WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

October 13, 2015
5:00 p.m.

- ***Pledge of Allegiance***
- ***Roll Call:***

1. **Approval of the Minutes**
   1.1 Approval of the September 08, 2015 Meeting Minutes

2. **Administrative Items:**
   2.1. LVH051914 Consideration and action on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 4300 West 400 South - Travis Wallace for PAANC LLC, Applicant

3. **Legislative Items**
   3.1. ZTA 2015-03 Public Hearing to consider a request to amend Section 101-1-7 (Definitions); the Design Review Chapter (Title 108, Chapter 1); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8; and the Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code

   3.2. ZTA 2015-06 Public Hearing to consider a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas

4. **Public Comment for Items not on the Agenda**

5. **Remarks from Planning Commissioners**

6. **Planning Director Report**

7. **Remarks from Legal Counsel**

8. **Adjourn to a Work Session**

   WS1. Western Weber Cluster Subdivision Discussion

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

A Pre-Meeting will be held at 4:30 in the Commission Break Out Room. No decisions are made in the pre-meeting.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes of the Western Weber County Township Planning Commission meeting held on September 08, 2015 in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present:	Jannette Borklund, Chair Wayne Andreotti Lance Greenwell John Parke Mark Whaley
Member Excused:	Michael Slater Roger Heslop
Staff Present:	Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Chris Crockett, Legal Counsel; Sherri Sillitoe, Secretary

*Pledge of Allegiance

*Roll Call

1. Minutes

1.1. Approval of August 11, 2015 meeting minutes

Chair Borklund declared the minutes of the August 11, 2015 meeting approved as written.

2. Administrative Items

2.1. LVR0729 Consideration and action on preliminary approval of Russell Place Subdivision (6 Lots) including a recommendation for a deferral of curb, gutter, and sidewalk at 4000 West 2200 South – Lonnie Gabbard, Representative

Jim Gentry presented a staff report and indicated that the subdivision is for 6 lots. The subdivision meets the area and lot width requirements of this zone. Each parcel will be from 40,000 square feet to 59,000 square feet in size. A deferral agreement for curb, gutter, and sidewalk is also being requested. The property owners of Boyd Russell Subdivision are re-subdividing the two lots into six lots. The existing homes will be located on Lots 5 and 6 and have frontage on 2200 South. Not all existing structures are shown on the subdivision plat. Engineering has noted that they would like a storm water detention plan.

Taylor-West Weber Water gave preliminary approval with the condition that secondary water is provided by Hooper Irrigation and a Weber Basin contract for the water rights. A final approval letter from Taylor-West Weber Water is required prior to Planning Division final approval. A Capacity Assessment Letter on the water system is required from the State prior to final approval from the Planning Commission. A construction permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission.

The sewer lines are Weber County's with treatment done by the Central Weber Sewer District, with the condition that they annex into the sewer district and all plans are approved by the district. Annexation into the sewer district is required prior to final approval by the County Commission.

Staff recommends preliminary approval of Russell Place Subdivision (6 lots), subject to staff and other agency comments. This recommendation needs to include a recommendation on a deferral (for curb, gutter, and sidewalk).

Chair Borklund asked what the diagonal easement is. Jim Gentry replied that it is irrigation and he believes that it is piped.

Jim Gentry indicated that the property originally was one lot. The yellow line in the subdivision boundary and the red line is the proposed boundary. They will have to amend and change the property line boundaries so that they matched up.

Lonnie Gabbard, a resident of West Haven, indicated that the one son wanted to keep the property line as far back as possible which is why the property line is the way it is shown.

Commissioner Greenwell indicated that the existing two parcels already have the proper frontage.

MOTION: Commissioner Andreotti moved to recommend approval to the County Commission of LVR0729, including the deferral of curb, gutter and sidewalk. Commissioner Parke seconded the motion. A vote was taken and Chair Borklund indicated the motion carried with Commissioners Andreotti, Greenwell, Parke, Whaley and Chair Borklund voting aye.

3. Public Items for Items not on the Agenda – No comment was made.

4. Remarks from the Planning Commissioners

Commissioner Andreotti indicated that the Howard Subdivision has never had secondary water. He expressed his concern that they are approving subdivisions without requiring secondary water to be in or delivered. Unless they have some teeth on how they grant approvals to developers, it seems to not be a way to operate to allow expensive lots to be sold without this water being delivered and later lawsuits being filed.

Director Wilkinson indicated that it is an important issue. They are going to be updating the Subdivision Code in the near future and that will be a great time to discuss this and other issues of concern. They don't want to necessarily be the regulators of secondary water, but there should be some oversight to make sure that the systems are in and water being properly delivered. He hopes that this review will happen within the next six months.

5. Planning Director Report

- The Fall UT APA Conference will be held on October 1st and 2nd. Please sign up with Sherri so we can get them registered. It should be an existing and informative conference.
- Director Wilkinson indicated that this will probably be his last meeting as the Planning Director. He will become the new Community and Economic Director for the County.

6. Remarks from Legal Counsel

Chris Crockett indicated that when amending and reviewing ordinances, they need to ask, "Is this reasonably debatable?" If it is not, the courts probably would not uphold any decision. Please contact him with any questions, the members may have.

There being no further business, the meeting was adjourned at 5:18 p.m.

Respectfully Submitted,

Sherri Sillitoe
Weber County Planning Commission

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 4300 West 400 South
Type of Decision:	Administrative
Agenda Date:	Tuesday, October 13, 2015
Applicant:	Travis Wallace for PAANC LLC.
File Number:	LVH051914

Property Information

Approximate Address:	4300 West 400 South.
Project Area:	12.34 Acres
Zoning:	Agricultural (A-1 and A-2)
Existing Land Use:	Vacant
Proposed Land Use:	Residential Subdivision
Parcel ID:	15-049-0005 / 15-049-0011
Township, Range, Section:	6 North, 2 West Section 17

Adjacent Land Use

North:	Agriculture	**South:**	Agriculture
East:	Residential	**West:**	Agriculture

Staff Information

Report Presenter:	Jim Gentry jgentry@co.weber.ut.us 801-399-8767
Report Reviewer:	SW

Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (Agricultural A-1)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (Agricultural A-2)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 (Cluster Subdivisions)

Background

The applicant is requesting preliminary approval of Henry Flats Cluster Subdivision located at approximately 4300 West 400 South in Western Weber County. The proposed subdivision will occupy 12.34 acres and will consist of 12 lots, with each lot being 20,000 square feet or larger. The parcel is split between the A-1 and A-2 zones, which both require 40,000 square feet and 150 feet of frontage. However, Henry Flats is being proposed as a cluster subdivision with lots being at least 20,000 square feet with 100 feet of frontage. This cluster subdivision was submitted prior to the recent changes to the cluster subdivision ordinance and falls under the provisions of the previous code.

The Western Planning Commission heard this item on July 14, 2015 and table preliminary approval for two items:

- Provide details and location of the secondary water pond and the delivery system.

A new secondary water pond is being shown on lot 11 along the rear property line. The water will be pressurized with a 6 inch lateral to each of the lots.

- Redesign the subdivision removing the property that is not owned by the developer, show proof the property is now owned by the developer, or provide a signed and notarized letter from all the property owners that the property is to be sold to the developer.

The applicant has provided a notarized letter from the property owners agreeing to sell the property to the developer (Lot 8 area).

The proposed roadway will be dedicated as a public road and will extend northerly from 400 South Street where it will provide one access to an adjacent parcel before extending further north. The Cluster Subdivision Ordinance allows a maximum bonus density of 50%, and the applicant is requesting the following:

- Fifteen percent bonus for meeting the intent of the Cluster Subdivision.
- Ten percent bonus for providing a stub road.

There are 10.32 net developable acres and a 25 percent bonus will give the applicant two additional lots. There will be 3.56 acres of open space (30 percent), with the open space left in a natural state.
Culinary water will be provided by Taylor West Weber with the developer creating a pond for irrigation water. A water capacity assessment letter needs to be provided prior to final approval. The applicant has Hooper Irrigation water shares. There is still a question as to where the secondary water pond will be located. This information should be presented to the Planning Commission.

The County Engineering Division wants the ditch in the front of the property to be piped. If the curb, gutter, and sidewalk are deferred, then the grade will need to be brought up to within a foot or less below the edge of asphalt. A note will need to be added to the plat stating: "Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed. A Storm Water Pollution Prevention Plan (SWPPP) is required to be submitted for all new development where construction is required. A Storm Water Construction Activity Permit is required for any construction that:

1. disturbs more than 5000 square feet of land surface area, or
2. consists of the excavation and/or fill of more than 200 cubic yards of material, or
3. requires a building permit for which excavation or fill is a part of the construction, and
4. is less than five acres shall apply for a county permit.

Wastewater treatment will be provided by individual septic systems. The original subdivision plat that was submitted had 13 lots. After a year of water monitoring and working with the Health Department, the Health Department has approved the subdivision for 12 lots with the condition that lots 7-12 are approved for a 3 bedroom home. A note on the plat and a covenant that is recorded as part of this subdivision needs to indicate this requirement. The reason for the limitation is because of the irrigation ditch on the rear of the lots.

The Weber Fire District has reviewed and approved the fire hydrant location. The applicant is asking for a deferral of curb, gutter, and sidewalk. However, since the lots are below 40,000 square feet, should curb, gutter, and sidewalk be required? The review from the Weber School District states "elementary students are not eligible for bussing to West Weber Elementary site".

Summary of Planning Commission Considerations

- Does this subdivision meet the requirements of applicable County Codes?
- Should the Planning Commission defer the construction of the curb, gutter, and sidewalk?

Conformance to the General Plan

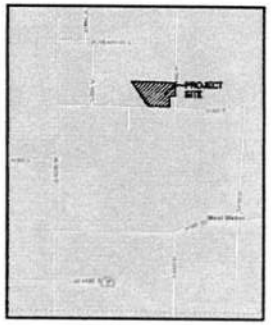
The subdivision conforms to the General Plan by meeting the requirements of the Cluster Subdivision Ordinance and the Zone in which it is located. The subdivision also conforms to the General Plan by protecting open space and sensitive lands, promoting agricultural land.

