

Minutes for Western Weber Planning Commission meeting of April 11, 2023, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1 Ogden UT at 5:00 pm.

Members Present: Bren Edwards-Chair; Andrew Favero—Vice Chair, Cami Clontz, Jed McCormick, Casey Neville, Sarah Wichern Excused: Wayne Andreotti

Pledge of Allegiance

Staff Present: Rick Grover, Director; Charlie Ewert, Principal Planner; Steve Burton, Principal Planner; Bill Cobabe, Planner; Liam Keogh, Attorney; June Nelson, Secretary

1. Minutes: March 14, 2023 APPROVED

2. Rules of Order

Casey Neville motioned to approve the Rules of Order as presented today. Jed McCormick seconded the motion. Andres Favero, yes; Bren Edwards, no; Jed McCormick, yes; Sarah Wichern, yes; Casey Neville, yes; Cami Clontz, yes. Motion passes 5-1

Petitions, Applications, and Public Hearings:

3. Legislative items:

- 3.1 ZTA2022-07:** A public hearing and action on an application to amend the Weber County Land Use Code to help implement the new Western Weber General Plan. Specifically, the subject amendments pertain to processes, standards, requirements, and/or restrictions regarding the following subjects: creating a new zone and amending the R-1-12 and R-1-10 zones to provide flexible lot area standards; amending regulations for flag lots; changing rezone application requirements; adding shared private lanes and private streets provisions; reorganizing development on a substandard streets provisions; providing new street access and street design and right-of-way standards; amending access to land-locked parcels, access to a lot or parcel other than across the front lot line; amending exactions for park space and improvements, amending the dark sky committee composition; and providing other related clerical and administrative edits to enable the proposed amendments. **Planner: Charlie Ewert**

The Western Weber General Plan's Future Land Use Map designates much of the Western Weber Planning Area for "medium-sized residential" lots and land uses. The plan also calls for some areas along major transportation corridors and villages to have a mixture of various housing types (mixed housing). Mixed housing, generally, is described as housing types that the private market is demanding. This designation is intended to allow the market to drive the types of residential land uses, and will hopefully result in a wide variety a mixture of housing types in a medium-to-high density development pattern.

Implementing the general plan will required amendments to county's residential zones, lot development standards, and flexible lot development standards, street standards, lot access standards, as well as a number of other ordinance that affect residential development patterns. Implementing the plan into ordinance will also have effect on the implementation of zoning and development regulations in the Ogden Valley. Both the Ogden Valley Planning Commission and the Western Weber Planning Commissions have independently reviewed the proposal during recent work sessions and helped shape the final proposal.

Ordinance Amendments (See Exhibit A):

General Revisions:

Currently, the county has two zones that are intended to be nearly exclusively for "single-family" residential lots: the R-1-12 zone and the R-1-10 zone. There is little land in the unincorporated areas that have these zones. There are a couple of subdivisions in the Uintah Highlands that were rezoned to these zones in the last five to 10 years.

The county also has two zones intended for higher density residential: the R2 zone, which is intended primarily for two-family (duplex) and single-family lots, and the R3 zone, which is primarily intended to allow multi-family in addition to two- and single-family lots.

When reviewed together, the R-1-X zones and the R2 and R3 zones create the original basis of a typical residential zoning ordinance. It is believed that the county initially adopted a typical R1, R2, and R3 residential zoning ordinance, but due to unique changes over time, the ordinances have crept away from the simplicity of the three zone stratification toward a more complicated and less structurally organized amalgamation ordinances.

This proposal, provided in Exhibit A, reunites these three successive residential zoning tools into one zoning chapter. The

proposal still provides for the different single-family R1 zones by further spitting the R1 into sub-zones: R1-15, R1-12 and R1-10. The R1-15 zone is a proposed zone that is entirely new to the County's ordinances, and is intended to be the County's response to the 15,000 square foot lot recommendation found in the general plan's encouragement for medium-sized lots.

As can be browsed in the list of applicable ordinances at the beginning of this report, the general plan provides a lot of direction that, if implemented, will require amendments to a lot more than just the residential zones. The attached proposal attempts to address many of the plan's recommendations regarding providing flexible lot area and flexible lot development standards, designating and designing an adequate street network that will be needed to serve the future traffic demands for development, and providing a reasonable pedestrian-devoted network throughout neighborhoods and communities.

