



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing, discussion, and decision on an amendment to Section 106-2-4 of the Weber County Code regarding allowing "lot averaging" to occur in the AV-3 zone and to provide standards therefor.

Agenda Date: Tuesday, January 28, 2020
Staff Report Date: Friday, January 24, 2020
Applicant: Weber County Planning Division
File Number: ZTA 2019-10

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§106-2-4: 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 and a finding that the legislation serves a reasonable public interest.

Summary and Background

Lot averaging is a tool that was previously adopted and made applicable to the A-1, A-2, and A-3 zones. The county commission has requested the planning commission consider and make recommendation to them regarding allowing it in the AV-3 zone as well. The attached changes will enable and provide standards for it. The planning commission offered a positive recommended for the amendment

Policy Analysis and General Plan Conformance

Please refer to Planning Commission staff report for policy and General Plan analysis.

Past Action on this Item

The planning commission discussed this amendment in a recent work session while also reviewing other proposed amendments of the subdivision code. This specific amendment was separated from the larger amendments for fast tracking at the request of the county commission.

The planning commission offered a positive recommendation for the item in their December 3, 2019 meeting.

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

Planning Commission Recommendation

The Planning Commission forwarded a positive recommendation to the County Commission for the proposed amendments. The changes are supported by the Ogden Valley General Plan. The planning commission's recommendation came with the following findings:

1. The amendment will provide a flexible cluster-type development option that will help create open spaces and reduce the footprint of developments.
2. The amendment is supported by the general plan.
3. The changes are not detrimental to the general health and welfare of county residents.

Staff Recommendation

An item of concern presented to the planning commission in during their public hearing was that the way the amendments were written as presented could be misconstrued in a way that would have severe consequences. Staff have reworked the proposal with the attorney's office to eliminate the interpretive possibility. Attachment A presents the reworked language. The content and context remain the same as was reviewed by the Planning Commission.

Exhibits

- A. Proposed Ordinance.
- B. Planning Commission Staff Report.

WEBER COUNTY ORDINANCE COVER SHEET

Type of ordinance: <input type="checkbox"/> New <input checked="" type="checkbox"/> Amendment	
Requester: <input checked="" type="checkbox"/> County department or office: <u> Planning </u>	
<input type="checkbox"/> Other: (name of individual or organization) _____	
Contact person (if not requester): <u> Charlie Ewert </u>	
Phone number: <u> 801-821-6544 </u> Email: <u> cewert@webercountyutah.gov </u>	
Summary and purpose of proposed ordinance (be specific):	
<u> An amendment to regulations governing lot averaging in the AV-3 zone. </u>	
County Commissioner Preliminary Approval	
Commissioner signature: _____ Date: _____	
County department or office assigned as originating department: _____	
County Attorney's Office Review	
Initial review: <input type="checkbox"/> Approved (no legal concerns)	
<input type="checkbox"/> Not recommended (see below for unresolved legal concerns)	
Signature: _____ Date: _____	
Unresolved legal concerns or other comments:	
Second review (if applicable): <input type="checkbox"/> Approved <input type="checkbox"/> Still not recommended due to legal concerns	
Signature: _____ Date: _____	
Clerk's Office Review	
Initial review: <input type="checkbox"/> Approved	
<input type="checkbox"/> Not recommended (see below for unresolved concerns)	
Signature: _____ Date: _____	
Unresolved concerns or other comments:	
Second review (if applicable): <input type="checkbox"/> Approved <input type="checkbox"/> Still not recommended due to concerns	
Signature: _____ Date: _____	
Review by Other Entity	
<input type="checkbox"/> Not required <input type="checkbox"/> Reviewed and approved Entity: _____	
County Commission	
First Reading Date: _____ <u>Votes</u> Jenkins _____ Froerer _____ Harvey _____	<input type="checkbox"/> Approved to be moved to second reading <input type="checkbox"/> Originating department to make changes and submit for second reading <input type="checkbox"/> Final approval given (no second reading necessary) <input type="checkbox"/> Rejected <input type="checkbox"/> Other: _____
Second Reading Date: _____ <u>Votes</u> Jenkins _____ Froerer _____ Harvey _____	<input type="checkbox"/> Approved as presented <input type="checkbox"/> Approved with changes <input type="checkbox"/> Rejected <input type="checkbox"/> Other: _____
Comments (e.g., changes ordered by Commission):	

ORDINANCE NUMBER 2020-

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE REGARDING LOT AVERAGED SUBDIVISIONS IN THE AV-3 ZONE AND PROVIDING CLARIFYING EDITS

WHEREAS, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations governing subdivision of land in unincorporated Weber County; and