Staff Recommendation

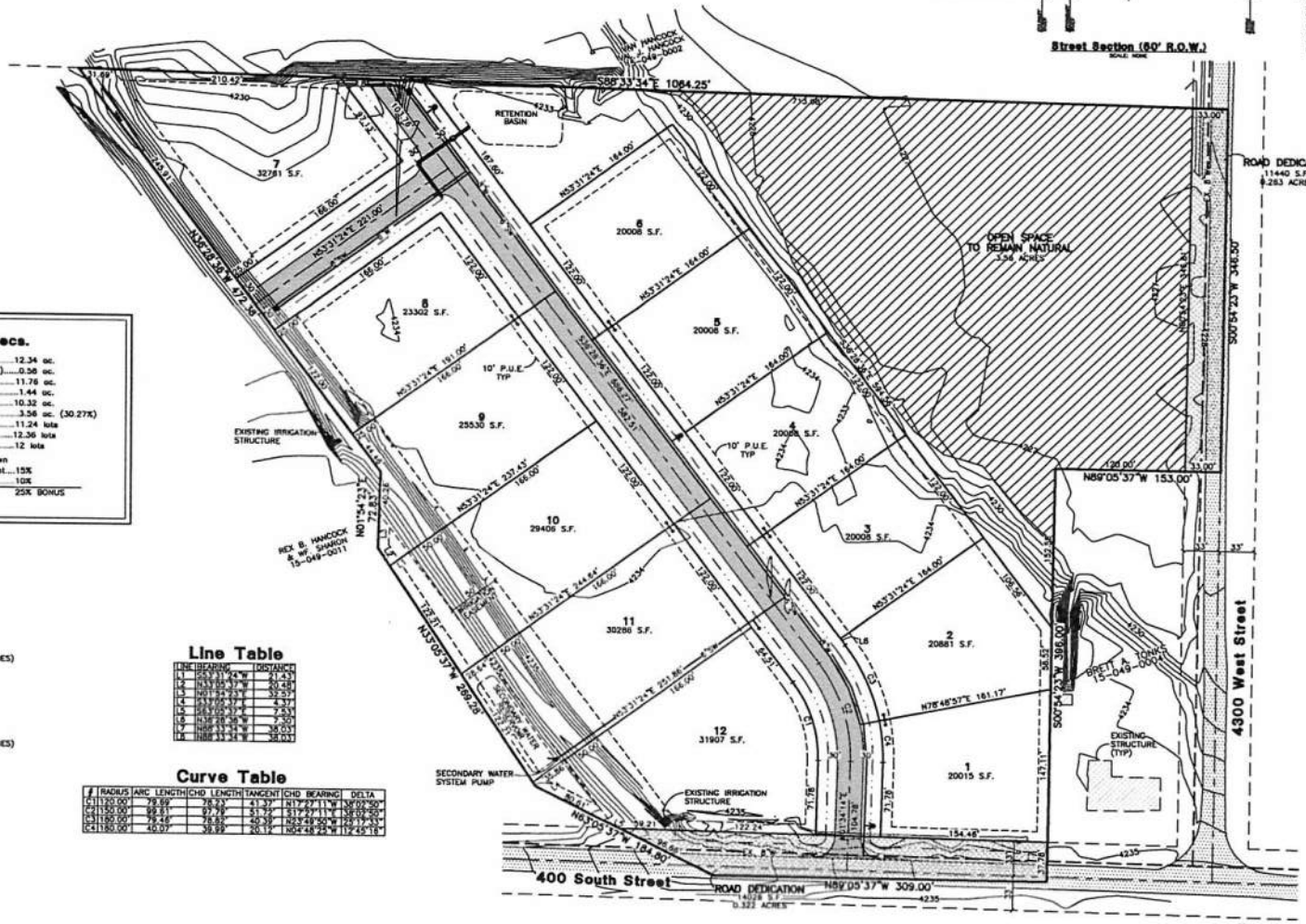
Staff recommends preliminary approval of Henry Flats Subdivision with 12 lots, subject to staff and agency requirements, with the requirement for curb, gutter, and sidewalk, as this subdivision is within walking distance to West Weber Elementary School, the lots are smaller than an acre in size, and the students are not eligible for bussing.

Exhibits

A. Revised subdivision plat
B. Location Map
C. Property owners letter agreeing to sell the additional property



Vicinity Map



Street Section (60' R.O.W.)

SCALE: NONE

NOTE:
THESE PAVEMENT DIMENSIONS SHALL BE CONSIDERED AS MINIMUMS AND MAY BE INCREASED BY THE COUNTY ENGINEER WHEN SUBGRADE C.B.R. IS LESS THAN 12 OR WHEN A GREATER SECTION IS REQUIRED BY THE COUNTY SUPERVISOR. GENERALLY, PAVEMENT DESIGNS SHOULD BE BASED ON AN ALTERNATIVE PAVEMENT DESIGN BASED ON A DETAILED SOILS ANALYSIS FOR

Design Specs.

Total Area	12.34 ac.
Right-of-Way (outside)	0.58 ac.
Development Area	11.76 ac.
Right-of-Way	1.44 ac.
Developable Area	10.32 ac.
Open Space	3.56 ac. (30.27%)
Base Density	11.24 lots
Bonus Density(10%)	12.36 lots
Total Lots Proposed	12 lots
Bonus Points Breakdown	
Cluster Development	15%
Stub Roads	10%
	25% BONUS

SCALE: 1"=50'

Legend

- PROPOSED CULINARY WATER LINE (SIZE VARIES)
- EXISTING CULINARY WATER LINE
- PROPOSED STORM DRAIN (SIZE VARIES)
- EXISTING STORM DRAIN
- PROPOSED SECONDARY WATER LINE
- EXISTING SECONDARY WATER LINE (SIZE VARIES)
- PROPOSED FIRE HYDRANT
- PLUG W/ 2" BLOW-OFF
- EXISTING ASPHALT SURFACE
- PROPOSED ASPHALT SURFACE

Line Table

LINE	BEARING	DISTANCE
L1	S53°31'24"W	20.43
L2	N53°31'24"E	20.43
L3	N01°54'23"E	32.57
L4	S53°02'37"E	4.37
L5	S53°02'37"E	7.53
L6	N35°28'30"W	7.50
L7	N88°33'34"W	38.00
L8	N88°33'34"W	38.00

Curve Table

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	120.00'	79.69'	78.23'	41.37'	N17°27'11"W	38°02'50"
C2	150.00'	99.61'	97.76'	51.72'	N17°27'11"W	38°02'50"
C3	150.00'	79.46'	78.55'	40.59'	N23°48'50"W	29°17'33"
C4	180.00'	40.07'	39.99'	20.12'	N04°48'25"W	12°45'18"

NOTES:

1. CONTOURS ARE SHOWN WITH A ONE FOOT INTERVAL.
2. LOTS WILL HAVE INDIVIDUAL SEPTIC SYSTEMS, AS APPROVED BY WEBER COUNTY HEALTH DEPT.
3. THE DEVELOPER IS REQUESTING A DEFERRAL OF CURB, GUTTER AND SIDEWALK.
4. AN IRRIGATION POND WILL BE CONSTRUCTED WITH A PUMP TO PROVIDE PRESSURIZED SECONDARY WATER. A 6" LINE WILL BE INSTALLED IN THE ROAD AND A LATERAL WILL BE PROVIDED FOR EACH LOT.

Henry Flats Cluster Subdivision

Weber County, Utah

Developer:
PAANC LLC
Travis Wallace
3872 W. 2550 S.
Taylor, UT 84401
(801) 540-9011

Revised: Sept. 23, 2015

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 4159 S. HARRISON BLVD. EXECUTIVE BLDG. (#310), OGDEN, UTAH 84403, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

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4159 S. HARRISON BLVD., SUITE 310, OGDEN, UTAH 84403
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LAND DEVELOPMENT • TRANSPORTATION • WATER RESOURCES • ENVIRONMENTAL • SURVEYING

REVISIONS	
DATE	DESCRIPTION

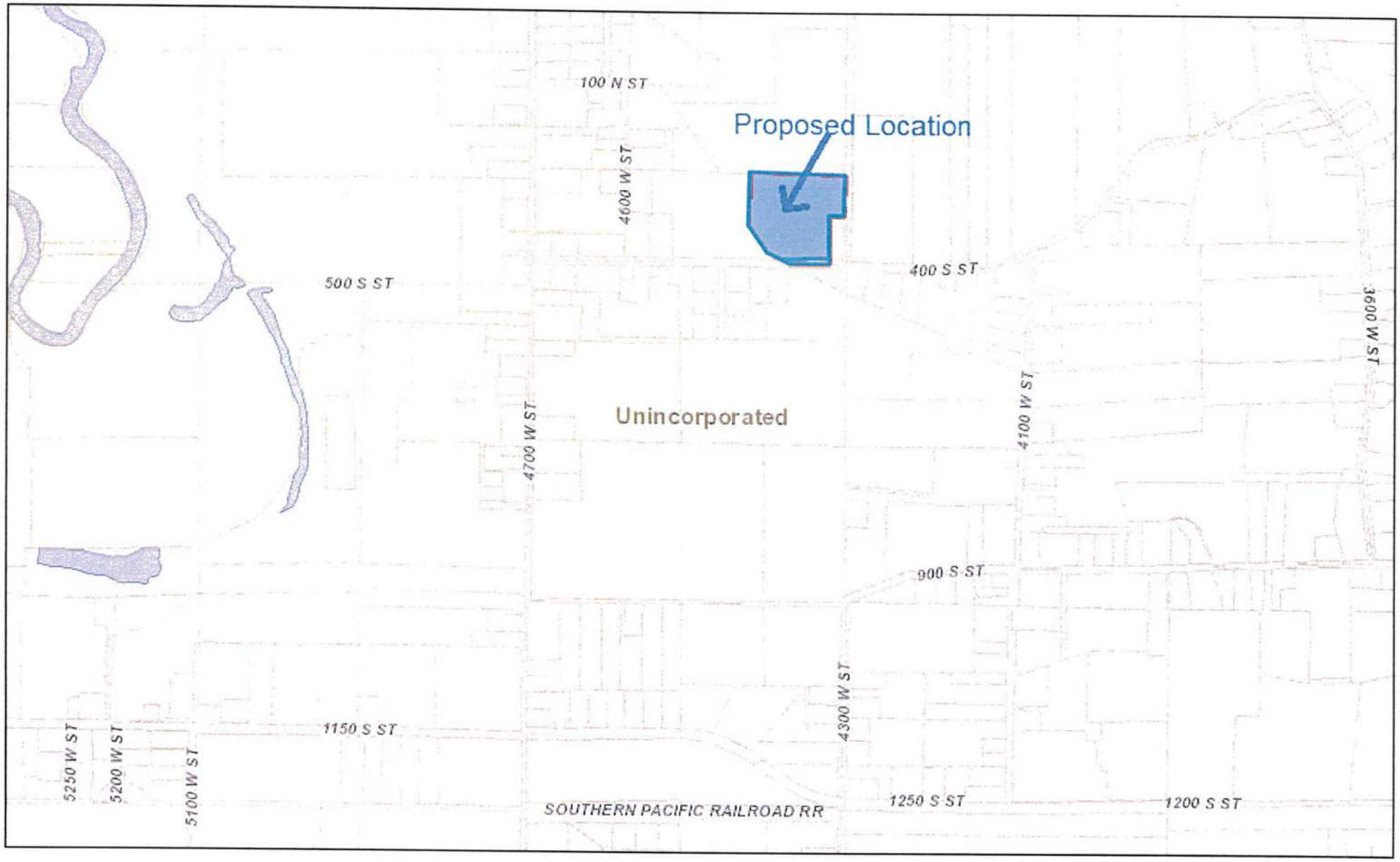
Henry Flats Cluster Subdivision
PART OF THE NE 1/4 OF SECTION 13, T.6N., R.2W., S.L.B. & M., U.S. SURVEY
WEBER COUNTY, UTAH

Preliminary Submittal

Project Info.
Engineer: N. Reeve
Designer: C. Cove
Begin Date: April 28, 2014
Name: HENRY FLATS CLUSTER SUBDIVISION
Number: 6272-01

Sheet 1 of 1 Sheets

Proposed Location



June 30, 2015

Street Labels

City Labels

1:18,056

0 0.15 0.3 0.6 mi

0 0.25 0.5 1 km

Weber County

To whom it may concern,

Both property owners whose land is being proposed as development for Henry Flats Subdivision Located at approx. 400 N and 4300 W in West Weber agree to the proposal and development of said subdivision and are willing to sell it to the Developer as a whole. Including Parcel ID 150-49-0005 owned PANNC Inc. and 150-49-0011 owned by Rex Hancock. Parcel 150-49-0011 is only part of the parcel. (What is located on the east side of the Hooper Irrigation canal only and will subdivided off of the larger portion on the west side of the canal.)