The following provide a synopsis of each change, listed in the order they appear in the proposed ordinance.

§101-2: Definitions:

The following definitions are proposed to be amended, added, or deleted from the ordinance:

- Flag lot: clerical edits.
- Lot right-of-way: deleting, is not used in any ordinance
- Front lot line for flag lot: deleting, is not used in any ordinance
- Private access right-of-way: replacing with "shared private lane." This definition was initially used for a specific private street type, but changes to the code in the mid '00 confused the term for something else.
- Shared private lane: replacing "private access right-of-way," to be used for the new shared private lane provisions.
- Street-block: clerical edits.
- Collector street: emphasizing the relationship that a collector street has with arterial streets.
- Arterial (major) street: clerical edits.
- Major neighborhood street: replaces "standard residential street" in part.
- Minor neighborhood street: replaces "standard residential street" in part.
- Marginal access street: deleting. This reads as if it is describing a freeway frontage road. In any case, it is not used anywhere else in the ordinances.
- Temporarily terminal street or street-route: clerical edits.
- Private street: mostly clerical. Removing the phrase "reserved by dedication" because dedication has

specific meaning in state code that runs contrary to this context.

- Public street: removing some of the specificity and standards from the definition so they cannot be in conflict (whether now or in the future) with the more specific standards in the ordinances.
- Standard residential street: deleting this term. It is not used anywhere in the ordinances.

§102-1-2: Planning Director Authority

Clerical edits related to flag lots and access to lots without a street serving it

§102-5: Rezone Procedures

The proposed amendments will require each application for a rezone to provide a street connectivity plan for not just the project, but how streets could be configured for the area generally. It will also require a plan addressing the project's contribution toward parks and open spaces. It revises an applicant's obligation to prove access to water and sewer, and replaces it with a narrative explaining how access to these utilities will be provided in the future. It also creates a supplemental application section that lists a number of more application requirements that are at the discretion of the county. There are a few proposed clerical edits to the rezone procedures to provide clarity regarding the county's obligation to the applicant and the applicant's obligations in general. The proposal offers other administrative clarifications as well.

§104-1-1: Establishment of Zones

These edits are clerical in nature. Simply attempting to provide better organization.

§104-12: Single-Family Residential Zones

The bulk of the proposed zone changes are being provided in this section. The proposal merges two-family and three-family residential zones provide one chapter that governs all typical residential development in Western Weber, except for development in zones that allow agricultural animals.

In making the consolidation, the proposal resurrects the R1 zone classification, and adds the existing R-1-12 and R-1-10 zones into it as R1-12 and R1-10, and then creates a new R1-15 zone to specifically implement provisions of the Western Weber General Plan.

Uses: The proposal deletes the list of permitted and conditionally permitted uses in favor of consolidated land use tables. In the tables, the vast majority of uses currently listed in the R-1-12, R-1-10, R2, and R3 zones remain unaffected. There are some minor clerical or terminology changes being proposed for consistency purposes, but nothing that is intended to change the implementation of the uses. There are a handful of uses that the proposal omits due to conflicts either in the code, with state code, or with federal regulations. For example, specifically governing "bachelorette dwellings" different than any other dwelling in the R3 zone likely runs afoul of federal fair housing laws.

One specific use that the County Commission has requested the Western Weber Planning Commission to consider is the allowance of short-term rentals (STRs) in the Western Weber Planning Area. This provision is highlighted just above line 384. The proposal suggests that STRs should be permitted in all residential zones. After careful deliberation, if the Planning Commission desires to remove or modify this provision but recommends approval of the rest, please do so in the motion. A model motion to this effect has been provided at the end of this report.

Lot development standards. The planning commission has discussed new lot development standards for a flexible R1-15 zone over the course of the past several work sessions. The last discussion the planning commission had with staff is that this proposal will likely be amended before the hearing to provide a specific "flex" zone to help implement the plan. As staff was in the middle of writing these changes, it became clear that perhaps new zones are not necessary, but rather amendments to existing subdivision regulations might better provide for the desired changes without creating more zones that might convolute the Land Use Code even more than what has occurred over the last 70 years. Thus, the attached proposal favors no new "flex" zones, but instead offers flexible lot development standards in the "Street Connectivity Subdivision" section of the land use code, as further explained later in this report. This uses existing tools to the area's advantage rather than created new ones.

