



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 4.59 acres from RE-15 zone to R-1-10 at approximately 6224 S 2225 E, Ogden

Agenda Date: Tuesday, December 10, 2019

Applicant: Randy Moore

File Number: ZMA 2019-05

Property Information

Approximate Address: 6224 S 2225 E, Ogden, Unincorporated Weber County)

Zoning: The area is currently zoned RE-15

Existing Land Use: Vacant

Proposed Land Use: Residential (R-1-10)

Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

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

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Legislative Decisions

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

Summary

This application is a request for a rezone of 4.59 acres from the RE-15 zone to the R-1-10 zone. The RE-15 zone is intended for very low density residential and agricultural uses, with a minimum lot size of 15,000 square feet. The R-1-10 zone is intended for residential lots with a minimum lot size of 10,000 square feet. The R-1-10 zone does not allow most of the farm animal land uses that the RE-15 zone does. A review of Exhibit E will show the differences in land uses and development standards between the two zones. It also shows the development standards and uses in the R-2 zone for a broader frame of reference.

The general plan for the area indicates that the future of this area should be reserved for “low density” residential uses. The plan specifies that “low density” residential means that this area is planned for three to eight dwelling units per acre.¹ The plan specifically calls for either the R-1, R-2, or R-3 zones. Given that it also specifies that it is intended for three to eight dwellings per acre it could be found that a rezone to the R-1-10 zone, which is

¹ See page 72 of the Southeast Planning Area Comprehensive Master Plan.

approximately 4.4 dwellings per acre at maximum density, is well under the general plan’s maximum anticipated density threshold for the area.

Staff is offering a positive recommendation for the rezone based on its compliance with the general plan.

Policy Analysis

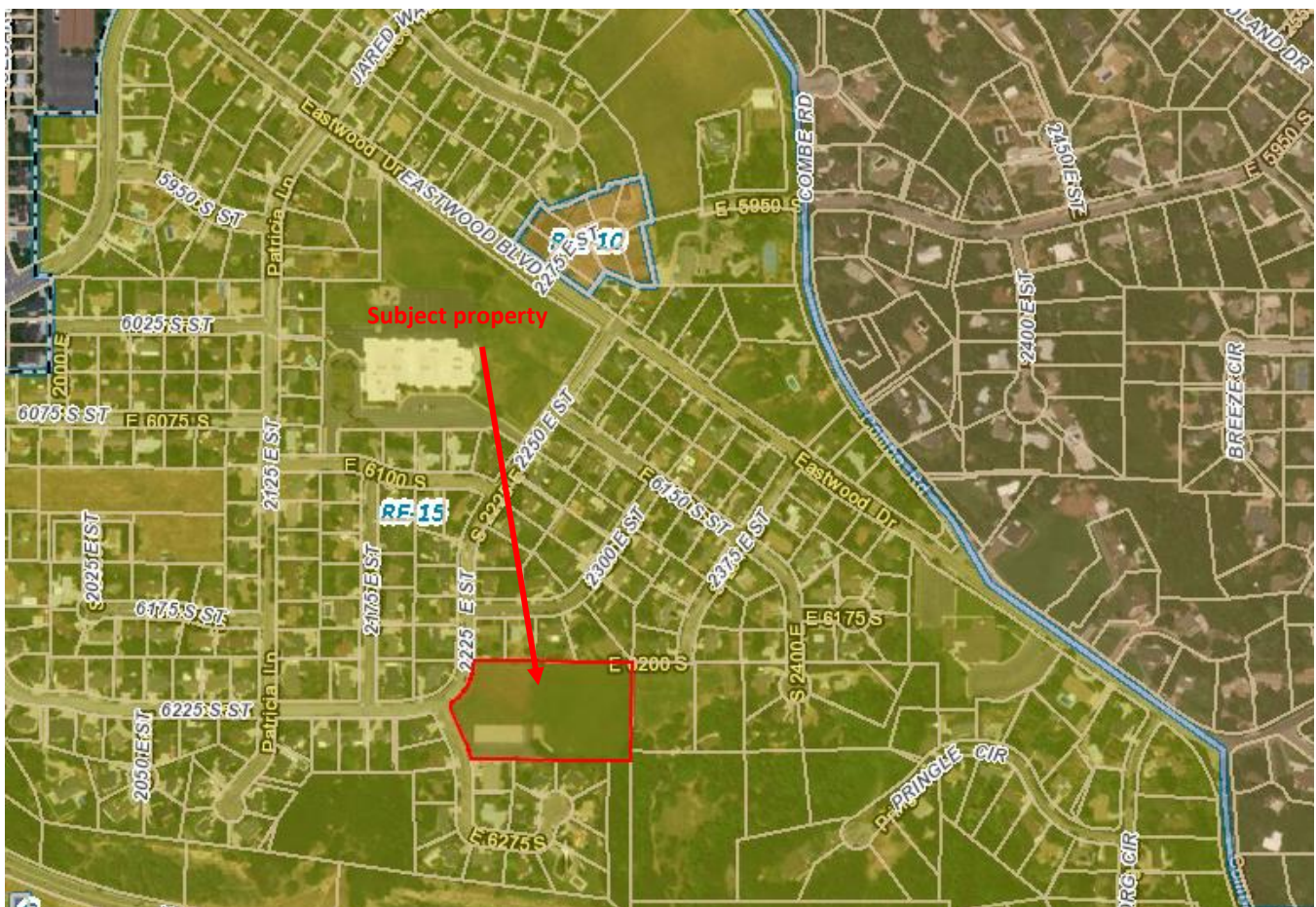
The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning. The current zone of the subject parcel is RE-15. **Figure 1²** displays current zoning and the parcels affected by the proposed rezone. The RE-15 zone is intended for very-low density residential and agricultural uses, with a minimum lot size of 15,000 square feet.

Weber County Code § 104-3-1 says the purpose of the RE-15 zone is:

“to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.”

Figure 1: Current Zoning Map and the Subject Parcel(s).



The proposed zone for the subject parcel is the R-1-10 zone. Pursuant to § 104-12-1, the purpose of the R-1-10 zone is:

“to provide regulated areas for single-family residential use at two different low-density levels.”