*See Plat Proposal

PANNC Rep x_____ 9-8-2015

Rex Hancock x_____ 9-8-2015

ACKNOWLEDGMENT

STATE OF UTAH)
(ss.
COUNTY OF WEBER)

On the 8th day of September, 2015, personally appeared before me Paul Clark and Rex Hancock, the signer ( ) of the foregoing instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC

My Commission Expires: 7/18/16
Residing at: Ogden.

RACHEL J. MILLER
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 656857
COMM. EXP. 07/18/2016

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Design Review Chapter (Title 108, Chapter 1); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); and the Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code.
Agenda Date:	Tuesday, October 13, 2015
Applicant:	Summit Mountain Holding Group L.L.C.
Representative:	Paul Strange, Summit Mountain Holding Group – Eden, Utah
File Number:	ZTA 2015-03

Staff Information

Report Presenter:	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
Report Reviewer:	SW

Subject Codes

- Weber County Land Use Code, Section 101-1-7 (Definitions).
- Weber County Land Use Code Title 108, Chapter 1 (Design Review).
- Weber County Land Use Code Title 108, Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations).
- Weber County Land Use Code Title 108, Chapter 19 (Accessory Apartments).

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 text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for making a recommendation, related to a legislative matter, require compatibility with the general plan and existing codes.

Request and Staff Review

The applicant is requesting that Weber County amend Section 101-1-7 (Definitions); the Design Review Chapter (Title 108, Chapter 1); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); and the Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code. This request includes amendments to a total of seven chapters within the Land Use Code; however, only four of those chapters regulate land uses county-wide. Overall, the proposed amendments only affect resorts that have been classified as the Ogden Valley Destination and Recreation Resort Zone. See pages 1 and 2 (more specifically those sections, titles, and chapters highlighted) of Exhibit A for the applicant's list and descriptions of the proposed code amendments.

On June 2, 2015 and June 23, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission during a work-session. The Planning Commission provided input for items 1 through 4 as listed below. Refer to pages 1 and 2, of this staff report, for proposed items 1 through 4. Refer to Exhibits B-E, for these items written into the County Land Use Code.

The following describes the requested amendments, based on the Ogden Valley Planning Commission's input, and provides a Planning Division Staff review:

1. **Requested Amendment to Title 101 (General Provisions), Section 101-1-7 (Definitions)**

   This amendment changes the definition of "lockout sleeping room" in the Ogden Valley Destination and Recreation Resort Zone only and adds to the type of units allowed to have "lockout sleeping rooms" in that zone. This amendment also creates a new "detached lock-out sleeping room" definition. See page 1 and 2 of Exhibit B for proposed language.

   Planning Division Review

   Currently, lock-out sleeping rooms are only allowed when attached to a condominium dwelling unit or a condominium rental apartment. This amendment would allow an "attached" lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation in the Resort Zone. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

2. **Requested Amendment to Title 108 (Standards), Chapter 1 (Design Review), Section 108-1-2 (Application and Review)**

   This amendment allows the planning director additional flexibility and more discretion when being asked to approve land use applications in the Ogden Valley Destination and Recreation Resort Zone. See page 1 of Exhibit C for proposed language.

   Planning Division Review

   Currently, the planning director has the administrative authority to approve design review applications when a new building's footprint is less than 10,000 square feet and the site is less than one acre. Authorizing the planning director to approve larger buildings (up to 75,000 square feet is proposed) constructed at an elevation above 6,200 feet is reasonable because the planning commission will have already conceptually approved the development through an approved DRR-1 Zone land use plan.

3. **Requested Amendment to Title 108 (Standards), Chapter 8 (Parking and Loading), Section 108-8-12 (Ogden Valley Destination and Recreation Resort Zone)**

   This amendment creates a new section that allows the planning commission to modify any provision within Chapter 8 by approving an overall parking plan. This only applies to projects located in the Ogden Valley Destination and Recreation Resort Zone, where the Planning Commission has already approved a master plan. Also, the proposed parking plan is required to be consistent with the previously approved master plan. See page 8 of Exhibit D for proposed language.

   Planning Division Review

   Currently, the planning commission has the authority to "adjust the required number of parking spaces" if in its determination there is an unusual or unique circumstance or condition that warrants an adjustment.

   Where the planning commission already has the ability to make an adjustment to the number of parking spaces, it is reasonable for the planning commission to approve a parking plan when consistent with a previously approved master plan.

4. **Requested Amendment to Title 108 (Standards), Chapter 19 (Accessory Apartments), Section 108-19-2 (Conditional Use)**

   This amendment clarifies that the number of required parking spaces, associated with an accessory apartment, may be subject to parking modifications provided by the planning commission through an approval of a parking plan that meets the requirements as described in Section 108-8-12 above. See page 1 of Exhibit E for proposed language.

Planning Division Review

Currently, an approved accessory apartment is required to have two parking spaces. This amendment is necessary if the planning commission is willing to allow modifications to the requirements of the parking chapter as described above in #3 above.

Summary of Planning Commission Considerations

- Do the proposed amendments conform to the General Plan?

Conformance to the General Plan

The Recreation Element of the Ogden Valley General Plan (pg. 152) states that *"the future of Ogden Valley's character is dependent on the future development success of its resort areas."* To preserve the Valley's character, the Plan also states that Weber County should adopt a "variety of progressive resort development guidelines."

The proposed amendment can be thought of as "progressive" and is consistent with guidance given in the Ogden Valley General Plan due to its ability to encourage creative building design. Also, flexibility in design guidelines can act as an incentive for a developer to acquire a relatively large amount of property and develop it according to the requirements and standards provided in Ogden Valley Destination and Recreation Resort Zone.

Staff Recommendation

Based on the proposal's conformance to the Ogden Valley General Plan, the Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the above described amendments with the exception of the proposed amendment to the definition of "lockout sleeping room" shown within item #1 above. This amendment would allow an "attached" lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation in the Resort Zone. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units (or commercial square feet) approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet (at any existing or future Destination and Recreation Resort) can have additional and, in the case of existing Resort Zones, unanticipated impacts related to traffic and public services.

Exhibits

A. Text Amendment Application Form.
B. Section 101-1-7 (Definitions) within the Weber County Land Use Code.
C. The Design Review Chapter (Title 108, Chapter 1) within the Weber County Land Use Code.
D. The Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8) within the Weber County Land Use Code.
E. The Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code.
F. Powder Mountain Resort (DRR-1) Overall Conceptual Plan Map.
G. Snowbasin Resort (DRR-1) Overall Conceptual Plan Map.

Weber County General Plan or Text Amendment Application

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

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*

Property Owner Contact Information

Name of Property Owner(s)		Mailing Address of Property Owner(s)
Summit Mountain Holding Group, L.L.C., SMHG Landco, LLC, SMHG Phase 1 LLC		Paul Strange 3923 N. Wolf Creek Drive Eden, Utah 84310
Phone 801-987-0570	Fax	
Email Address paul@summit.co		Preferred Method of Written Correspondence ☒ Email ☐ Fax ☐ Mail

Ordinance Proposal

Ordinance to be Amended

101-1-7, 104-29-2, 104-29-7, 104-29-8, 104-29-10[NEW], 104-29-11[NEW], 108-1-2, 108-8-5, 108-19-6 [NEW], 110-2-5, 110-2-8

Describing the amendment and/or proposed changes to the ordinance:

Sec. 101-1-7. - Definitions:

Make amendment to definition of "lockout sleeping room" and make changes to types of dwellings allowed to have "lockout sleeping rooms" in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 104-29-2. - Development standards

1. Amend to remove Ogden Valley Destination and Recreation Resort Zone buffers where the Developer owns the land adjacent to the zone boundary or where the adjacent land owner approves.

2. Adjust lot sizes, lot widths, setbacks and building heights.

See attached redline.

Sec. 104-29-7. - Seasonal workforce housing.

Amend to allow workforce housing units to be on property contiguous to the resort.

See attached redline.

Sec. 104-29-8. - Land uses.

Amend to permit additional uses.

See attached redline.

Sec. 104-29-10. – Second Kitchen.

Create section to clarify that second kitchens do not require a second kitchen covenant in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Ordinance Proposal (continued...)

Sec. 104-29-11. – Miscellaneous Improvements.

Create section to allow for miscellaneous improvements outside of the building envelope.

See attached redline.

Sec. 108-1-2. - Application and review:

Make change to allow additional discretion for approval by the Planning Commission in the Ogden Valley Destination and Recreation Resort Zone. See attached redline.

Sec. 108-2-3. - Applicability.

Make change to exempt the Ogden Valley Destination and Recreation Resort Zone (above 6,200 ft) from certain sections of the Ogden Valley Architectural, Landscape and Screeining Design Standards. See attached redline.

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

Make change to allow the Planning Commission to approve a parking plan in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the parking plan is consistent with the master plan.

See attached redline.

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Create New Section 108-19-6 that permits Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone and provide additional discretion for the developer.

See attached redline

Sec. 110-2-5. - Allowable signs by zoning district.

Make change to allow the Planning Commission to approve a sign plan above 6,200 feet in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.

See attached redline.

Sec. 110-2-8. - Prohibited signs.

Make change to allow commercial signs on adjacent property where access to a parcel that has a business is via the adjacent parcel.

Applicant Affidavit

I (We), Paul Strange, depose and say that I (we) am (are) the interested member)s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Signature) (Signature)

Subscribed and sworn to me this _____day of _____, 20 _____,

(Notary)

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

Detached Lockout. In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with Single, Two, Three, Four, Multi-Family dwellings, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the Development Agreement for the specific Ogden Valley Destination and Resort Zone, a detached lockout shall be considered 1/3 of a dwelling unit when figuring density on a parcel of land.

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room in a condominium dwelling unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking interior access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~ In the Ogden Valley Destination and Recreation Resort Zone, the term "lockout sleeping room" means an attached sleeping room (or multiple rooms) in to Single, Two, Three, Four, Multi-Family dwellings, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.

CHAPTER 1. - DESIGN REVIEW

Sec. 108-1-1. - Purpose.

(a) The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

(b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

(Ord. of 1956, § 36-1; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-2. - Application and review.

(a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission with the exception that small buildings or additions with a total footprint of less than 10,000 square feet, and which impact an area of less than one acre may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, the buildings with a total footprint of less than 75,000 square feet may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances and/or the intent of the applicable master plan. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.

(b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-3. - Exceptions.

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.

Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.

(Ord. of 1956, § 36-3; Ord. No. 2012-19, pt. 12(§ 36-3), 12-18-2012; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-4. - Considerations in review of applications.