A few changes to note about the lot development standards of the zones:

- The minimum lot widths and side setbacks are proposed to be narrowed. The market will likely continue to drive lot width in most developments, but reducing these restrictions will offer greater flexibility for lot configuration.

- Given the narrower lot widths, the planning commission shared concerns over neighborhoods becoming overwhelmed with the appearance of rows of prominently visible front-facing garages. To resolve this concern, the R zones are proposed to have a maximum allowed cumulative garage door width for front-facing garages. The proposed amount is 18% of the lot width. Previous versions the planning commission reviewed specified this to be 15%, but as staff did the math, 15% has fairly severe consequences for some of the wider lot sizes whereon this may not be as big of a visual issue. For the planning commission's reference, calculations are provided in a staff-comment in the margin adjacent to the regulation. This regulation does not affect side or rear-facing garages, nor does it affect any front-facing garage that is setback from the front of the house by 30 feet or more.
- Front setback standards are being reduced across the board from 30 feet to 20 feet, as generally discussed by the planning commission. This will help reduce the area of the front that will be landscaped and irrigated. This setback can be further reduced to 15 feet in the R1 and R2 zones if the lot is either side or rear-loaded by means of access to an adjacent alley. Alley standards are being amended to better provide for this, as further explained later in this report. However, the proposal does not allow any parking pads in the front-yard area unless the parking pad is at least 20-feet deep. In this case, it should be expected that lots that are not rear-loaded may have buildings setback at 15 feet, but jog back to 20 feet to fit a parking pad in the front.
- Side yard setback are also proposed to be reduced to five feet; however, to get a five-foot setback in the R1 zone the lot will need to be rear or side loaded with access from an alley. Otherwise one side must be 10 feet in order to provide access to the rear of the lot. This will be especially important for narrower, deeper lots.
- Although revised or reworded, staff tried to be true to the original intent of other lot development standards, as specified in the existing zones.

§104-15: Two-Family Residential Zone

Proposing to delete this section, and move its contents into §104-12.

§104-16: Multi-Family Residential Zone

Proposing to delete this section, and move its contents into §104-12.

§106-1-8: Final Plat Requirements and Approval Procedure

Under final plat requirements, staff is taking the opportunity to correct a previous oversight regarding hillside development. This correction, and another hillside correction specified later in this report, together make it so that each subdivision lot shall provide a buildable area free from slope and other sensitive lands issues. If the lot purchaser later wants to amend restrictions due to slope or sensitive lands issues, they can amend the lot after appropriate studies and mitigation measures have been completed. Essentially, this ensures that no lot is created and sold that is later discovered to be unbuildable given reasonable effort and cost.

Other amendments to this section provide for the new "shared private lane" provision, and the new "alley operations and maintenance" provision being proposed, as further explained later in this report.

§106-2-2: Street Standards

The amendments proposed in the street standards section primarily pertain to provisions clarifying how public and private streets will be allowed (or disallowed as the case may be) in the Western Weber Planning Area. Under this section, provisions for a "shared private lane" can also be found.

Public street amendments. The proposed amendments in this section are clerical in nature.

Private street amendments. These proposed amendments are also mostly clerical. However, one proposed amendment makes it clear that the only circumstance under which a private street is allowed and/or required in the Western Weber Planning Area is when the street is a permanently terminal street.

Shared private lane. The proposed addition of a new shared private lane regulation is not a specific recommendation of the Western Weber General Plan, but the planning commission can find general support for allowing a shared private lane to help give access to internal block areas and areas that would otherwise need to have stacked flag lots in order to develop (which is not allowed by current code). There is a specific provision in the Ogden Valley General Plan that suggests a limited street type that can access lots without requiring a fully developed public street.