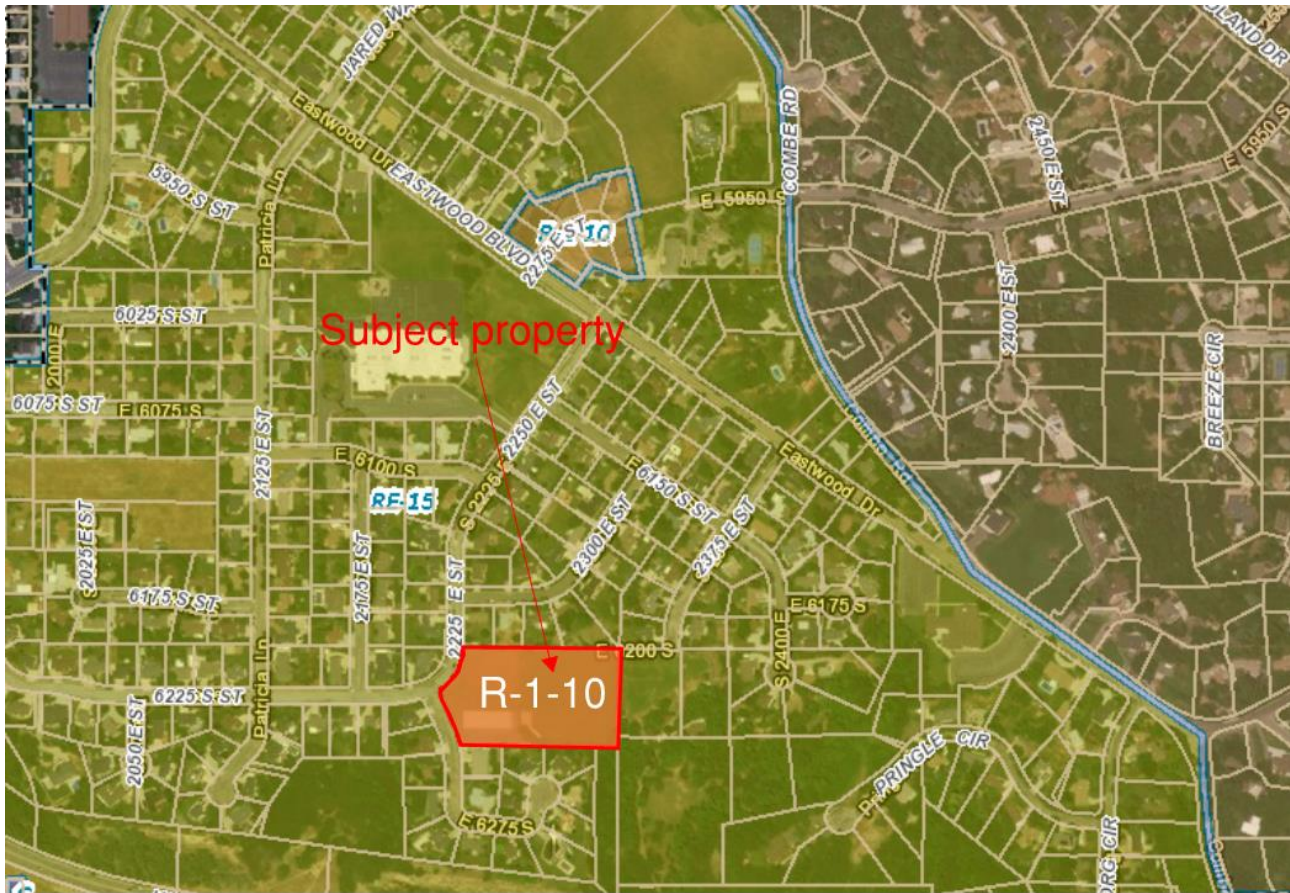
The proposed rezone can be viewed in **Figure 2³**. Based on gross area, the existing RE-15 zone could yield approximately 13 residential dwelling units in the subject rezone area. Based on gross area, the proposed R-1-10

² See also Exhibit B.

³ See also Exhibit C.

zone could yield approximately 19 residential dwelling units, an approximately six dwelling unit increase in density rights of the area. This might not be the actual potential density, as some of the land will likely be required to be reserved for a street.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



Changing a zone from RE-15 to R-1-10 comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot size requirements⁴. The most prominent difference in terms of intensity of uses is that the RE-15 zone requires residential lots to be 15,000 square feet but the R-1-10 zone allows lots to be as small as 10,000 square feet. Another difference is that the RE-15 zone anticipates agricultural farm animals and the R-1-10 zone does not.

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. The applicable general plan is an older one that has not been amended in some time. It is the Southeast Area Comprehensive Land Use Master Plan (1970-1990). The rezone proposal appears to comply with this general plan.

Figure 3⁵ shows that the general plan's future land use map has this area designated for "low density." This map and the plan text is clear enough to suggest that the property's current zoning, the RE-15 zone, is not in compliance with "low density" and should be changed. The proposed R-1-10 zone would change the zoning to a zone that better supports the low density classification.

The general plan anticipates "low density" to be three to eight dwelling units per acre. While the current RE-15 zone provides for only 2.9 units to the acre, the proposed rezone would enable 4.4 dwelling units to the acre, which is well within the recommended range.

Furthermore, the description of the R-1-10 zone better suits the plan's description of "low density" than the RE-15 zone. The RE-15 zone is better compared to the plan's "very low density" designation. The plan reads as follows:

Very low density

The very low density classification is designed as a transition zone between agricultural land uses and urban residential development. The classification permits the development of single and two family structures on a minimum of 15,000 square feet in the unincorporated areas of the county, and 20,000 square feet in Uintah [Township]. In both cases, the density requirements relate to the Suburban-Residential-Agricultural (S-1A)

⁴ See Exhibit E to compare the uses between the R-1-10 zone and the RE-15 zone.

⁵ See also Exhibit D.

zone.⁶ The density requirements of the “Very Low” classification would permit the development of one to two dwelling units per net residential acre.

The proposed area for development under very low density are located east of 2400 East, south of the Ogden City limits and north of 6450 South in what is known as the Uintah Highlands. The other very low density residential area is located in the Uintah Township⁷.