The planning commission and/or the planning director shall consider the following matters and others when applicable, in their review of applications and where the plan is found deficient, the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

(1) Considerations relating to traffic safety and traffic congestion.

a. The effect of the development on traffic conditions on abutting streets.

b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.

c. The arrangement and adequacy of off street parking facilities to prevent traffic congestion.

d. The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.

e. The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.

f. The surfacing and lighting of off street parking facilities.

(2) Considerations relating to outdoor advertising. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.

(3) Considerations relating to landscaping.

a. The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

b. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (3)g of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.

c. A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by the Ogden Valley Architectural and Landscape chapter.

d. The number and type of mature and planted size of all landscape plantings.

e. The method of irrigation and approximate location of the water meter, point of connection, sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged.

f. The location, type, and size of any existing trees over four-inch caliper that are to be removed.

g. Landscape standards. Plant sizes at the time of installations shall be as follows:

1. Deciduous trees shall have a minimum trunk size of two inches caliper.

2. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.

3. All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.
4. Vines shall be five-gallon minimum size.
5. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
6. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.
7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
8. Water conserving landscaping methods and materials are recommended and encouraged.

h. Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.

i. The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.

(4) Considerations relating to buildings and site layout.

a. Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.

b. Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.

(5) Considerations relating to utility easements, drainage, and other engineering questions. Provision within the development shall be made to provide for adequate storm water and surface water drainage, retention facilities, and for utilities to and through the property.

(6) Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.

a. Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?

b. Is this plan or phase thereof a more detailed refinement of the approved concept plan?

c. Are any modifications of a significant nature that first need to follow the procedure for amending the approved concept plan?

(Ord. of 1956, § 36-4; Ord. No. 19-94; Ord. No. 2002-5; Ord. No. 2003-13; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-5. - Conditions.

Design approval may include such other conditions consistent with the considerations of this, and/or any other chapter of the Weber County Land Use Code, as the commission or planning director deem reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

(Ord. of 1956, § 36-5; Ord. No. 2002-5; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-6. - Planning commission approval.

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the planning director may be appealed to the planning commission, and denial by the planning commission may be appealed to the county commission.

(Ord. of 1956, § 36-6; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-7. - Agreement for improvements.

Upon the grant of design approval, the developer shall enter into an agreement with the county detailing the public and private improvements to be constructed on and off site and acknowledging his responsibility for such installation within the time allowed. Financial guarantees for completing improvements shall be deposited into an escrow account with the Weber County Engineering Division when and where so required. Financial guarantees of $25,000.00 or less may be approved by the county engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed.

(Ord. of 1956, § 36-7; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-8. - Time limitations on approval.

If construction of any development for which design approval has been granted has not been commenced within 18 months from date of design review approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning commission.

(Ord. of 1956, § 36-8; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-9. - Transfer of approval upon change in use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission. The planning director may authorize the transfer of design approval provided that all requirements of the Weber County Land Use Code are met for the new use. If a conflict arises concerning the interpretation of the Land Use Code, the planning director shall refer the change in use to the planning commission for review and approval.

(Ord. of 1956, § 36-9; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-10. - Conformance to approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

(Ord. of 1956, § 36-10; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-11. - Modification.

Upon request of the applicant, modifications in the approved plan may be made by the planning commission or the planning director.

De minimis revisions. The planning director may approve revisions to an approved design review plan that he/she determines are de minimis. Proposed revisions shall be considered de minimis if the planning director determines the changes to be slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a de minimis revision(s) shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

(Ord. of 1956, § 36-11; Ord. No. 2014-6, § 1, 4-1-2014)

CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

Sec. 108-8-1. - Purpose and intent.

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing, promote the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

(Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

Sec. 108-8-2. - Parking spaces for dwellings.

In all zones there shall be provided in a private garage or in an area properly located for a future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

(1) If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

(2) In addition to the above parking space requirements, three-fourths parking space shall be provided for each rental sleeping room in a dwelling unit.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011)

Sec. 108-8-3. - Access to lots in subdivisions.

Access to lots in subdivisions shall be across the front lot line abutting a public or private street or as otherwise approved by the land use authority.

(Ord. of 1956, § 24-2A; Ord. No. 27-80; Ord. No. 96-26; Ord. No. 2011-3, § 24-2A, 2-15-2011; Ord. No. 2012-7, § 3, 5-1-2012)

Sec. 108-8-4. - Parking space for non-dwelling buildings and uses.

For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided:

Apartment hotel	One space per two sleeping units
Auditorium	One space per five fixed seats
Auto repair shop	One space per employee plus five spaces for client use
Bank	Not less than 30 spaces
Beauty shop	Two spaces per staff member
Beautician shop	Three spaces per staff member
Boardinghouse	Three spaces per four persons to whom rooms will be rented
Bed and breakfast inn	One space per each rental sleeping room and bed and breakfast hotel in addition to the owner/host required two spaces
Business office	One space per employee on highest shift
Cafe	One space per eating booth and table plus one space per three stools
Cafeteria	One space per eating booth and table plus one space per three stools
Car wash	Four spaces in approach lane to each wash bay

Chiropractor office	Four spaces per professional staff plus one space per subordinate staff
Church	One space per five fixed seats
Clinic	Four spaces per professional staff plus one space per subordinate staff
Club, private	At least 20 client spaces
Dance hall	One space per 200 square feet of floor space
Day care center	One space per employee plus one space per ten children
Dental office	Four spaces per professional staff plus one space per subordinate staff
Drive in food	One space per 100 square feet of floor establishment space but not less than ten spaces
Dry cleaner	One space per employee plus five spaces for client use
Educational institution (private)	Two spaces per three student capacity plus one space per staff member
Employment	One space per employee plus six spaces for client use
Finance office	One space per staff member plus three spaces for client use
Fraternity	Two spaces per four persons whom the building is designed to accommodate
Hospital	One space per two bed capacity
Hotel	One space per two sleeping units
Insurance office	One space per two staff members plus four spaces for client use
Laboratory	One space per employee on highest shift
Laundromat	One space per three coin operated machines
Legal office	One space per professional staff plus four spaces for client use

Library	At least 30 spaces
Lodginghouse	Three spaces per four persons to whom rooms will be rented
Lounge	At least 20 client spaces
Liquor store	At least 20 spaces
Medical office	Four spaces per professional staff plus one space per subordinate staff
Mortuary	At least 30 spaces
Motel	One space per sleeping or living unit
Museum	At least 30 spaces
Night club	At least 20 client spaces
Nursery for children	One space per employee plus four spaces for client use
Nursing home	One space per 2.5 bed capacity
Optometrist office	Four spaces per professional staff plus one space per subordinate staff
Photo studio	At least six spaces
Post office	At least 20 client spaces
Psychiatric office	Four spaces per professional staff plus one space per subordinate staff
Real estate office	One space per two employees plus four spaces for client use
Reception center	At least 30 spaces
Recreation center	One space per 200 square feet of recreation area
Rental establishment	At least four client spaces
Restaurant	One space per eating booth or table

Retail store	One space per 200 square feet of floor space in building
Retail store with drive-in window	One space per 200 square feet of floor space in building plus storage capacity of four cars per window on the property
Sanitarium	One space per two bed capacity
Service repair shop (general)	At least four client spaces
Stadium	One space per five fixed seats
Sorority	Two spaces per four persons whom the building is designed to accommodate
Tavern	At least 15 spaces
Terminal, transportation	At least 30 spaces
Theater	One space per five fixed seats
Travel agency	One space per employee plus four spaces for client use
Upholstery shop	One space per employee plus three spaces for client use
Used car lot	One space per employee plus four spaces for client use
Warehouse	Two spaces per three employees
Wedding chapel	At least 30 spaces
Wholesale Business	Two spaces per three employees plus three spaces for client use
For other uses not listed above	Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

(Ord. of 1956, § 24-3; Ord. No. 27-80; Ord. No. 2011-3, § 24-3, 2-15-2011)

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

The planning commission may adjust the required number of spaces listed in this chapter if in its determination that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted.

(Ord. of 1956, § 24-4; Ord. No. 27-80; Ord. No. 2011-3, § 24-4, 2-15-2011)

Sec. 108-8-6. - Computation of parking requirements.

When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require one parking space.

(Ord. of 1956, § 24-5; Ord. No. 27-80; Ord. No. 2011-3, § 24-5, 2-15-2011)

Sec. 108-8-7. - Parking lot design and maintenance.

(a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.

(b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

(c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.

(d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:

(1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.

(2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:

a. Up to and including four dwelling units, 16 feet.

b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.

c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.

(3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.

(4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.

(5) Parking requirements for dwellings will be located on the same lot with the dwelling.

(6) All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

Sec. 108-8-8. - Off-street truck loading space.

(a) On the same premises with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys.

(b) Such space, unless otherwise adequately provided, shall include a ten-foot by 25-foot loading space with 14 feet height clearance, for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor area used for purposes in subsection (a) of this section, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land use for purposes in subsection (a) of this section.

(Ord. of 1956, § 24-7; Ord. No. 27-80; Ord. No. 2011-3, § 24-7, 2-15-2011)

Sec. 108-8-9. - Business requiring automobile access.

(a) Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the following requirements:

(1) Access to the station or other structure or parking lot shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any street;

(2) No two of said roadways shall be not more than 34 feet in width and shall not be closer than 20 feet to the point of intersection of two property lines or at any street corner; and

(3) A curb, hedge or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway.

(b) Exception. Service stations in commercial zones and uses in manufacturing zones may have a maximum roadway width of 50 feet.

(Ord. of 1956, § 24-8; Ord. No. 27-80; Ord. No. 20-8; Ord. No. 14-92; Ord. No. 2011-3, § 24-8, 2-15-2011)

Sec. 108-8-10. - Vehicular traffic to commercial or manufacturing zones.

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

(Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

Sec. 108-8-11. - Regulations governing accessory vehicle off-street parking within required side yard areas.

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

(1) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by section 108-8-2

(2) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.

(3) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.

(4) Any slab constructed must remain open and unobstructed to the sky.

(5) No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.

(6) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than six feet in height along the length of the slab behind the front yard setback.

(7) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

(Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

Sec. 108-8-12. - Off-site improvements required.

(a) The applicant for a use permit for all residential, commercial or industrial structures, all other business and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and entrance ways to county public works standards and location, within public or private streets along the entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.

(b) The planning commission may defer or exempt the installation of high back curb and gutter and/or sidewalk where topographies, timing or other unusual or special conditions exist, provided that the public health, safety and welfare is preserved.

(Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

Sec. 108-8-12. – Ogden Valley Recreation and Resort Zone.

Within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Commission may modify any provision of this Chapter by approving a Parking Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Commission determines that the plan is consistent with the approved master plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a mechanism for revocation where the plan is not operating as presented.

CHAPTER 19. - ACCESSORY APARTMENTS

Sec. 108-19-1. - Purpose and intent.

The purpose of allowing accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.

(Ord. of 1956, § 42-1)

Sec. 108-19-2. - Conditional use.

Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:

(1) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.

(2) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.

(3) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.

(4) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.

(5) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

(6) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to Sec. 108-8-12.

(Ord. of 1956, § 42-2)

Sec. 108-19-3. - General provisions.

In addition to the section above, the following general provisions shall apply:

(1) Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.

(2) Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.

(3) There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.

(4) All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.

(5) The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.

(6) The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

(Ord. of 1956, § 42-3)

Sec. 108-19-4. - Application procedure.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment:

(1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the township planning commission in which jurisdiction the property lies.