Most of the proposed regulations for a shared private lane reflect the provisions for a private street, however, the

improvements that are required and the method by which the land is held are different. These lanes are allowed to be narrower, and instead of private street improvements being constructed on a county-owned parcel, as is the case with private streets, a private lane may be constructed on an easement that the county holds instead. This difference is a degree or two removed from being able to convert the improvements into a future public street, but still offers a potential “hold” on the land under the 66-foot wide easement for if a future public street is ever needed. Lot setbacks are required to be from the easement, not the lane.

In Western Weber County, a shared private lane is proposed to only access up to seven lots and have a max length of 200 feet.

Arterial and collector streets. The proposal offers amendments to shore-up regulations related to development adjacent to an arterial or collector street. The intention of new language is two part:

- It requires that new subdivisions avoid providing an individual lot its own access onto a collector or arterial street.
- Where it is not possible to avoid providing the lot access from a collector or arterial, these provisions will lighten other lot-access requirements to help provide easier means by which access can be provided across and through other lots.

These proposed regulations are intended by inference to stimulate the creation of side streets or other shared consolidated accesses for lots that front on a collector or arterial street.

Street cross sections and design. Proposed changes to this section only move “development on a substandard street” out of the subdivision code and into the supplementary regulations code so the provisions therein can be applied to development on all property, not just those within a proposed subdivision.

Street grades. Proposed amendments in this section are clerical in nature.

Alleys. While remaining a short section, these proposed changes are very important for the implementation of narrower rear and side-loaded residential lots, as aforementioned. The provisions require alleys to be a specific width and have platted snow storage areas. They also place the responsibility for the operations and upkeep of an alley onto the landowners who gain access from it – even though it will be dedicated for public use.

§106-2-4: Lot Standards

Generally. The amendments to the general lot standards in the subdivision ordinance are to make clerical edits and provide revised standards for flag lots. Amending regulations for flag lots is specified in the general plan. The proposal reduces the flag lot area requirement from three-acres down to 50% of the area required by the zone (regardless of whether it is in a flexible development type). Most, if not all, of the rest of the provisions come directly from the code’s current flag lot provisions, but it moves those provision from supplemental regulations to the subdivision regulations because new flag lots should not be created without first being subject to the subdivision regulations.

Hillside development. The proposed amendments modify the hillside development regulations to eliminate the appeared allowance of “R” lots. An “R” lot is a lot on land that has not first been subject to the hillside development regulations to verify hillside stability or lot buildability, as mentioned earlier in this report.

Connectivity-incentivized subdivision. As also mentioned earlier in this report, the proposed amendments include amending the connectivity incentivized subdivision regulations to allow the flexible lot development standards that the planning commission has been discussing in work sessions over the last several months. The entire section is proposed to be revamped to make a few things more clear:

- An applicant’s participation in this development type and process is completely voluntary. They can choose a different development type already listed in the code if they do not want to comply with these regulations.
- Because this is a voluntary option, the Land Use Authority, not the applicant, has full discretion to require streets to be located where they see fit. The ordinance provides the Land Use Authority minimum criteria to help with deliberations.
- The proposal adds pedestrian connectivity and standards similar to those being proposed for the Form Based zone.

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As discussed by the planning commission, the proposal allow lots in the R1 zone to be reduced to no less than 6,000 square feet, with area limitations on small lots adjacent to existing subdivisions.

§106-4-2: Curbs and Gutters

The proposed amendments in this section make the provision for curb and gutter – and under what circumstances it may be deferred – clearer. The proposal also requires that the developer install driveway aprons for all lots that are 60 feet or less. This provides the county’s engineers the opportunity to ensure driveway placement is in the best interest of the street and street access, generally.

§108-7-7: Supplemental Street, Access, and Right-of-Way Standards

Proposed amendments to this section are clerical. The provisions are being moved from elsewhere and consolidated into similar topics here.

§108-7-10: Required Setback from Designated Collector or Arterial Streets Proposed amendments are clerical in nature.§108-7-19: Building on Dedicated Substandard Streets

This section is being renamed to “Development on a Substandard Street or Public by Right-of-Use Road.” The provisions from the subdivision ordinance regarding development on a substandard street or road is proposed to be moved here.