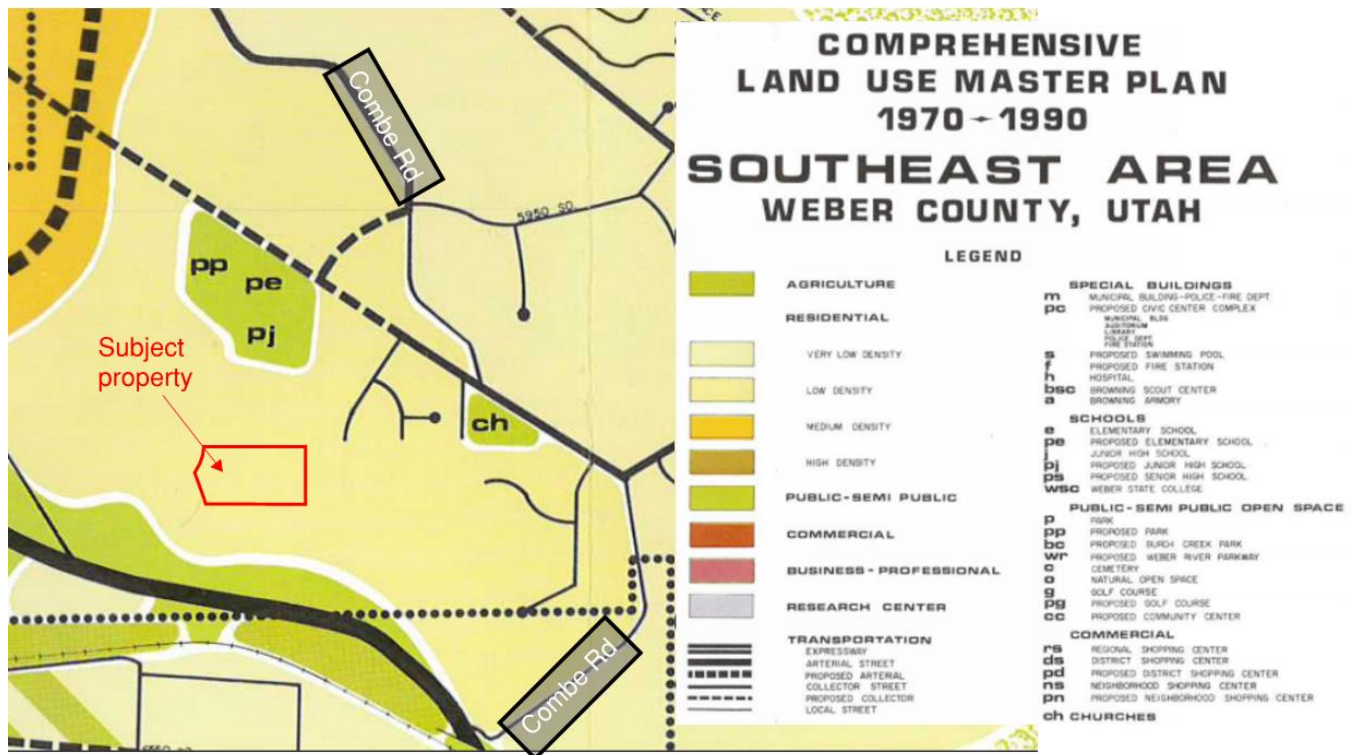
Low density

The low density classification consists of those uses which exist in R-1⁸, R-2, and R-3 or single family and duplex structures. The density for this classification provides for three to eight dwelling units per net residential acre. The minimum required area for building a single family home is 6,000 square feet.

The plan proposes that low density residential development should take place near collector streets with access to neighborhood school and park facilities. The plan envisions the continuation of existing low density areas particularly on the areas north of Washington Boulevard and south of the Burch Creek to the northern boundary of Golf City and in the areas around Weber State College and east of the proposed Skyline Drive. Other areas of low density housing are shown dispersed throughout the southwest portion of the planning area. The majority of the proposed low density area other than that described above is located in the property to be developed by Wasatch Hills Development Company. The low density residential areas should be served by a full complement of community facilities and be protected from intrusion of through traffic and non-residential oriented land uses.

Figure 3⁹ graphically presents the expected layout of the above described designations. Combe road is the edge between the “low density” classification and the “very low density” classification.

Figure 3: Future Land Use Map of the Southeast Area’s General Plan.



Even though the proposed rezone creates an island of one zone surrounded by another, this is not considered spot zoning because the general plan requests this type of zoning density in the area, thus this request is anticipated

⁶ The county no longer has a S-1A zone, but does have the RE-15 and RE-20 zones that correspond to this designation.

⁷ The “Uintah Township” is now predominantly Uintah City.

⁸ The county no longer has the R-1 zone, but does have the R-1-10 zone that roughly corresponds to this designation.

⁹ See also Exhibit D

and recommended for not just the subject property, but also adjacent properties. The RE-15 zone and the R-1-10 zone are similar enough in nature to not create significant concern regarding adjacent conflicting uses.¹⁰ Over time, the general plan anticipates that future decisions will change surrounding RE-15 zoning to the R-1-10 or other similar zone. There is another R-1-10 zone approximately 1300 feet to the north of the subject property so it can be observed that this proposed zone is not inconsistent with zones in the area. A proposal for a zone such as R-2 or R-3, which allows 6,000 square foot minimum area for single-family dwellings, could be considered inconsistent or incompatible with zones in the area. If the Planning Commission is concerned about a proposed R-1-10 island, then more consideration could be given to rezoning other surrounding land to the R-1-10 zone as well.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Weber County Code § 102-5-4 and § 102-5-5 sets forth application submittal criteria. In these chapters the Planning Commission will find that Weber County has previously adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and waste water provisions, and storm water runoff. This is a challenging burden to meet when a landowner is considering a rezone, and each of these are required prior to actual development of the land, so it may be redundant to require them.

Concept development plan. A concept development plan has been provided for the property¹¹. If the rezone is approved contingent on this concept development plan the ordinance requires that owner strictly comply with it. Staff does not recommend rezoning contingent upon this concept development plan. The concept shows a cul-de-sac turnaround for rather than a through-street. Weber County Code § 106-2-3 might require this to be a through street that connects to adjacent property to the east.

Under § 102-5-6(1) the county commission may:

“approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;”

Locations of buildings and structures and their architectural designs. The ordinance requires that the concept plan show the location of buildings and structures and their architectural designs. The applicant asserts that the design and layout of lots and buildings will comply with the subdivision regulations and zoning standards in place at the time a subdivision is proposed. The applicant has provided conceptual renderings of examples of buildings that might go in the development. The planning commission may determine that this requirement has been satisfied with this explanation.

Access and traffic circulation. This property is located on 2225 E Street. 2375 E Street stubs to an adjacent property to the East. If the property is rezoned and a subdivision is developed, a connection to adjacent undeveloped property may be required by the land use code. The subdivisions adjacent to the subject parcel have curb, gutter and sidewalk along both sides of the road. Such improvements are likely to be required for a future residential subdivision on the subject parcel.

Water, waste water, fire, engineering, and other utilities. The applicant has provided a feasibility letter from the Uintah Highlands Improvement District for water and sewer. This application was sent for review by all relevant review agencies. None returned any negative responses.

¹⁰ See Exhibit E to compare the uses between the R-1-10 zone and the RE-15 zone.

¹¹ See Attachment F.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2019-05, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation comes with the following findings:

1. The Southeast Area Comprehensive Land Use Master Plan (the general plan) recommends the uses and densities of the R-1-10 zone.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The surrounding land uses do not pose a conflict with the proposed zone, and the new uses of the proposed zone are anticipated to fit into the area harmoniously.
4. The proposal meets the intent of “low density” rather than “very low density” residential development as outlined in the Southeast Area Comprehensive Land Use Master Plan (the general plan).

Exhibits

Exhibit A: Application.

Exhibit B: Current Zone Map.

Exhibit C: Proposed Zone Map.

Exhibit D: Southeast Area Comprehensive Land Use Master Plan Map (General Plan’s Future Land Use Map).

Exhibit E: Tabular Comparison of RE-15 and R-1-10 Zones.