(2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4)

Sec. 108-19-5. - Moderate income housing provision.

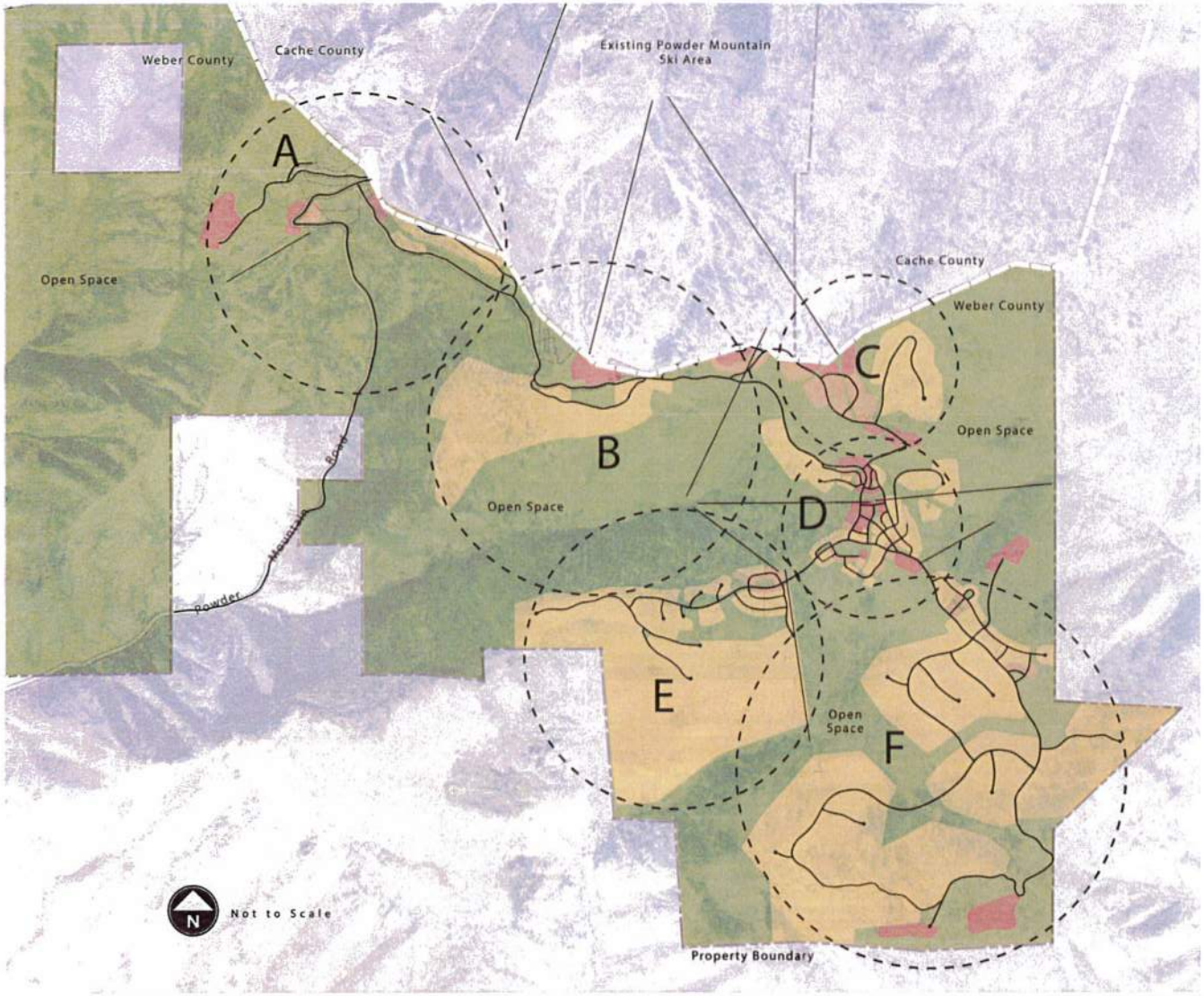
In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines.

(1) To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy.

(2) The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.

(Ord. of 1956, § 42-5)

Overall Land Use Plan



The Overall Land Use Plan depicts general areas for development within the proposed Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.

Each development area identified is represented in greater detail within this Rezone Application.

DEVELOPMENT AREAS

A - Mid-Mountain
B - The Ridge
C - Earl's Village
D - Summit Village
E - Gertsen
F - The Meadow

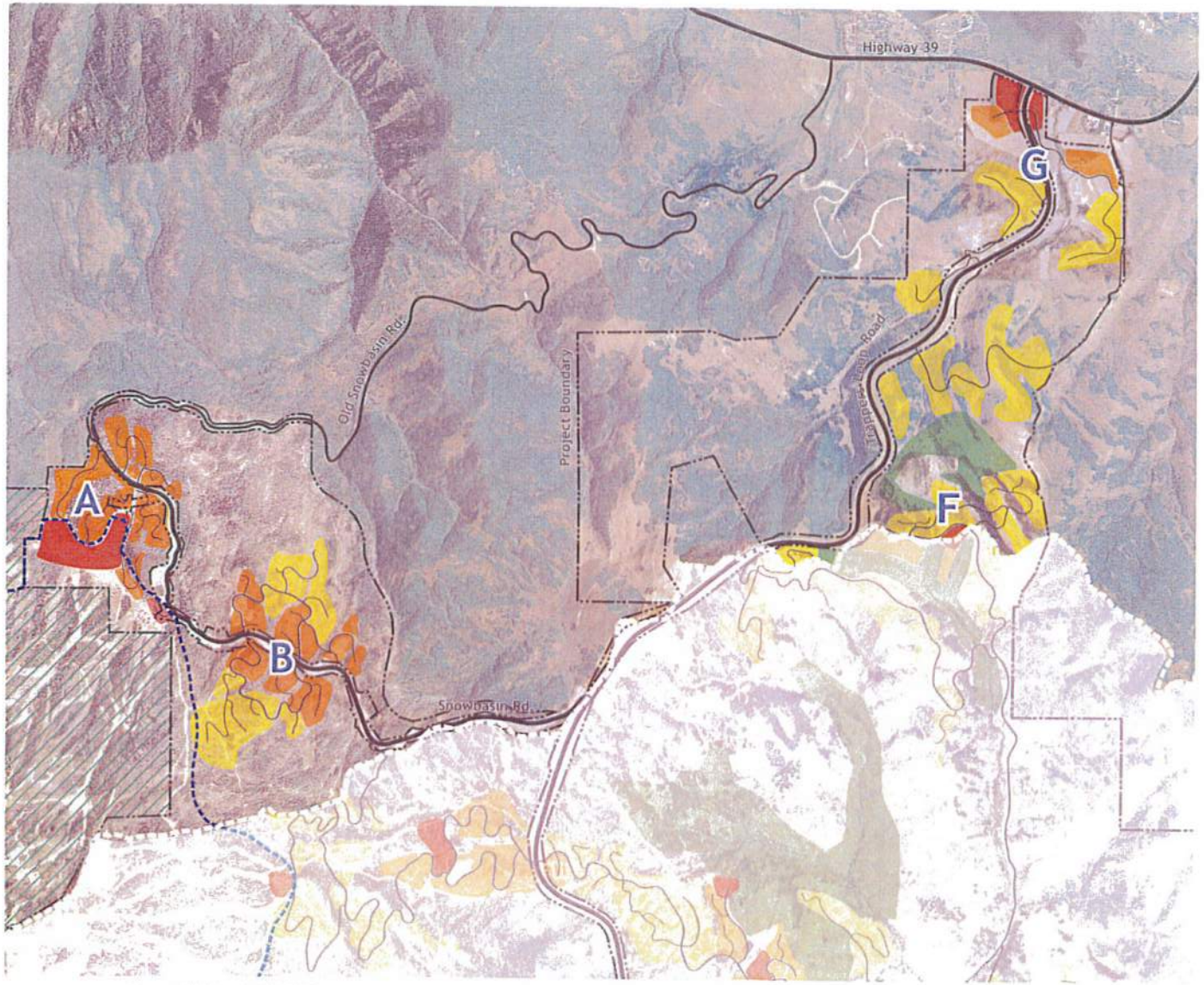
DEVELOPMENT LEGEND		DEVELOPMENT DATA
	MIXED USE	
	HOTELS	1,218 ROOMS*
	COMMERCIAL/SKIER SERVICES/CONF. CENTER	159,000 SF
	RETREATS	180 ROOMS*
	MULTI FAMILY	1,256 UNITS
	SINGLE FAMILY	
	SINGLE FAMILY LOTS	738 UNITS
	NESTS	340 NESTS
TOTAL UNITS		2,800 UNITS

* HOTEL AND RETREAT ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS

EXHIBIT F

EXHIBIT G

WEBER COUNTY LAND USE PLAN



WEBER COUNTY				
Development Area	Acres	Total Units	Hotel Units	Commercial Sq Ft
Weber County Total Land Area	3,808			
Area A - Earl's Village	142	1,529	150	75,000
Area B - The Forest	216	502		
Area F - The Meadows	76	22		
Area G - The Ranch	252	297		140,000
Right-of-way (10% of proposed development areas)	69	N/A		
Weber County Total Development	755	2,350	150	215,000
Weber County Total Open Space	3,053			
Weber Co % of Land to be Developed	19.8%			
Weber Co % of Land to be Open Space	80.2%			

- Snowbasin Project Boundary
- Snowbasin Ski Area Boundary
- USFS Special Use Permit Area
- Roads
- Single Family residential
- Multi-family residential
- Condominiums
- Mixed-use development
- Golf and Golf Infrastructure

NORTH 0 625' 1250' 2500' 1" = 2500'

Webe

EXHIBIT G

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas.
Agenda Date:	Tuesday, October 13, 2015
Staff Report Date:	Tuesday, October 6 2015
Applicant:	Weber County Planning Division
File Number:	ZTA 2015-06

Property Information

Approximate Address:	Not Applicable
Project Area:	Not Applicable
Zoning:	Not Applicable
Existing Land Use:	Not Applicable
Proposed Land Use:	Not Applicable
Parcel ID:	Not Applicable
Township, Range, Section:	Not Applicable

Adjacent Land Use

North:	Not Applicable	**South:**	Not Applicable
East:	Not Applicable	**West:**	Not Applicable

Staff Information

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

Applicable Ordinances

The ordinance sections affected by this change are:

- General Provisions (Title 101), Definitions (Section 1-7) and Permits Required and Enforcement (Chapter 4);
- Subdivisions (Title 106), General Provisions (Chapter 1);
- Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14);
- Other various sections of the Weber County Code to provide for a state code requirement to abandon the term "township."

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 and has 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, however, considering that the vast majority of this amendment is to rectify an error in the adoption of a previously vetted and approved ordinance (as explained below), the criterion for approval may simply be that approval has already occurred and this amendment will provide for the County's intent of that previous approval.

Background

On August 7, 2012, the County Commission adopted changes to the County's Subdivision ordinance[1]. Around this time the County was diligently working to get all ordinances codified through a professional codification service[2]. For an unknown reason the changes provided in the 2012 subdivision code amendment were not presented in the final codified version. The codified code was adopted, and all others were repealed, without the 2012 subdivision code changes.