§108-7-23: River and Stream Corridor Setbacks

The Western Weber General Plan suggests requiring a 300 foot development setback from the high water mark of the Weber River. This proposed amendment does that, and clarifies exceptions.

§108-7-24: Supplemental Energy Generation Standards

The proposal recommends merging all renewable energy regulations into one section.

§108-7-27: Solar Energy Systems

The proposal recommends deleting this section in favor of merging it into §108-7-24.

§108-7-29: Flag Lot Access Strip, Private Right of Way, and Access Easement Standards

The proposal recommends retitling this section to “Access and Standards for a Land Locked Residential Lot or Parcel.” In doing so, it recommends moving flag lot provisions to the subdivision ordinance, as previously mentioned in this report, and consolidating provisions for private rights-of-way and access easements pertaining to land-lock residential property. The standards therein are proposed to remain relatively the same as existing, although reorganized.

§108-7-30: Flag Lots

The proposal suggests moving flag-lot specific provisions to the subdivision ordinance.

§108-7-31: Access to Lot/Parcel Using Private Right-of-Way or Access Easement

The proposal simply deletes this section. This section has been generally misused over the years as a means of avoiding installation of a street to serve development. The addition of shared private lane is, in part, being recommended as a better alternative.

§108-7-32: Access to a Lot/Parcel at a Location Other Than Across the Front Lot Line Proposed amendments to this section are clerical.§108-16: Outdoor Lighting

After much discussion about applying outdoor lighting regulations in the Western Weber Planning Area, consensus has not quite been achieved. The recommended amendments to this section only applies to the Ogden Valley Planning Area.

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Chair Edwards called for a motion to open the public hearing. Casey Neville motioned to open the public hearing. Jed McCormick seconded the motion. Motion passed 6-0

Pat Burns 1407 Mountain Road, Ogden. Are the flag lots 60 foot or 30 foot right of way?

Roger Heslop—the river and stream setbacks are too much. I thought that 100 feet was bad, but 300 feet is too much.

No more comments. A motion was made by Casey Neville to close the public hearing. Seconded by Sarah Wichern, motion passed 6-0

Mr Ewert explained that the flags lots was 60 feet for a single flag lot or 30 foot each for a double flag lot. Commissioner Wichern asked if these flag lot rules applied to Uintah Highlands. Since this area is mostly built out, that might be hard to apply this code. Mr Ewert says that there are some exception already listed. Mr Ewert also stated that the public wanted to have the 300 foot setback from the river. Mr Neville said that in town, businesses and apartments do well because they are close to the river. Mr Ewert says that we could use an average for setbacks with a development agreement.

No more comments from the Commissioners. Chair Edwards Called for a motion.

Commissioner Favero motioned the following: I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, as is stated in our packet. We will use the second model motion. : I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan as it generally relates to residential zoning and residential development and provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission, as provided in Exhibit A, but with the following additional edits and corrections:

1. In Section 104-12-3(f), remove short-term rentals as a permitted use.
2. We want Planning to fix 106-2-4.010, item E3E to provide the same exception for flag lots as road connectivity.

Findings:

1. The changes are supported by the Western Weber General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan
3. The changes will enhance the general health, safety, and welfare of Western Weber residents.
4. Allowing short-term rentals runs contrary to providing affordable long-term rental opportunities.

Motion was seconded by Jed McCormick. Motion passed 6-0

3.2 ZTA2022-06: A public hearing and action on an application to amend the Form-Based zone of the Weber County Land Use Code to implement a West Weber Village Street Regulating Plan. Specifically, the subject amendments pertain to processes, standards, requirements, and/or restrictions regarding the following subjects as they will apply to property in the Form-Based zone: creating a new street type to be used in street regulating plans and the associated amendments; adjusting short-term rental use allowances in the Form-Based zone to reflect the recently adopted short-term rental ordinance; regulating front-facing garage doors on narrow lots; regulating front yard setbacks and setbacks for accessory buildings; reducing the maximum height allowance in the zone; amending allowed colors of commercial buildings; adding a typical 3-lane village street design; amending mid-block access and crossing requirements; inserting graphics to help illustrate standards; creating pathway location, connectivity, and design standards; standardizing line work, symbology, and colors for all maps, and providing for the new street type; clarifying transferable development rights provisions; enabling banking of transferable development rights on parcels within the zone; amending workforce housing requirements to reduce requirements for workforce housing, eliminate them from larger-lot developments, set a maximum amount of workforce housing allowed per development, and restrict where workforce housing can be located; and providing related clerical and administrative edits to