Exhibit F: Concept Development Plan.

As required in the rezone application, we are providing our overview of the development. And our reasons to request a rezone of the property. The property is owned by The Church of Jesus Christ of Latter-Day Saints, and is currently being used as a Park/Ball field.

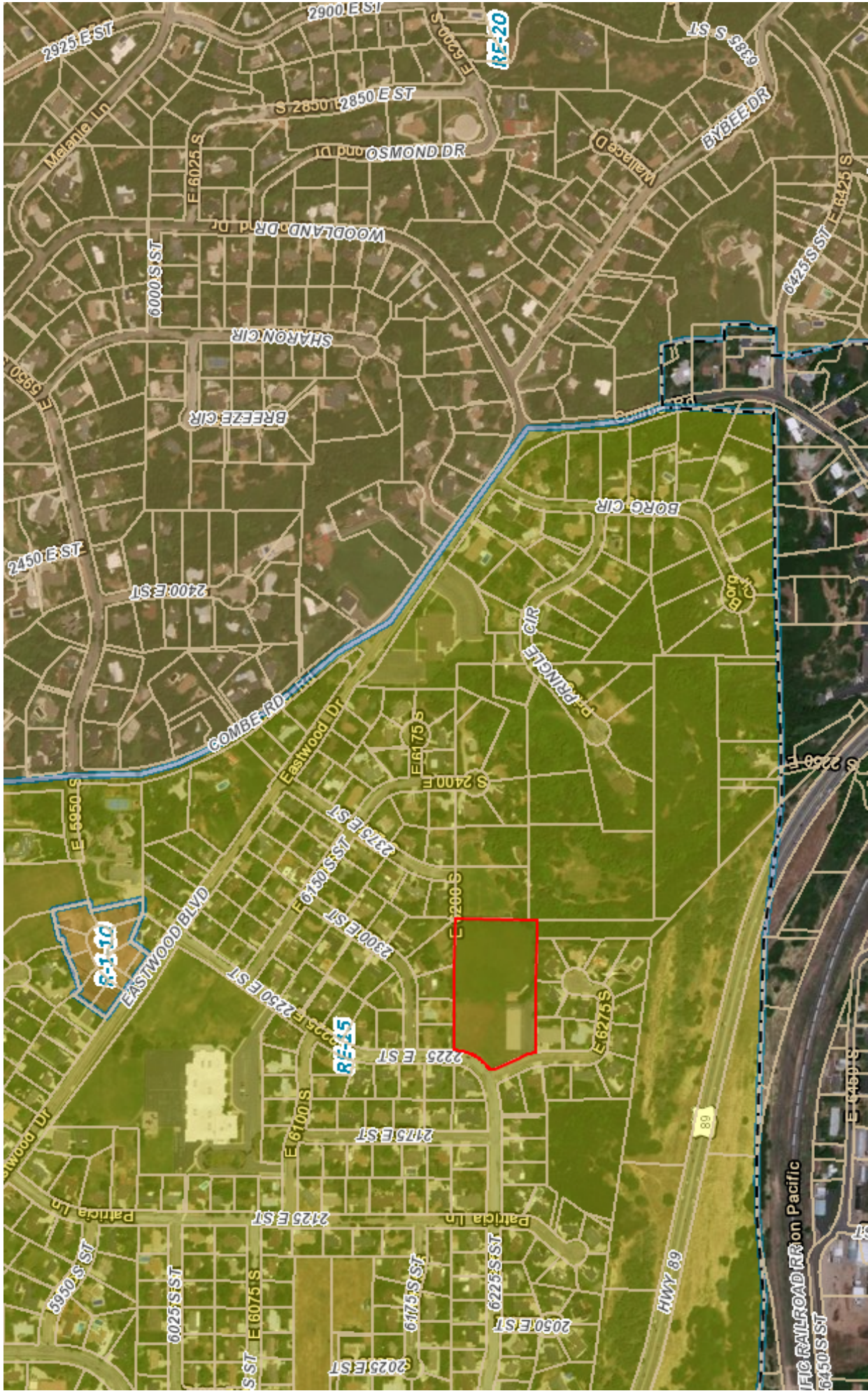
We are requesting a rezone from the current RE-15 zoning to a R-1-10 zoning.

The general plan designates that this area will be "low density" residential. The general plan defines "low density" residential as 3-8 units per acre. The R-1-10 zone requires a minimum of 10,000 sq.ft. lots. This is a minimum size lot, and with the width and layout of the property many lots will exceed this. Our conceptual plan (it is conceptual and could change) proposes 13 lots with an average lot size of 12,750 sq. ft. This is 2.8 lots per acre and is actually below the general plan density requirements.

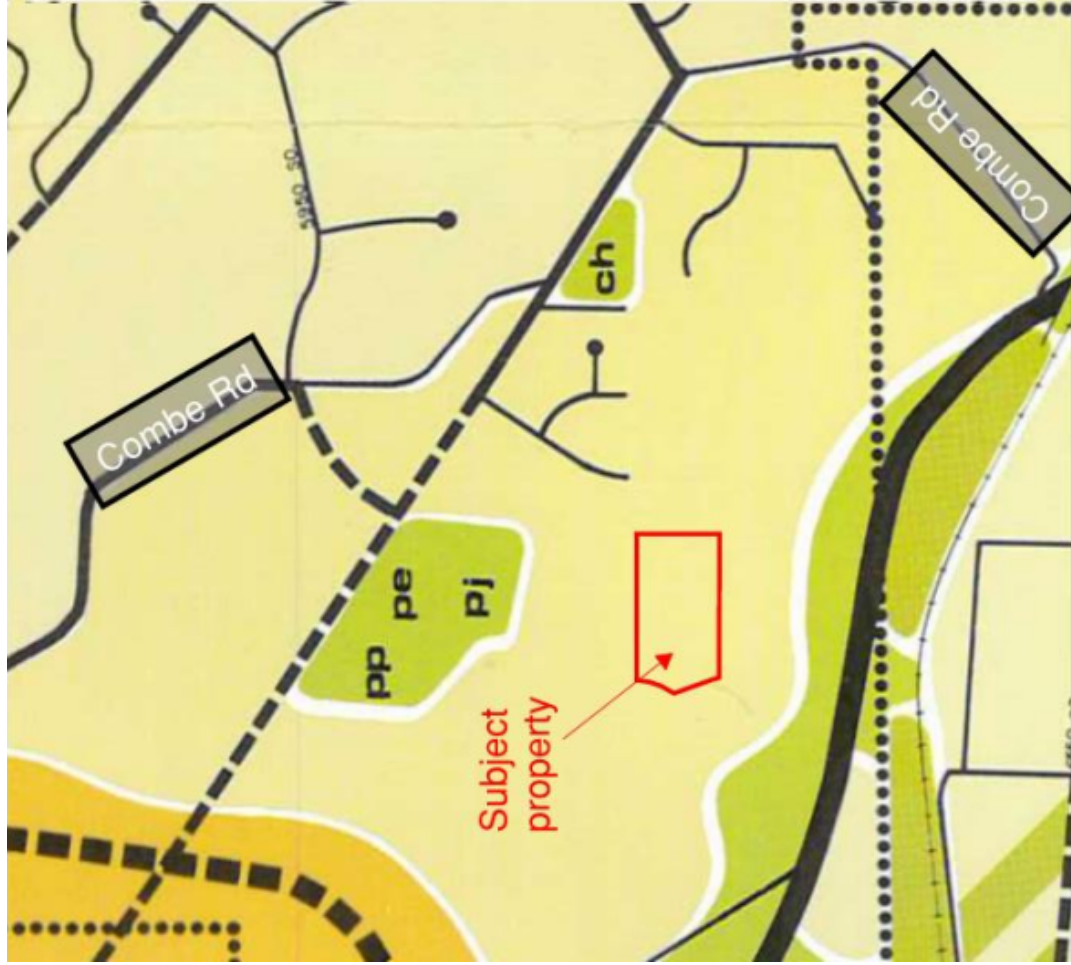
We have been in the Real Estate Development and Homebuilding for 40 years. We have developed in many cities along the Wasatch Front. Over this period and particularly over the past 10-15 years, we have seen a demand for smaller lot size, higher density, higher-quality developments. There are two buyers demanding this shift. Older empty nester Buyer's that do not want large lots to maintain. And younger Buyers that are looking for affordability and more importantly less maintenance. Younger Home buyers have other interests than yardwork. A 10,000 sq. ft. lot is still a very "large lot" by most standards. And even with our proposed plan the lots would average 12,750 sq. ft. which is almost a 1/3 acre.

