

Policy Analysis

This application appears to meet the minimum requirements for a complete application.

Section 102-5-6 of the Land Use Code provides direction regarding the duties of the Planning Commission when taking action on legislative items such as rezones:

A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the Planning Commission and County Commission are encouraged to consider the following factors, among other factors they deem relevant:

Each of the following sections is the staff's analysis of relevant factors when considering a rezone request. The following sections provide information to help the Planning Commission evaluate the request. Each subsequent section will be titled, County Rezoning Procedure (with its relevant factor).

County Rezoning Procedure (a)

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*

Ogden Valley General Plan: This property is located between the two Eden Village Areas. The General Plan, under Residential Development Goal 1, states the following regarding this kind of development:

A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in Ogden Valley. (Ogden Valley General Plan, 2016, Page 27)

The proposed zoning map amendment appears to be in line with this goal, providing for the potential for smaller lots and additional housing choice.

Additionally, the General Plan has as a stated goal:

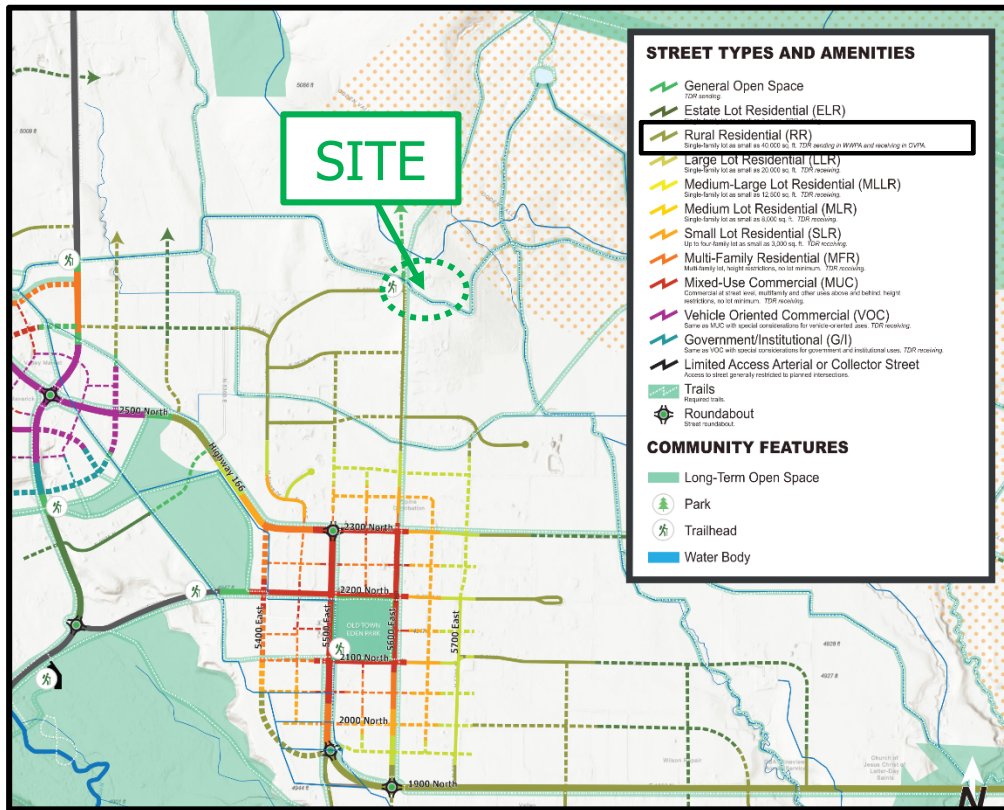
Land Use Implementation 1.1.1: *Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and*

as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

The transfer of development rights from a place where the desire is to preserve open space to the Form-Based Zone is anticipated by the General Plan. Changing this property to FB Zone allows for this kind of transfer to take place. The recently-adopted Form Based Zone allows for the following on rural residential streets:

A rural residential street has street-front single-family buildings that may be set back enough to create a sizeable front yard on a lot that is at least an acre large. (Section 104-22-2 (e)(9))

As can be seen in the Street Regulating Plan below, this area is anticipated to be a Rural Residential Street. Additional development rights will need to be acquired and transferred to this property prior to any subdivision or future development.



County Rezoning Procedure (b)

b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.