The County was not aware of this mistake until recently. The County never intended to repeal the 2012 subdivision changes. All subdivision approvals since were reviewed in compliance with the 2012 changes. It is clear that this was an administrative oversight, and all of those approvals are still valid; however, in an abundance of caution the County Attorney has recommended that we send the changes through the adoption process once more.

In preparing this ordinance for re-adoption, staff incorporated other simple administrative edits necessary to provide for optimal clarity of the code and provide for better compliance with state code. They are also provided in the attached proposal. If any of these clarifications cause a delay in the re-adoption of the 2012 subdivision code then they should be abandoned herein and postponed to a later proposal.

Policy Analysis

Policy considerations, generally. The proposed code[3] is primarily a simple re-adoption of the 2012 subdivision code. There are, however, a few minor modifications being proposed. In the 2012 subdivision code there was a definitions section that contained terms that were relevant to only the subdivision code, and could not be construed to be applied to the whole Land Use Code liberally. This is true for many of the various code chapters at that time. One function of the codifiers was to remove all definition sections from the various chapters/codes and consolidate them into one section – making the definition of each term generally applicable to that term everywhere it is used in the Land Use Code. This provides less conflict of various definitions or interpretations when administering the code. However, one complication of doing this is the need to rectify the various different definitions of terms, or the potential need to change terms completely. Because the 2012 subdivision code has not been subject to this rectification it is necessary to do so with this proposal.

Additionally, when the 2012 subdivision code was written the quality control tools now available through our codifiers were not as easily available. Changes were made that conflicted with other parts of the code. For example, some of the definitions of certain terms were deleted or altered in a manner that is not consistent with the statute of other parts of the Land Use Code or parts of the state code.

To the extent the proposed subdivision code deviates from the 2012 subdivision code amendments, most of the deviation is to provide for these conflicts. They are annotated by staff in the right column of the text.

There are additional administrative clarifications being proposed with this amendment. The first is due to a 2015 state code[4] change that removes the authority to create or utilize a "township" from any County other than one of the first class. Regardless of the legislature's reasoning for this, since Weber County is a County of the second class it is now required that the planning commissions and planning areas abandon the word "township." Staff is proposing that the term be replaced with "planning area" throughout the code, as can first be found on line 17 of the attached Exhibit B. If there is another term the Planning Commission desires please propose it during our discussion.

The second administrative clarification is regarding the revocation procedures adopted as part of the recent conditional use permit re-write[5]. The recent changes fail to consider that a land use permittee may not be a property owner. The attached proposed amendments show these changes in §102-4-3, starting on line 353 of the attached Exhibit B.

Best management practices. A complete re-write of the subdivision code is not being proposed here. A

[1] See County Ordinance 2012-14 on file in the County Clerk's Office. Also attached as Exhibit D

[2] See www.municode.com;
https://www.municode.com/library/ut/weber_county/codes/code_of_ordinances?nodeId=14935

[3] See proposed ordinance, Exhibits B and C

[4] See Senate Bill 199 from the 2015 Utah Legislative Session.

[5] See County Ordinance 2015-13 on file in the County Clerk's Office.

complete re-write is contemplated to occur within the next few years. This re-adoption is intended to be for simple administrative clarity only. However, there are changes that are necessary that are not being proposed here. If the Planning Commission discovers trouble spots with the way the 2012 subdivision code was written, or takes issue with some of its policies, please provide those comments for staff to use in the next subdivision code update.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendation of the applicable general plan. Because the substantial portion of the code was previously vetted and adopted, and more complete review of the general plan is not being provided here.

Past Action on this Item

- The Western Weber Planning Commission recommended approval of the 2012 Subdivision Code on February 14, 2012.
- The Ogden Valley Planning Commission recommended approval of the 2012 Subdivision Code on March 27, 2012.
- The Weber County Commission adopted the 2012 Subdivision Code on August 7, 2012, as part of County Ordinance 2012-14.

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 approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes have been previously approved and adopted as ordinance #2012-14.
2. The changes are necessary to provide clarity and consistency in the land use code.
3. The clarification will provide for a more efficient administration of code.
4. The changes are not found to be detrimental to the health, safety, and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission.

Exhibits

A. Summary, List, and Key to Proposed Changes.
B. Code Change [Redlines] – Subdivision Code.
C. OMITTED
D. County Ordinance 2012-14 (original format).
E. February 14, 2012, Western Weber Planning Commission Minutes.
F. March 27, 2012, Ogden Valley Planning Commission Minutes.
G. August 7, 2012, County Commission Minutes.

Exhibit A: Summary, list, and key to proposed changes

The following code changes are being proposed to re-adopt the 2012 subdivision code, and provide necessary administrative edits.

This change addresses the following code sections:

General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas.

Key to reading track changes:

> Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.
>
> Language that has been added is shown in blue underline
>
> ~~Language that has been moved to a new location is shown in green double strikeout~~
>
> ~~Language that has been deleted is shown in red strikeout~~
>
> Language that has been moved from an old location is shown in green double underline

Exhibit B: Code Changes [Redlines] – Subdivision Code

Field Code Changed

PART I - CODE OF ORDINANCES

...

Title 16 - COUNTY FEE SCHEDULE

...

CHAPTER 2. - FEES

...

Sec. 16-2-6. - Planning and zoning.

The following are the fees for planning and zoning:

	Fees
Planning and Zoning	
Petition requesting a decision from the board of adjustment	$225.00
Excavation or fill application	$200.00
For each street vacation (includes the public notice and document and handling fee)	$300.00
Road dedication plats	$350.00
Conditional use permit for planned residential unit development (PRUD)	$500.00
For each easement vacation (which includes the public notice and document and handling fee)	$120.00
For each concept plan review and one meeting with the ~~township~~ planning area planning commission	$50.00
For each approval extension of conditional uses, planned residential unit developments, site plans request	$100.00
For each land use permit	$10.00

Ogden Valley recreation element	$50.00
Ogden Valley general plan	$20.00
GRAMA requests	$.030/page
Research (considered on any files that are six months or older)	$25.00/hr, plus copying charge

...

PART II - LAND USE CODE

...

Title 101 - GENERAL PROVISIONS[2]

...

Sec. 101-1-1. - Short title.

This title shall be known as the "Uniform Land Use Code of Weber County, Utah" and may be referred to as the "Land Use Code," "this Code," or the "LUC." The ~~township~~ planning area planning commission or other entity designated herein shall be the land use authority, with due responsibility to administer the Land Use Code. Appeals from decisions of the land use authority will be heard by the appeal authority designated in this Land Use Code.

...

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

Alley means a public thoroughfare less than 26 feet wide.

...

Average percent of slope. The term "average percent of slope" means ~~an expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of a slope to the lowest point of that slope within a parcel or lot. A vertical rise of 100 feet between two points 100 feet apart measured on a horizontal plane is a 100 percent grade. Percentage of slope shall be determined, and shown on the grading plan prior to any grading, cut or fills being accomplished.~~the average percent of the slope of terrain of a given area. It shall be calculated as follows: (0.00229 x I x L) / A = S, where "S" is the average percent of slope, "I"

Field Code Changed

Field Code Changed

Comment [c1]: 2012 Sub Code deletes. I suggest keeping because it is used in 13 other ordinance sections.

Comment [c2]: The 2012 sub code did not make these changes. They are being proposed here.

The 2012 sub code only added an unintelligible sentence at the end of this former definition that stated "The horizontal distance between any two measured points shall not exceed 50 feet." This addition severely throws off the intent of the Hillside review 108-14-12.

is the contour interval in feet, "L" is the combined length of all contours within the given area in feet, and "A" is the acreage of the given area. As may be approved by the County Engineer, alternative methods of calculating the average percent of slope are permissible provided the calculations render similar results and address the entire given area.

...

Block means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

Comment [c3]: 2012 sub code deletes. Suggest keeping since I've suggested keeping definition of alley.

...

Bona fide division or partition of agricultural land for agricultural purposes means the division of agricultural land into lots or parcels of five acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the Land Use Code and provided that:

(1) No dedication of any streets shall be required to serve any such lots or parcels of agricultural land ~~so created.~~.

~~(2) The division of land in the mountain areas of the county for investments, building development or summer cabin usage shall not be deemed to be a bona fide division or partition of agricultural land for agricultural purposes.~~

~~(3) The agricultural lots or parcels so created shall not thereafter~~

(2) The agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with the subdivision regulations of the county.

(~~4~~3) No dwellings shall be permitted unless all subdivision, zoning and health requirements ~~of the county~~ are met.

Comment [c4]: 2012 subdivision code changes

...

Buildable area ~~(building envelope)~~. The term "buildable area ~~(building envelope)~~" means a portion of a lot, parcel or tract of land which is to be utilized as the building site~~. Such building area to~~ and which complies with the following:

(1) the average percent of slope within the buildable area as defined by this section shall be ~~designated~~ less than 25 percent;

(2) the gross land area of the buildable area shall contain at least 3000 square feet and be configured such that it can contain one 40 foot by 40 foot square;

(3) it shall not contain any geologic or other environmental hazards, as determined by the County Engineer;

(4) it shall not contain any easements or setbacks; and

(5) it shall be denoted on a subdivision plat as the only area in which building may take place~~. It may be outlined on the subdivision plat where there are natural hazards or unusual topographic circumstances in which the~~ on a lot ~~is located~~or parcel.

...

Comment [c5]: When codifying the code there were some changes to this definition from what was in the 2012 subdivision code. The codifiers did not quite hit the mark in their changes. The changes here brings this definition back into line with what was proposed in the 2012 subdivision code (and hillside development code).

Comment [c6]: This is brand new here. The previous version required a minimum of one 75x100 rectangle. This change allows more flexibility for the siting of a building on a lot, and anticipates that not all buildable areas will yield the opportunity of creating a perfect rectangle. The 40x40 will provide that at no point will a building envelope be less than 40' wide.

Building area. See "buildable area."

...

Building ~~area (building~~ envelope~~)~~. The term "~~building area (~~ building envelope~~)~~"" means a portion of a lot, parcel, or tract of land which is to be utilized as the building site~~. Such building area to be designated~~ as may be required by the ~~only area in which building may take place. It may be outlined~~cluster subdivision ordinance or as otherwise volunteered on ~~the~~a subdivision plat ~~where there are natural hazards or unusual topographic circumstances in which the lot is located~~. Building envelope shall not be construed to mean "buildable area (building area)" as provided in this section.

...

Building parcel designation means two or more lots within an approved subdivision are recognized as one lot for building purposes. This does not allow for the creation of additional lots, and the original lot lines as recorded do not change. The planning director can administratively approve a building parcel designation application.

Building, public. The term "building, public" means a building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.

...

County health officer. The term "county health officer" means the administrative and executive officer of the county health department and local registrar of vital statistics or his duly authorized representatives.

...

~~Holding strip means a strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street. Holding strips may not be placed at the terminus of a right-of-way. The holding strip is to be one foot in width, or as required by the county commission.~~

...

Land use authority. The term "land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

...

Lodginghouse/boardinghouse. The term "lodginghouse/boardinghouse" means a building where lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.

Comment [c7]: This was proposed to be deleted in favor of a new term called "lot combination." This is better left "building parcel designation because it has nothing to do with combining lots.