In September of 2018 the Weber County Commission approved a rezone application from the RE-15 zone to a R-1-10 for a new subdivision located at 2220 E Eastwood Blvd. This new subdivision is about 2 blocks North of our proposed rezone and is the same zoning change that we are requesting.

We would also request that the Planning Commission and The County Commission look to reduce the side yard requirements for the R-1-10 zone. The current code requires that the side yards be "10 feet with a total width of 2 side yards not less than 24 ft". This side yard requirement is the same for the RE-20, RE-15, R-1-12 and the R-1-10 zones. The side yards seem appropriate for all the zones with the exception of the R-1-10 zone. The R-1-10 zone requires a minimum 80-foot-wide lot. The 80-foot-wide minimum lot is reasonable, and pretty standard with what most other Cities allow. But with the requirement for 24' total side yards, this is much larger. This would only allow a home to be 56' wide on a 80' lot. The larger side yards can provide space between homes, but they will reduce the size of the homes that can be built. And more importantly not allow us to build 3 car garages on many lots. Most municipalities require an 8' side yard in a R-1-10 zone. Or some cities require a 10' side yard on the garage side and a 6-8' side yard on the non-garage side. This can help allow for RV driveways on the garage side.







COMPREHENSIVE LAND USE MASTER PLAN

1970 - 1990

SOUTHEAST AREA WEBER COUNTY, UTAH

LEGEND

	AGRICULTURE	SPECIAL BUILDINGS
	RESIDENTIAL	M MUNICIPAL BUILDING-POLICE-FIRE DEPT.
	VERY LOW DENSITY	PC PROPOSED CIVIC CENTER COMPLEX
	LOW DENSITY	W NATIONAL MUSEUM
	MEDIUM DENSITY	AS ARTS CENTER
	HIGH DENSITY	PT PROPOSED SKATING RINK
	PUBLIC-SEMI PUBLIC	H HOSPITAL
	COMMERCIAL	bsc BROWNING SCOUT CENTER
	BUSINESS - PROFESSIONAL	B BROWNING ARCADE
	RESEARCH CENTER	S SCHOOLS
	TRANSPORTATION	es ELEMENTARY SCHOOL
	EXPRESSWAY	ph PROPOSED ELEMENTARY SCHOOL
	ARTERIAL STREET	h JUNIOR HIGH SCHOOL
	PROPOSED ARTERIAL	pj PROPOSED JUNIOR HIGH SCHOOL
	COLLECTOR STREET	ps PROPOSED SENIOR HIGH SCHOOL
	PROPOSED COLLECTOR	WSC WEBER STATE COLLEGE
	LOCAL STREET	PUBLIC-SEMI PUBLIC OPEN SPACE
		P PARK
		pp PROPOSED PARK
		bc PROPOSED BIRCH CREEK PARK
		wr PROPOSED WEBER RIVER PARKWAY
		C CEMETERY
		O NATURAL OPEN SPACE
		g GOLF COURSE
		pg PROPOSED GOLF COURSE
		CC PROPOSED COMMUNITY CENTER
		COMMERCIAL
		rs REGIONAL SHOPPING CENTER
		ds DISTRICT SHOPPING CENTER
		pd PROPOSED DISTRICT SHOPPING CENTER
		ns NEIGHBORHOOD SHOPPING CENTER
		pn PROPOSED NEIGHBORHOOD SHOPPING CENTER
		ch CHURCHES

Site Development Standards

Zone	R-1-10	RE-15	R-2
Minimum Lot Area	10,000 square feet.	15,000 square feet.	6,000 square feet.
Minimum Lot Width	80 feet.	100 feet.	60 feet.
Minimum Yard Setbacks			
Front	20 feet.	30 feet.	25 feet.
Side			
Dwelling	10 feet; with total of two sides not less than 24 feet.	10 feet; with total of two sides not less than 24 feet.	8 feet; with total of two sides not less than 18 feet.
Other Main Building	20 feet.	20 feet.	20 feet.
Accessory Building	10 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 10 feet from dwelling on adjacent lot.	10 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 10 feet from dwelling on adjacent lot.	8 feet; except 1 foot when at least 6 feet from rear of dwelling and not less than 8 feet from dwelling on adjacent lot.
Side; on corner lot	20 feet.	20 feet.	20 feet.
Rear			
Main Building	20 feet.	30 feet.	30 feet.
Accessory Building	1 foot; except 10 feet where accessory building rears on side yard of adjacent corner lot.	1 foot; except 10 feet where accessory building rears on side yard of adjacent corner lot.	1 foot; except 8 feet where accessory building rears on side yard of adjacent corner lot.
Height			
Main Building	35 feet.	30 feet.	35 feet.
Accessory Building	25 feet.	25 feet.	25 feet.