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enable these amendments. **Planner: Charlie Ewert**

The Western Weber General Plan calls for the creation of village centers at key intersections in the area. One such area is on 4700 West and involves both the 1200 South and 900 South intersections. To facilitate the implementation of this provision in the general plan, staff and the Planning Commission have been working on amendments to the Form-Based zone over the last several months. The amendments create a street regulating plan that will guide the form, function, and design of a future diverse mixed use commercial village. In compliance with the general plan, which suggests that new development should pay tribute to the rural roots of the community, the Planning Commission has chosen the agrarian architectural styling that is currently adopted for the New Town Eden area.

The necessary FB zone amendments may affect the Ogden Valley Planning Area as well. The proposal was introduced to the Ogden Valley Planning Commission for their input. In reviewing the proposed amendments, the Ogden Valley Planning Commission also took this opportunity to make other desired amendments to the FB zone, including reducing allowed building height, reducing moderate income housing requirements, revamping the TDR approval process, as well as adjusting other provisions that will better help them implement the FB zone in their area.

Chair Edwards called for a motion to open the public hearing. Andrew Favero motioned to open the public hearing. Sarah Wichern seconded the motion. Motion passed 6-0

Roger Heslop- stated that with the Form Based and TDR being a 1-3. Who is it in favor of? The farmer or the developer. This goes against the rural agriculture environment.

Pat Burns-1407 Mountain Road. TDRs are an important tool to keep agriculture. I think that it is brilliant to keep growth in the village areas and keep it rural.

Andrew Favero motioned to close the public hearing. Motion was seconded by Casey Neville.

Mr Ewert stated that we are not setting the market for TDRs No price setting. It is to move development off of the farm and into the village areas. 1 farm development equals 3 village development rights. It will be supply and demand. Commissioner McCormick says that this is in favor of both the farmer and developer. Chair Edwards says that this is what was in the general plan, it is a big change. There has been a lot of work put into this.

Chair Edwards called for a motion. Commissioner Wichern motioned the following: I move we forward a positive recommendation to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, as provided in Exhibit A, but with the following additional edits and corrections:

- 1. In Section 104-22-3.070 Change public recreation or community center uses for the multifamily residential small lot, medium lot, large lot, estate lot residential and open space. Currently they read not permitted and we would like to change that to conditional use**
- 2. Section 104-22-8.040 4700 area street regulation plan map. There is a park shown on this map that we would like to increase to 19 acres. It will go between 850 South and the canal between 4600 and 4700 W.**

I do so with the following findings:

- 1. The changes are supported by the Western Weber General Plan.**
- 2. The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan**
- 3. The changes will enhance the general health, safety, and welfare of Western Weber residents.**

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The motion was seconded by Commissioner McCormick. Motion passed 6-0.

Chair Edwards asked if we could table the work session. All Commissioners agreed to table the work session.

Chair Edwards called for a motion to adjourn. Commissioner Favero motioned to adjourn. Commissioner Clontz seconded the motion. Motion passed 6-0

- 4. Public Comment for Items not on the Agenda: None
- 5. Remarks from Planning Commissioners: None
- 6. Planning Director Report: None
- 7. Remarks from Legal Counsel: None

Chair Edwards asked if we could table the work session. All Commissioners agreed to table the work session.

Chair Edwards called for a motion to adjourn. Commissioner Favero motioned to adjourn. Commissioner Clontz seconded the motion. Motion passed 6-0

Work Session Tabled

WS1: Discussion regarding ordinance implementation of provisions in the Western Weber General Plan. The discussion will include but may not be limited to subdivision procedure amendments, subdivision standards amendments, supplemental regulations amendments, outdoor lighting regulation amendments, and signage regulation amendments. **Planner: Charlie Ewert**

Adjourn 6:35

Respectfully Submitted,
June Nelson
Lead Office Specialist

Approved _____