Comment [c8]: The 2012 Sub code deletes this definition and replaces it with "lot combination" (see below). The only place this term is referenced in the Land Use Code is in the definitions section.

Incidentally," lot combination" will only show up in the definitions section too. There is no formalized statute suggesting that it is allowed. Just the definition of what it is.

Comment [c9]: 2012 sub code deletes this definition. However, it shows up in 9 sections of the LUC, including the subdivision chapter. I suggest leaving it.

Comment [c10]: 2012 sub code deletes this definition in favor of adding a new definition called "protection strip." The term "protection strip" is used in at least one location in the subdivision ordinance. The term "holding strip" is not found in the land use code.

Comment [c11]: The 2012 sub code deletes this definition. I suggest keeping it.

~~Land use authority means a person, board, commission, agency, or other body designated by the county commission, through this title, to act upon subdivision applications.~~

Lot. The term "lot" means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Such parcel shall also have frontage on a street or on a right-of-way approved by the ~~board of adjustment.~~ Planning Director. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

Lot area. The term "lot area" means the area contained within the boundary of a lot.

...

Lot line adjustment ~~allows~~. The term "lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of ~~lots within approved subdivisions to adjust ownership lines between lots~~record. An amended plat is required to do a lot line adjustment. Nonconforming lots cannot become more nonconforming.

...

Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

Lot, restricted. The term "restricted lot" means ~~a lot or parcel of land with questionable slope which~~:

(1) ~~Has~~a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section; or

~~(2) Does not contain a building area of at least 75 feet by 100 feet on a buildable portion~~

(2) a lot or parcel of land that has been identified as having potential geologic or other environmental hazards or constraints, as determined by the County Engineer, which require further investigation prior to issuance of a building permit. ~~of the lot with slope of less than 25 percent, exclusive of easements or required setbacks; or~~

~~(3) Has been identified as having potential geologic or other environmental hazards or constraints which require further investigation prior to issuance of a building permit.~~

~~The lot shall be increased in area and width if over 25 percent slope and regulated and developed in accordance with section 108-14-12 and any conditions imposed by the Hillside Development Review Board in addition to the requirements of the Land Use Code. In a subdivision, such lot is designated by the letter "R" after the lot number.~~

...

Lot right-of-way~~-~~. The term "ot right-of-way" means a strip of land of not less than 16 feet wide connecting a lot to a street for use as private access to that lot.

Comment [c12]: Duplicate definition (see above)

Comment [c13]: 2012 sub code deletes this. I suggest keeping it.

There has been a little recent debate over this definition. Is a lot *only* a platted lot? This definition suggest otherwise... As does the term in the context of "lot of record" and "nonconforming lot." There are also a few places in state code where the term clearly is referring to a non platted parcel, but other places in state code seem to refer to a "lot" as only part of a platted subdivision. For example, the difference between "lot line adjustment" and "parcel boundary adjustment" seems to dictate that a lot is inside a platted subdivision.

When thinking through this keep in mind that the definition of subdivision (pursuant to state code) does not mean a "platted subdivision." It simply means a division of land (with some exemptions).

Comment [c14]: Replacing county code language with state code language. Minimal impact.

Comment [c15]: Keeping county code requirement for a sub plat amendment.

Comment [c16]: 2012 sub code added this language.

Comment [c17]:
-The 2009 Hillside code defines it about the way I have it here.
-The 2012 sub code deletes the duplicate definition and refers the reader to the hillside definition.
-The Codifiers had their way with it a bit

The last paragraph is a standard and not a definition. It is required in the statute already. Suggest deleting it from here.

Comment [c18]: 2012 sub code deletes. I suggest keeping bc:

-This term is used once in the sub chapter 106-2-4(d).

~~Lot, unrestricted, means a lot having an average slope of less than 25 percent over a major portion of its area or a lot having an average slope of 25 percent or more which contains a building area on a buildable portion of the lot with an average slope of less than 25 percent, and the building area is designated as such on the subdivision plat in which the lot is located.~~

~~Master street plan means a plan, labeled "Master Street Plan" of Weber County.~~

~~Minor subdivision means:~~

~~(1) A subdivision consisting of three or fewer lots and for which no streets will be created or realigned.~~

~~(2) An amended subdivision consisting of five or fewer lots and for which no streets will be created or realigned.~~

~~(3) A subdivision phase consisting of five or fewer lots which has a valid preliminary approval and meets all conditions of that preliminary approval, including proposed street layouts.~~

Master street plan. The term "master street plan" means the transportation, street, or road plan, with all associated maps, presented in the transportation section of the general plan for the relevant planning area.

Model home. The term "model home" means a residential dwelling built within a particular subdivision for the purpose of showing an example of possible dwellings to be built on individual lots within that subdivision. A model home, meeting the requirements of title 108, chapter 7 of this Code may be furnished and utilized as a temporary real estate sales office.

...

Nursing home. The term "nursing home" means a building structure and/or facility for the care of children, the aged, infirm, or convalescent of any age. See also Convalescent home.

~~Official map means a map adopted by the board of county commissioners under the provisions of U.C.A. 1953, § 17-27a-407, as amended.~~

...

Overlay district. The term "overlay district" means a zone or district that encompasses one or more underlying zones with additional requirements or special regulations. These special requirements shall take precedence over the provisions of the underlying zone.

Parcel. The term "parcel" or "parcel of land" means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of the same claimant or person.

Play area, agri-tourism. The term "agri-tourism play area" means an area within an agri-tourism operation's activity center that is dedicated to open and informal play. The play area may include, but not be limited to, conventional and unconventional playground equipment.

Private access right-of-way. The term "private access right-of-way" means an easement of not less than 50 feet wide reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the subdivider or other private agency.

...

Comment [c19]: 2012 Sub code deletes.

Comment [c20]: 2012 Sub code suggest deleting this definition. It is used in one location in title 106 and in one location in 108.

I suggest keeping the term. However, the definition needed a little more clarity, as provided here.

Comment [c21]: Deleted in favor of the new "small subdivision" definition.

Comment [c22]: 2012 Sub code deletes this term. I cannot find that it is used elsewhere in the land use code.

Comment [c23]: 2012 Sub code suggests deleting this, but it would be beneficial to keep.

Comment [c24]: 2012 Sub code suggests deleting this, but the term shows up five times in the subdivision statute. I suggest keeping it.

Product, non-agriculturally related. The term "non-agriculturally related product" means any item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from that farm's operation or other farm located in Weber County. Non-agriculturally related products may include, but are not limited to, novelty t-shirts or other clothing, crafts, knick-knacks and/or products imported from other counties, states or countries.

Protection strip. The term "protection strip" means a line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, has restricted access. The protection strip, having no specific width, shall be shown on a subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access across it until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. The protection strip shall expire after 10 years in accordance with a separately written and recorded agreement.

Public. The term "public" means buildings or uses owned or operated by a branch of the government or governmental entity and open to the public, such as libraries, schools, parks, other than private facilities.

...

Slope. The term "slope" means the rate of rise or fall away from a horizontal plane, expressed as a percentage of the ratio of the vertical rise over the horizontal run. Unless specified otherwise in this Land Use Code, the term "slope" is referring to the slope of terrain. ~~the level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slope shall cover at least 25 feet vertically and 50 feet horizontally.~~

Small subdivision. See "subdivision, small."

Small wind energy system. The term "small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of utility power for an individual parcel.

...

Street, major, means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, marginal access, means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

Comment [c25]: 2012 Sub code suggests changing this to "street, frontage" however a search for the term "frontage street" yielded no results but a search for the term "marginal access street" did.

Street, private. The term "private street" means a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the county and maintained by the ~~subdivider~~developer or other private agency.

...

Subdivision.

(1) The term "subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(2) The term "subdivision" includes:

a. The division or development land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

b. Except as provided in subsection ~~(3)~~ three and four of this ~~section~~definition, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

c. Except as provided in subsection three and four of this definition, and where this Land Use Code provides the requirement, the term "subdivision" includes a requirement to plat an individual parcel that exists as a result of a past subdivision of land that was created without a subdivision plat.

d. Except as provided in subsection three and four of this definition, and where this Land Use Code provides the requirement, the term "subdivision" includes a requirement to plat the resulting parcel when two or more parcels are combined together as one.

(3) The term "subdivision" does not include:

a. A bona fide division or partition of agricultural land for agricultural purposes;

b. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

1. no new lot is created; and

2. the adjustment does not violate applicable land use ordinances;

c. a recorded document, executed by the owner of record:

1. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

2. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

d. A bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

1. An electrical transmission line or a substation;

2. A natural gas pipeline or a regulation station; or

3. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

e. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

Comment [c26]: 2012 sub code suggests altering this definition, but it alters it in a manner that does not comply with state code.

All *new* changes here reflect state code except for the (2)c. and (2)d., which are modified versions of the 2012 provisions.

Comment [c27]:
- 2012 sub code has this worded this way: "b. Subdivision includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance."

Comment [c28]:
- 2012 sub code has this worded this way: "b. Subdivision includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance."

1. no new dwelling lot or housing unit will result from the adjustment; and

2. the adjustment will not violate any applicable land use ordinance;

f. a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels; or

g. a parcel boundary adjustment

(4) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (60) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

Subdivision, cluster. The term "cluster subdivision" means a subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the Land Use Code and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision.

Subdivision, small. The term "small subdivision" means:

Comment [c29]: Replacing definition of minor subdivision.

(1) A subdivision consisting of three or fewer lots and for which no streets will be created or realigned;

(2) An amended subdivision consisting of five or fewer lots and for which no streets will be created or realigned; or

(3) A subdivision phase consisting of five or fewer lots, which has a valid preliminary approval by the planning commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The county commission will have to accept the roads and the financial guarantee, unless under $25,000.00.

...

CHAPTER 2. - PLANNING COMMISSION

Sec. 102-2-1. - Purpose and intent.

This chapter outlines the planning area boundaries of the two ~~township~~ planning commissions~~,~~. It also outlines the~~ir~~ planning commission's organization, ~~and their~~ membership, and ~~the~~ powers and duties ~~of the planning commission.~~.

(Ord. of 1956, § 45-1)

Sec. 102-2-2. - ~~Township~~ Planning area boundaries.

Comment [c30]: This needs an adopted map.

The unincorporated county is divided into two ~~township planning districts~~planning areas. The mountain area facing west from Mount Ogden except for the Ogden Canyon shall be the Western Weber County Planning ~~District~~Area. All of the unincorporated area of the county, facing east of Mount Ogden including the Ogden Canyon, shall be the Ogden Valley ~~Township~~ Planning ~~District~~Area.

(Ord. of 1956, § 45-2)

Sec. 102-2-3. - Planning commission membership and organization.

(a) The planning commission shall consist of seven members.

...

(5) Each member of the planning commission shall be a registered voter residing within the ~~township~~ planning area of the planning commission to which they are appointed.

...

Sec. 102-2-4. - Powers and duties of the planning commission.

The planning commission shall have such powers and duties as are or may be prescribed by the Utah Code and as provided in the Ordinances of Weber County.

...

(4) The ~~township~~ planning commission may recommend to the legislative body ~~of the county in which the township is located~~:

a. To support or oppose a proposed incorporation of an area located within the planning commission's planning area~~township~~; or

b. To file a protest to a proposed annexation of an area located within the planning commission's ~~township~~ planning area.

