative Contact Information

| | | |
|---|-----|--|
| Name of Person Authorized to Represent the Property Owner(s) <i>Chris Cave, Reeve + Assoc.</i> | | Mailing Address of Authorized Person <i>5160 S. 1500 W.</i> <i>Riverdale, UT 84405</i> |
| Phone <i>(801) 621-3100</i> | Fax | |
| Email Address <i>CCave@reeve-assoc.com</i> | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail |

Property Information

| | | |
|--|---|--|
| Project Name <i>Crimson Ridge Phase 2</i> | Current Zoning <i>FV-3</i> | Proposed Zoning <i>FV-3</i> |
| Approximate Address | Land Serial Number(s) <i>20-005-0021</i> | |
| Total Acreage <i>135</i> | Current Use <i>Agriculture</i> | Proposed Use <i>Cluster Subdivision</i> |

Project Narrative

Describing the project vision.

Project Narrative

Crimson Ridge is a mountain luxury subdivision along the south western bench of Pineview Reservoir. It has been carefully designed to cluster the development away from Highway 158 and off of the highly visible hillside slope. Phase 1 had 35 lots and has already been completed. Phase 2 is designed to have approximately 45 lots on 135 acres. Since phase 1 was completed there has been a substantial revision to the cluster subdivision ordinance including a new definition for what constitutes developable land for the purpose of the open space calculation. This new definition renders the original Crimson Ridge cluster plan obsolete and discourages use of the cluster ordinance. Under this definition the number of lots possible is reduced from approximately 45 to 33. Under the standard subdivision ordinance we estimate that we would be able to plat nearly all of the 45 lots but with a much higher visual impact.

Specifically, the section of the new cluster subdivision ordinance which defines what land can be counted towards open space is in conflict with the definition of developable land used in the standard subdivision ordinance. For cluster subdivisions, section 106-2-8 defines undevelopable acreage as anything with a slope of 40% or greater. In contrast, the definition for the standard subdivision ordinance in section 101-7-7 provides that the developer must be able to prove that the property is developable under county, state and federal laws. This conflict creates a situation where it is more desirable to use the standard subdivision ordinance in the varied terrain of Ogden Valley to maximize the number of lots available rather than using the new ordinance clustering development.

We would propose deleting section 106-2-8 and allow the developer to count as open space anything that is not undevelopable under section 101-1-7, thus requiring the developer to show that under existing county, state and federal law the proposed open space would be developable. This would put the cluster subdivision ordinance and standard ordinance on equal footing and not tip the scales toward the standard subdivision ordinance thus fulfilling one of the main objectives of the General Plan.

This change is in compliance with the General Plan because one of the main objectives of the General Plan is to preserve open space by clustering development to reduce the development foot print and preserve natural green belts and minimize visual impacts. It would also keep control of those areas out of the hands of lot owners who could do damage to the hillsides which would be part of their lots and what would otherwise be open space.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

Property Owner Affidavit

I (We), B+H Investment Properties LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]

(Property Owner)

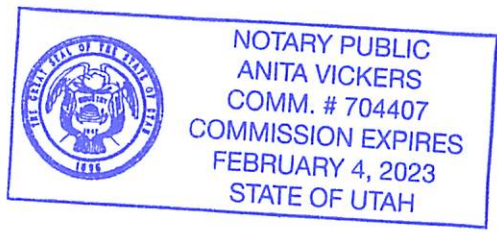
B+H INVESTMENT PROPERTIES

(Property Owner)

Subscribed and sworn to me this 18th day of April, 20 19.

[Signature]

(Notary)





Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Planning Commission Staff Report -- Cluster/PRUD/Master Plan Subdivision Slopes
Exhibit C: Application and Narrative

Customer Receipt

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Page 4 of 4
Receipt Number **105780**

Receipt Date

04/25/19

Received From:

B & H Investment Pro

Time: 16:30
Clerk: amorby

| Description | Comment | Amount |
|-------------|----------------|------------|
| ZONING FEES | Text Amendment | \$1,052.00 |

| Payment Type | Quantity | Ref | Amount |
|--------------|----------|-----|--------|
| CHECK | | 210 | |

AMT TENDERED: \$1,052.00

AMT APPLIED: \$1,052.00

CHANGE: \$0.00