The purpose and intent of the Form-Based zone is listed in 104-22-1 as follows:

The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally:

(a) Implements the general plan. The Form-Based Zone regulations are intended to carry out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-based small area zoning and transferable development rights.

(b) Creates street regulating plans. Each area affected by the Form-Based Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.

The surrounding area consists mainly of agriculture and residential lots ranging in size from one acre to much larger parcels. The property across the street to the west was recently rezoned as part of the Dog and Bone development. This development, as proposed, will allow for the creation of two lots approximately one acre in area, intended for single-family residential use. The proposal will not be incompatible with the overall character of existing development in the area.

County Rezoning Procedure (c)

c. The extent to which the proposed amendment may adversely affect adjacent property.

The permitted and conditional uses listed in the FB zone for this street type are primarily residential and related uses that are not expected to adversely impact adjacent properties. There are currently processes and ordinances that landowners in this area are required to follow during the county's subdivision review and design review process for development of this land. The subdivision and design review process are intended to help mitigate adverse impacts of the allowed uses in each zone.

County Rezoning Procedure (d)

d. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.

The subject properties are not located within any mapped sensitive lands, as defined by county code. There are no wetlands, geologic hazards, or floodplain mapped on the property.

County Rezoning Procedure (e)

e. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Staff has not requested traffic mitigation plans at this point. The possible addition of one single family dwelling is not likely to have a significant impact on the existing public streets in the area.

County Rezoning Procedure (f)

e. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, wastewater, and refuse collection.

Planning staff have not requested a traffic mitigation plan or traffic study. The Planning Commission and County Commission may request that information before making a decision on the proposed rezone.

Staff has not reached out to police, schools, and refuse collection to determine if adequate services exist for this rezone, however, the Planning Commission and County Commission may wish to consult these service providers if they feel it is warranted.

Development Analysis

As noted above, the property will need to transfer in development rights in order to subdivide or otherwise develop the property. Once this right is available, and due to the size of the lot, there will be a maximum of two lots on the property, one of which would contain the existing home. The property owner has not submitted to the County a suggested or conceptual layout, but it a review of the Code demonstrates how this might be done. Options include:

- 1) Flag lot. A flag lot may be considered for this property. The requirements for having a flag lot are outlined in Section 106-2-4.010 (e). These requirements note the minimum lot area, frontage, and access standards that must be adhered to.
- 2) A standard subdivision. Because the existing frontage of the lot is only about 270', the development of the property may require the dedication of additional right of way in order to allow for the total required frontage. The smaller lot – the parcel to the south of the main structure – is already about 30' wide and is used as an access for the property to the south. Dedication of this access – either as a public roadway or a private drive – may facilitate the access needed and frontage required.
- 3) The property owner may also decide not to pursue development at this time and wait until the properties in the area develop with their roadways and accesses. Coordination in these efforts could result in the necessary frontage/access requirements.

While still speculative, this analysis demonstrates that there are options for the developer should any of them be desirable.

Planning Commission Recommendation

On October 24, 2023, the Ogden Valley Planning Commission held a public hearing on the proposed zoning map amendment. By a vote of 4-1, the Ogden Valley Planning Commission voted to recommend approval by the County Commissioners of the proposed zoning map amendment, based on the following:

1. That the Future Land Use Map of the General Plan and Form-Based Zone Street Regulating Plan support the requested zone change.
2. The proposed zone change does not adversely impact the surrounding neighborhood, open spaces, or anticipated uses in the area.

Exhibits

Exhibit A - Application narrative.

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We propose to rezone the property located at 2690 N 5600 E in Eden Utah, comprised of parcels 22-050-0025 and 22-050-0012, to form based zoning. This rezoning would allow a development right located in a open, natural, and scenic area of the Ogden Valley to be reallocated to a village area where the property exists. The referenced property is immediately next to a housing subdivision (Eden Acres) that consists of dozens of parcels of 1 acre lots and a parcel that was recently rezoned (April 2023 to transfer development from Sunnyfield Farms area to the subdivision/village area of the property in question) from AV3 to form based zoning. Rezoning the lot in question would be consistent with the recent rezoning of the parcel across the street from the 2690 N 5600 E and consistent with the Ogden Valley General Plan by maintaining the village nature of the housing in the immediate vicinity while eliminating development in more natural and scenic areas.