WHEREAS, the subdivision regulations contained a provision for lot-averaged subdivisions in certain zones; and

WHEREAS, the lot-averaged regulations did not permit lot-averaging in the AV-3 zone; and

WHEREAS, the Board has determined that there is a reasonable public interest in amending the subdivision regulations to allow lot-averaged subdivision in the AV-3 zone and to provide other related amendments to provide greater clarity; and

WHEREAS, the Board has received a positive recommendation for amendments to implement the same from the Ogden Valley Planning Commission in their December 3, 2019 meeting, after a duly noticed public hearing; and

WHEREAS, the Board concurs with the planning commission that the amendments are compatible with the intended effect of the general plan, and that the amendments are not detrimental to the general public health, safety, or 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 _____, 2020, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By _____,
Gage Froerer, Chair

Commissioner Froerer voted: _____
Commissioner Harvey voted: _____
Commissioner Jenkins voted: _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

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

6 (a) The lot arrangement and design shall provide satisfactory and desirable sites for buildings, and be
7 properly related to topography and to existing and probable future development conditions.

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

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

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

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

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

20 (5) *Lot-averaged subdivision.* In the A-1, A-2, A-3 and AV-3 zones, a lot's area and width standards
21 may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum
22 lot width as specified in the applicable zone or zones found in Title 104. A lot-averaged subdivision
23 shall comply with the following:

24 a. *The averaged area and width of all lots to comply with zone standards.* The averaged lot
25 area and averaged lot width of all lots located within a lot-averaged subdivision shall be no
26 less than the minimum lot area and minimum lot width found in the applicable zone or zones.

27 b. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged
28 subdivision shall be no less than shown in the following table, provided that the averaged
29 area and width of all lots in the subdivision maintains compliance with (5)(a) of this
30 subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area.....	20,000 square feet.	40,000 square feet.
Lot width.....	80 feet.	100 feet.

31 c. *Subdivision plat table.* A table shall be provided with the subdivision application and on the
32 final subdivision plat showing the area and width of each lot within the overall subdivision
33 boundary, the averaged area and width of all lots within the overall subdivision boundary,
34 and the averaged area and width of all lots within each zone in the overall subdivision
35 boundary. If platted in phases, the "overall subdivision boundary" shall mean the exterior
36 boundary of all phases in the approved preliminary plat.

37 d. *Subdivision plat subtitle.* A subtitle shall be displayed on the final subdivision plat that reads
38 "A Lot-Averaged Subdivision."

- 39 e. *Subdivision plat note.* A note shall be placed on the final subdivision plat that reads "the
40 averaged area and averaged width of lots within the zone equals or exceeds the minimum
41 lot area and minimum lot width allowed in each applicable zone. An amendment to any part
42 of the subdivision's approved preliminary plat shall comply with Weber County Code's lot-
43 averaged subdivision regulations, as may be revised or amended from time to time."

1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

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

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

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 or PRUD.* When in accordance with the cluster subdivision or PRUD
 14 provisions of the Land Use 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~~ averaged subdivision. In the A-1, A-2, ~~and A-3~~ and AV-3 zones, ~~flexible lot~~ a lot's
 22 area and width standards may be reduced in a lot-averaged subdivision below the standard
 23 minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title
 24 104. A lot-averaged subdivision shall comply with the following: ~~shall be allowed in accordance~~
 25 ~~with the following provisions:~~

26 a. The averaged area and width of all lots to comply with zone standards. The averaged lot
 27 area and averaged lot width of all lots located within a lot-averaged subdivision shall be no
 28 less than the minimum lot area and minimum lot width found in the applicable zone or zones.

29 b. Lot standards. The lot area and lot width of an individual lot located within a lot-averaged
 30 subdivision shall be no less than shown in the following table, provided that the averaged
 31 area and width of all lots in the subdivision maintains compliance with (5)(a) of this
 32 subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
<u>Lot area.....</u>	<u>20,000 square feet.</u>	<u>40,000 square feet.</u>
<u>Lot width.....</u>	<u>80 feet.</u>	<u>100 feet.</u>

33

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

36 ~~b. The minimum lot width allowed in the A-1 and A-2 zones shall be 80 feet. The minimum lot~~
 37 ~~width allowed in the A-3 and AV-3 zone shall be 100 feet.~~

38 ~~e. The average area of lots within any zone in the subdivision shall equal or exceed the~~
39 ~~minimum lot area for the zone.~~

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

42 ec. *Subdivision plat table.* A table shall be provided with the subdivision application and on the
43 final subdivision plat showing the area and width of each lot within the overall subdivision
44 boundary, the averagedd area and width of all lots within the overall subdivision boundary,
45 and the averagedd area and width of all lots within each zone in the ~~subdivision.~~overall
46 subdivision boundary. If platted in phases, the "overall subdivision boundary" shall mean the
47 exterior boundary of all phases in the approved preliminary plat.