Land Uses

N = Not Permitted

P = Permitted

C = Conditionally Permitted

Zone	R-1-10	RE-15	R-2
Agricultural and Animal Uses			
Agriculture.	P	P	P
Agricultural experimentation center	N	P	N
Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot.	N	P	
		P	
Chinchilla raising.	N	Requires 40,000 square feet minimum lot area	N

Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line.	N	P	N
Farms devoted to the hatching, raising (including fattening as incident to raising) of chickens, turkeys or other fowl, rabbit, fish, frogs or beaver hatched or raised on the premises.	N	P Requires 5 acre minimum lot area	N
Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area.	N	P	N
Raising and grazing of horses, cattle, sheep or goats, including the supplementary feeding of such animals, provided that such raising or grazing is not a part of, nor conducted in conjunction with any livestock feed yard, livestock sales yard, slaughterhouse, animal by products business or commercial riding academy.	N	P Requires 5 acre minimum lot area	N
Residential Uses			
Bachelor and/or bachelorette dwelling with 24 or less dwelling units.	N	N	P
Cluster subdivision	P	P	N
Group dwelling with 24 or less dwelling units	N	N	P
Home occupations.	P	P	P
Household pets, which do not constitute a kennel.	P	P	P
Planned residential unit development	C	C	C
Residential facilities for persons with a disability	P	C	P
Residential facility for elderly persons	C	C	P
Single-family dwelling.	P	P	P
Two-family dwelling.			P
Public and Quasi-Public Uses			
Public utility substations.	C	C	C
Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.	P	P	C
Church, synagogue or similar building used for regular religious worship.	P	P	P
Educational institution.	P	N	P
Educational/institutional identification sign.	C	C	C
Public building, public park, recreation grounds and associated buildings.	P	P	P
Water storage reservoir developed by a public agency	C	C	C
Commercial Uses			
Child day care or nursery.	N	C	N
Golf course, except miniature golf course.	P	P	P

Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation.	N	P	N
Other Uses			
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.	P	P	P
Greenhouse, for private use only.	P	P	P
Parking lot accessory to uses permitted in this zone.	P	P	P
Private park, playground or recreation area, but not including privately owned commercial amusement business.	C	C	C
Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.	P	P	P
Small wind energy system.	N	C	N



LAYTON
1485 W. Hill Field Rd., Ste. 204
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY
Phone: 801.255.0529

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

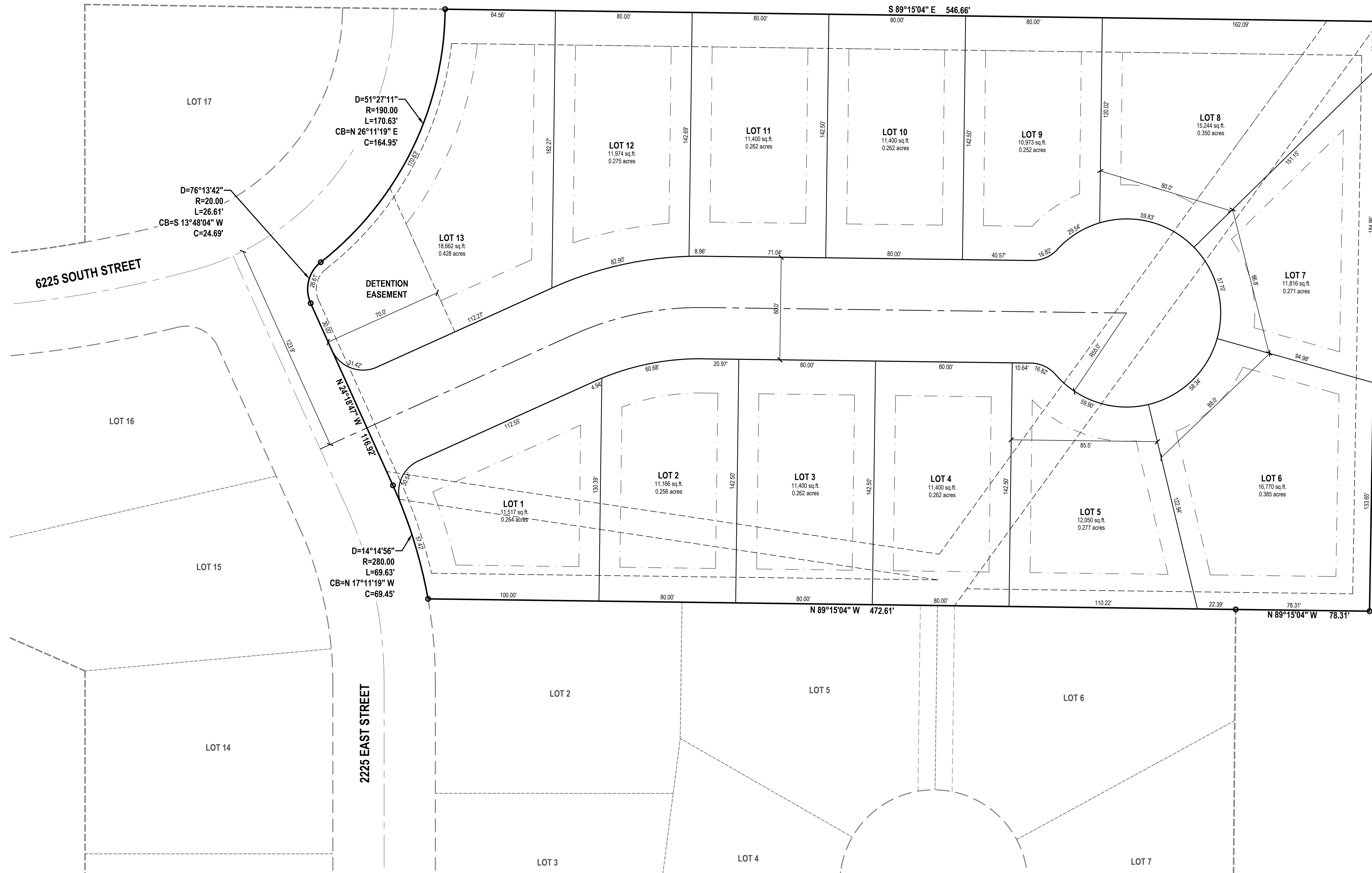
RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
CLIENT
CLIENT'S ADDRESS
CLIENT CITY STATE ZIP