48 fd. *Subdivision plat subtitle.* A subtitle shall be displayed on the final subdivision plat that reads
49 "A Lot-Averaged Subdivision."

50 ge. *Subdivision plat note.* A note shall be placed on the final subdivision plat that reads "~~for~~
51 ~~each zone in this subdivision,~~ the averagedd area and averagedd width of lots within the zone
52 equalss or exceedss the minimum lot area and minimum lot width allowed in each applicable
53 ~~the~~ zone. An amendment to any part of ~~this~~the subdivision's approved ~~overall~~ preliminary
54 plat~~subdivision~~ shall comply with ~~Section 106-2-4(b) of the~~ Weber County Code's lot-
55 averaged subdivision regulations, as may be revised or amended from time to time."



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to discuss and take comment on a proposal to amend Section 106-2-4 of the Weber County Code regarding allowing "lot averaging" to occur in the AV-3 zone and to provide standards therefor.

Agenda Date: Tuesday, December 03, 2019
Staff Report Date: Tuesday, November 26, 2019
Applicant: Weber County Planning Division
File Number: ZTA 2019-10

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§106-2-4: 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

Lot averaging is a tool that was previously adopted and made applicable to the A-1, A-2, and A-3 zones. The county commission has requested the planning commission consider and make recommendation to them regarding allowing in the AV-3 zone as well. The attached changes will enable and provide standards for it.

Policy Analysis

The planning commission should consider whether the AV-3 zone is an appropriate zone for lot averaging. Lot averaging allows a diversity of lot sizes, but the average of all lots cannot exceed the area and width permitted by the AV-3 zone. In effect, if lot sizes or widths are reduced below the AV-3 zone's minimums for some lots, it will force other lots in the same subdivision to be larger and/or wider than the AV-3 zone's minimums.

For consistency's sake, staff suggest lot averaging in the AV-3 zone at least follow the same minimum lot standards of the A-3 zone's lot-averaging standards, which is a minimum area of one acre and a minimum width of 100-feet. However, reducing these standards even further may encourage greater efficiency of land uses, which could appear as clustered lots adjacent to large-lot open spaces. The planning commission should consider whether the one-acre/one-hundred-foot standard is appropriate for the zone or if further reductions are desirable.

Conformance to the General Plan

The Ogden Valley General Plan does not address lot averaging. However, it does suggest clustering development in several locations. For example, Land Use Principle 1.5 states:

Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage clustered residential developments with smaller building lots and larger areas of open space for most subdivisions.

Lot averaging will enable a type of clustering development tool. In most cases, the clusters are unlikely to be as

compact as would otherwise be allowed by the cluster subdivision code, but optimally clustered development is unlikely unless the land has access to sewer services.

Past Action on this Item

The planning commission discussed this amendment in a recent work session while also reviewing other proposed amendments of the subdivision code. This specific amendment was separated from the larger amendments for fast tracking at the request of the county commission.

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

Staff recommends that the County Commission forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A). The changes are supported by the Ogden Valley General Plan. The planning commission's recommendation could come with the following findings, or as otherwise amended by the planning commission:

1. The amendment will provide a flexible cluster-type development option that will help create open spaces and reduce the footprint of developments.
2. The amendment is supported by the general plan.
3. The changes are not detrimental to the general health and welfare of county residents.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.

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

2 (a) The lot arrangement and design shall ~~be such that lots will~~ provide satisfactory and desirable sites for
3 buildings, and be properly related to topography and to existing and probable future
4 ~~requirements.~~ development conditions.

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

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

9 (2) *Cluster subdivision or PRUD.* When in accordance with the cluster subdivision or PRUD
10 provisions of the Land Use Code;

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

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

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

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

21 b. The minimum lot width allowed in the A-1 and A-2 zones shall be 80 feet. The minimum lot
22 width allowed in the A-3 and AV-3 zones shall be 100 feet.

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

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

27 e. A table shall be provided with the subdivision application and on the final subdivision plat
28 showing the area and width of each lot within the overall subdivision boundary, the average
29 area and width of all lots within the overall subdivision boundary, and the average area and
30 width of all lots within each zone in the ~~subdivision.~~ overall subdivision boundary. If platted in
31 phases, the "overall subdivision boundary" shall mean the boundary of all phases in the
32 approved preliminary plat.

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

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