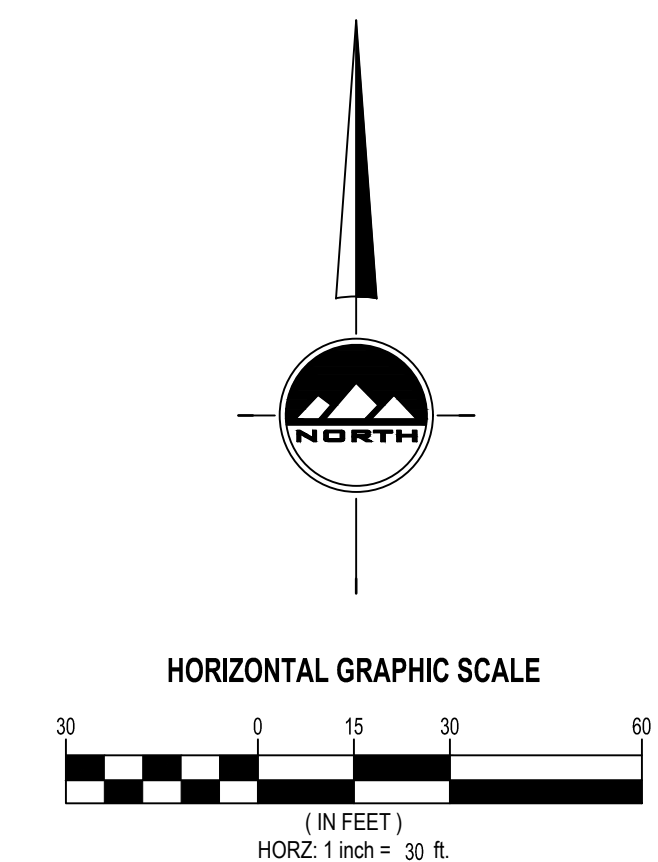
CONTACT:
CLIENT CONTACT
PHONE: 801-000-0000

HIGHLANDS BLUFF ESTATES
LOT 1 SUBDIVISION
2225 EAST 6225 SOUTH
WEBER COUNTY, UTAH



CONCEPT PLAN
ZONE R-1-10

PROJECT NUMBER 9455 PRINT DATE 10/18/19
DRAWN BY MELMER CHECKED BY C.PRESTON
PROJECT MANAGER C.PRESTON

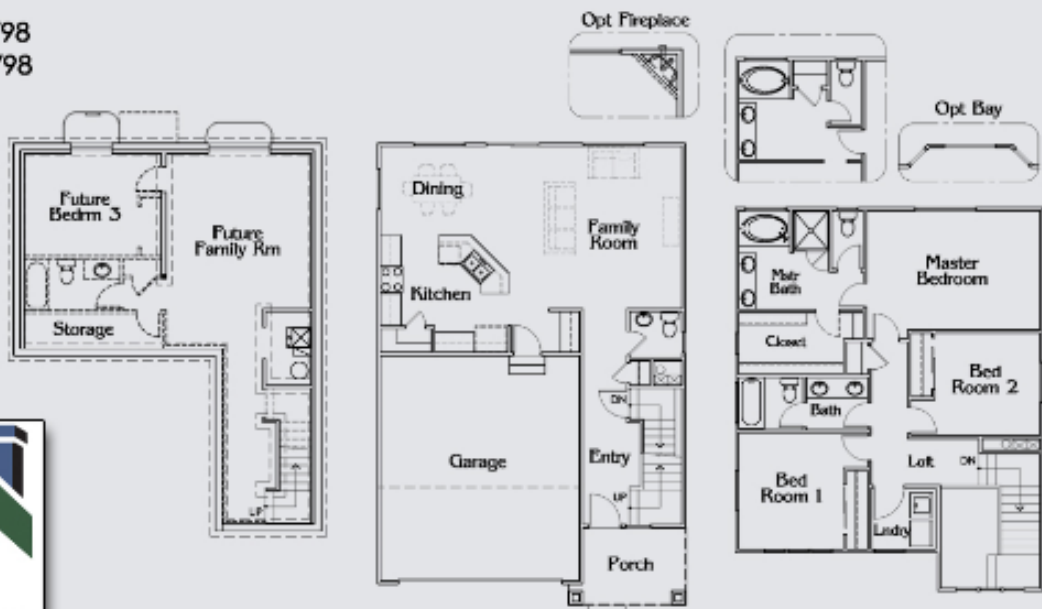


Arlington

Plan # **1716**



Square Footages:
Basement Level = 798
Main Flr Finished = 798
Second Floor = 917
Overall = 2513



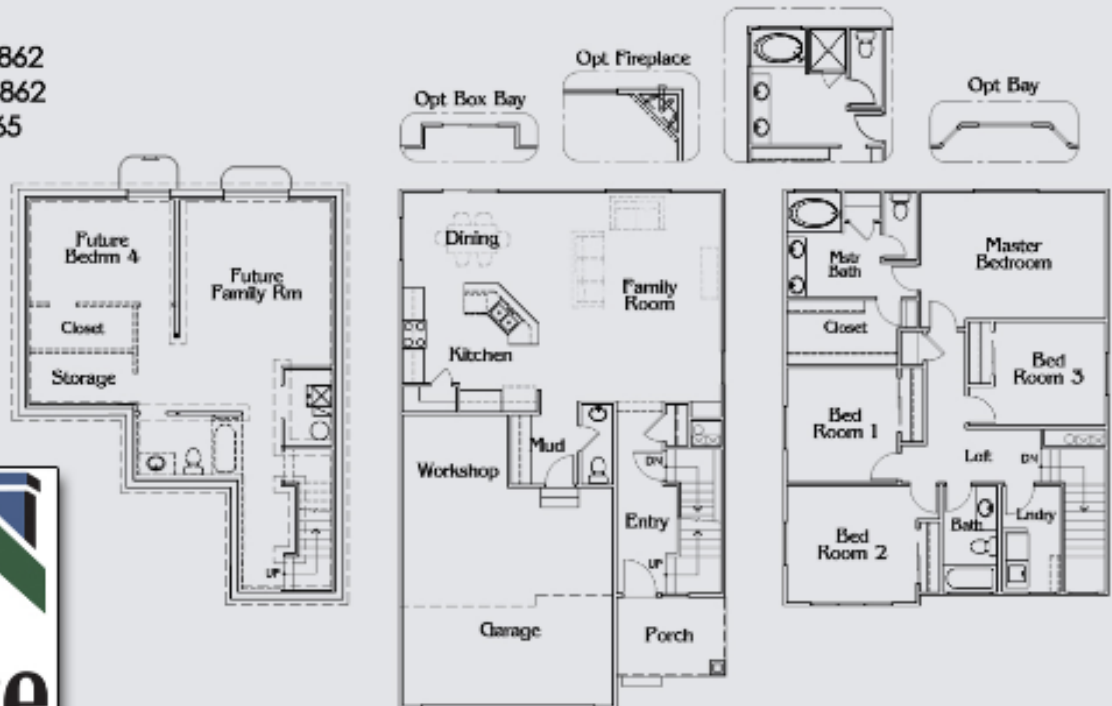
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Hampton

Plan # **1937**

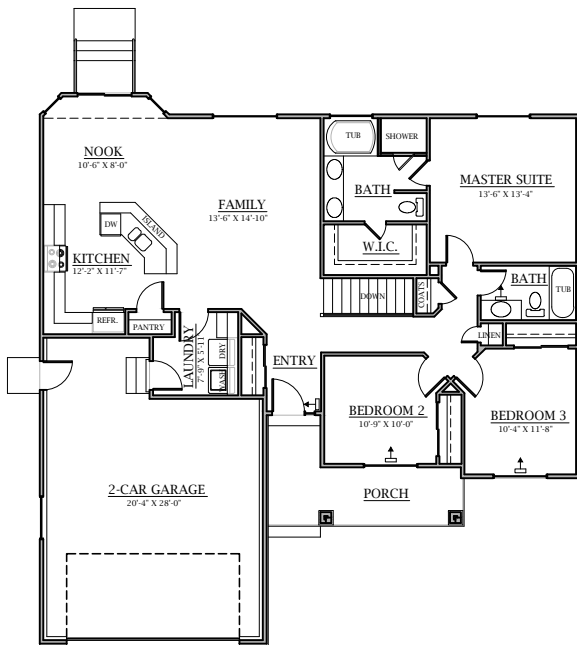


Square Footages:
Basement Level = 862
Main Flr Finished = 862
Second Floor = 1065
Overall = 2799

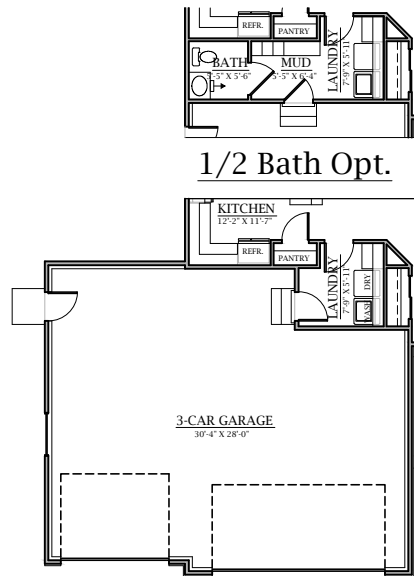


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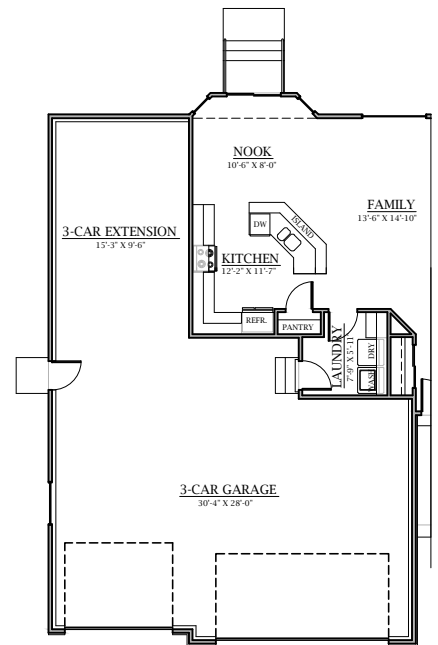
The Lexington



Main Floor Plan



3-Car Opt. 1



3-Car Opt. 2



Main Floor	1450	Sq. Ft.
Basement: Finished	29	Sq. Ft.
Unfinished	1400	Sq. Ft.
Total: Finished Area	1479	Sq. Ft.
Garage: 2 Car Opt.	533	Sq. Ft.
3 Car Opt. 1	897	Sq. Ft.
3 Car Opt. 2	1157	Sq. Ft.

Overall Dimensions:
50'-0" Wide X 51'-0" Deep

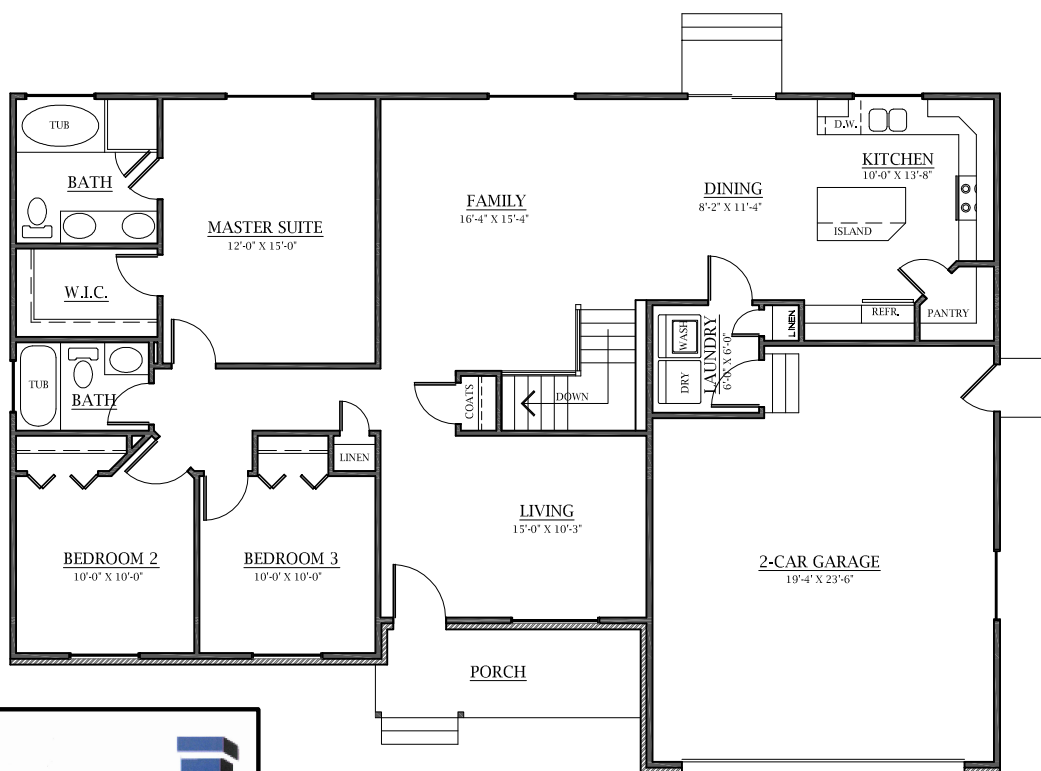
ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO CHANGE, PRICES SUBJECT TO CHANGE AND SOME ITEMS SHOWN MAY BE OPTIONAL



579 W. GALENA PARK PLACE, SUITE G 01
DRAPER, UT 84020
OFFICE : 801.568.6520
FAX : 801.568.0656

THE 1462

MOORE HOMES



MOORE HOMES
3200 South 7200 West
West Valley, Ut 84128
(801)250-3300 Office
(801) 943-8117 Fax

Buyer to Verify All

THE 1462

Main Floor	1452	Sq. Ft.
Basement: Finished	10	Sq. Ft.
Unfinished	1528	Sq. Ft.
Total: Finished	1462	Sq. Ft.
Area	2990	Sq. Ft.
Garage	456	Sq. Ft.

Overall Dimensions:
56'-0" Wide X 38'-6" Deep



8728 South 120 East
Sandy, Utah 84070