...

Sec. 102-2-8. - Appointment of ~~township~~ planning commission members.

Appointment preference shall be given to encourage geographic representation on each ~~township planning board~~planning area planning commission.

(Code 1985, § 6-21-2)

Sec. 102-2-9. - Jurisdiction.

Upon the appointment of all members of a ~~township~~ planning area planning commission, the ~~township~~ planning commission shall immediately begin to exercise the powers and perform the duties as provided for in the state code.

(Code 1985, § 6-21-3)

Sec. 102-2-10. - Policies and procedures.

The board of county commissioners shall adopt such policies and procedures as it deems necessary to provide for:

(1) The planning division support staff;

(2) The funding of necessary and reasonable expenses of ~~townships~~the planning commissions;

(3) The ~~townships~~ planning commissions will be governed by Utah law, county ordinances and the county planning commission rules of procedure and ethical conduct. If conflicts

exist, state law and county ordinances will prevail over the county planning commission rules of procedure and ethical conduct; and

(4) Any other purposes considered necessary to the functioning of ~~township~~the planning commissions.

(Code 1985, § 6-21-5)

...

CHAPTER 4. – PERMITS REQUIRED AND ENFORCEMENT

...

Sec. 102-4-3. – Land use permit revocation.

A land use permit or conditional use permit may be revoked for violation of any part of this Land Use Code related to the specific use or permit in accordance with the following:

(1) Revocation shall be conducted by the Land Use Authority that is authorized to approve the permit.

(2) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an amendment or modification to the permit, as may be allowed by this Land Use Code.

(3) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the right to request a hearing.

(4) The land owner and, if different, permittee shall have a right to a hearing with the Land Use Authority to show cause for why the permit should not be revoked, if a written request for such is submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the Land Use Authority.

...

CHAPTER 5. - REZONING PROCEDURES

Sec. 102-5-1. - Purpose and intent.

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950's and the Ogden Valley in the 1960's. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different ~~townships~~ planning areas of the county.

(Ord. of 1956, § 35-1; Ord. No. 2009-29)

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Comment [c31]: Quick amendment to recent changes.

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Comment [c32]: Quick amendment to recent changes.

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Comment [c33]: Quick amendment to recent changes.

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Comment [c34]: Quick amendment to recent changes.

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Sec. 102-5-6. - County zoning.

The county commission after considering the recommendations of the ~~township~~ planning commission, holding the required public hearing, and making findings as to whether or not the application meets the criteria found in section 102-5-3, may take any of the following actions:

...

Title 104 – ZONES

...

CHAPTER 4. - GRAVEL ZONE G

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Sec. 104-4-4. - Additional requirements.

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(b) Contractor storage yard.

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(1) Additional landscaping standards shall apply to the area where the equipment and material is stored. There shall be a 15-foot landscape buffer with a four-foot high earth berm planted with six feet or larger evergreen trees, such as, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs may be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 linear feet. There shall be five canopy trees per 100 linear feet. These trees may be Maples, Linden, Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. The type of trees and shrubs listed are intended to provide year-round screening of the site. The ~~township~~ planning area planning commission shall approve the list of trees as part of the site plan review. These trees shall be a minimum of two-inch caliper. This landscaping shall be planted on the crest of the four-foot berm when the property abuts agricultural or residential zones. The additional landscaping requirements can be eliminated if all equipment and material are stored within an enclosed building.

...

CHAPTER 22. - MANUFACTURING ZONE M-1

...

Sec. 104-22-3. - Conditional uses.

...

(10) Dwelling unit for proprietor or employee, who also serves as night watchman, and their immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the ~~township~~ planning commission, for the ~~jurisdiction~~ planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the residents.

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...

CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1

...

Sec. 104-23-3. - Conditional uses.

...

(11) Dwelling unit for proprietor or employee, who also serves as night watchman and his immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the ~~township~~ planning commission, for the ~~jurisdiction~~ planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the resident.

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...

CHAPTER 24. - MANUFACTURING ZONE M-2

...

Sec. 104-24-3. - Conditional uses.

...

(17) Dwelling unit for proprietor or employee, who also serves as night watchman, and their immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the ~~township~~ planning commission, for the ~~jurisdiction~~ planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the residents.

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CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS

...

Sec. 104-28-4. - Scenic corridors, ridgelines, and historical/cultural resources.

...

(2) Development standards.

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...

b. Fencing. Within the delineated boundaries of the scenic corridors, fences, except agricultural or stock fences, shall be of one of the following styles although commercial, manufacturing, and multifamily uses shall be compatible with requirements of chapter 18C, Ogden Valley Architectural, Landscaping and Screening Ordinance:

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...

3. Various forms of embossed steel or vinyl fencing that may be approved by the Ogden Valley ~~township~~ planning commission upon submittal of sample material with the site plans. Chainlink fencing shall not be permitted.

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Title 106 - SUBDIVISIONS[1]

Field Code Changed

CHAPTER 1. - GENERAL PROVISIONS

Sec. 106-1-1. - Purpose and intent.

The ~~underlying~~ purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the unincorporated ~~territory~~planning ~~-~~areas of Weber County in ~~the matter of~~ subdivision of land and related matters ~~affected by such subdivision. Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the land use authority.~~ This ordinance outlines the procedures for processing subdivisions and their approvals.

Sec. 106-1-2. - Variances.

Then County Commission is the appeal board for the subdivision ordinance. The County Commission may vary the standards ~~I~~in cases where unusual topographical or other exceptional conditions exist, ~~variations and exceptions from this title may be made by the county commissioners,~~. ~~the appeal board for the subdivision ordinance, after a recommendation by the planning commission.~~ The following are not considered exceptional conditions such as financial, economic, or self-imposed. The Planning Commission shall make a recommendation to the County Commission prior to the consideration of any variances. Subdivision time extensions are

not variances and are addressed in Section 106-1-7, "subdivision time limitations," Illegal division of land does not constitute an exceptional condition.

Sec. 106-1-32. ~~- Scope~~Subdivision Required.

(a) No person shall subdivide any tract of land ~~which is located wholly or in part in the county, outside of incorporated cities or towns~~ except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording ~~in the office of the county recorder~~ any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created ~~pursuant to and~~ in accordance with the provisions of this ~~title~~Land Use Code~~; provided, that~~ ~~t~~This title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.

(b) No lot within a subdivision approved by the planning commission and county commission and recorded in the county recorder's office in accordance with the provisions of this chapter, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner ~~so as~~ to create more lots than initially recorded ~~or any non-conforming lot~~ without first obtaining the approval of the land use authority.

(Ord. of 1952, title 26, § 1-2)

~~Sec. 106-1-3. - Reserved.~~

Sec. 106-1-4. - Subdivision application requirements.

(a) Pre-application meeting required. Each person who proposes to subdivide land ~~in the unincorporated territory of the county~~ shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans ~~for the territory in which the proposed subdivision lies~~ and to discuss the proposed ~~plan of~~ development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.

(b) Subdivision application submittal. Subdivision applications shall be submitted to the planning ~~director or his designated~~division ~~staff member~~, by appointment, and shall include:

(1) A completely filled out subdivision application, signed by the property owners.

(2) ~~12~~ Five full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in this title. This includes two 24 by 36 copies of the phasing plan. Once all preliminary requirements have been met two 24 by 36 copies and a one digital copy shall be submitted to the Planning Division. This requirement shall be met prior to the submittal for final approval.

(3) All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF~~, DWG, DWF and JPEG~~ files of the respective plans. ~~Improvement drawings shall not be required to have accompanying JPEG files.~~

(4) A written statement of feasibility from the county or state health department which states the recommendation of the health department regarding:

a. sanitary sewage disposal;~~, and~~

b. culinary water availability; and ~~shall be provided with the submittal of any subdivision application.~~

c. a project notification form from the Utah State Department of Environmental Quality, Division of Drinking Water.

(5) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application~~A non-refundable fee made payable to Weber County.~~

~~(6) A copy of the project notification form from the state department of environmental quality division of drinking water.~~

Comment [c35]: 2012 Sub code suggested deleting this whole line. I recommend keeping it, with modification

(Ord. of 1952, title 26, § 1-4)

Sec. 106-1-5. - Preliminary plan/plat requirements and approval procedure.

(a) The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the County Surveyor, and shall show:

(1) A subdivision name, approved by the County Recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat. ~~The proposed name of the subdivision.~~

(2) A north arrow, scale, and date. ~~The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.~~

~~(3) Sufficient information to locate accurately the property shown on the plan, including sections corner ties.~~

(~~4~~3) The individual or company names and addresses of the ~~subdivider~~applicant, ~~the~~ engineer and ~~registered~~ land surveyor of the subdivision, ~~and the owners of the land immediately adjoining the land to be subdivided.~~

(4) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.

(5) Contour map ~~at intervals of one foot, two feet, five feet, or ten feet, as determined by the planning commission.~~with, unless specified otherwise by the County Engineer, two foot contour intervals.

~~(6) The boundary lines of the tract to be subdivided showing bearings and distances.~~

(~~7~~6) The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers,

storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.~~within or immediately adjacent to the tract to be subdivided.~~

~~(8) Existing and proposed sanitary sewers, storm drains, water supply mains, water wells, land drains, and culverts within the tract and immediately adjacent thereto.~~

(~~9~~7) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.

(~~10~~8) ~~North point, scale and date.~~Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.

(~~11~~9) Lots classified as "restricted" as defined in Section 101-1-7 by placing the letter "R" immediately to the right of the lot number~~ of said lot~~.

(~~12~~10) The location of percolation test holes on each lot.

(~~13~~11) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. ~~Engineering~~ Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

(~~14~~12) Open space and common area improvements ~~shall be submitted~~ including but not limited to landscaping, structures, signs, parking, and other amenities.

(13) A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of the application and shall include a search of recorded documents back to patent that identifies, at a minimum, the following items:

a. all reference easements;

b. reference (the entry number and/or book and page number) to all deeds in chain of title;

c. all boundary line agreements;

d. all rights-of-way, whether the parcel is subject to or has reserve rights;

e. all current owners;

f. all outstanding liens, taxes, etc.

(b) Approval procedure.

~~(1) A phasing plan for multi-phase subdivisions shall be submitted and approved by the planning commission.~~

(2) With the exception of ~~minor~~ small subdivisions, the preliminary plan/plat, including the phasing plan, shall be presented to the ~~planning commission~~Land Use Authority who, for the purposes of this section, shall be the Planning Commission, for their ~~recommendation~~review and decision in compliance with applicable ordinances. The planning commission's ~~recommendation~~ decision may be appealed to the county commission by filing an appeal within 15 days of the planning commission's recommendation. If the planning commission's ~~recommendation~~ decision is not appealed to the county commission, the planning commission's recommendation shall stand as the county's decision on preliminary approval.

(3) Grading limitation. No large scale excavation (more than 5,000 square feet), grading or regrading ~~as determined by the planning commission~~ shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the planning commission and then only in accordance with the excavation ordinance of this Land Use Code.

Comment [c36]: 2012 code removes this. Suggest keeping it.

(Ord. of 1952, title 26, § 1-5)

Sec. 106-1-6. - Agency review and public notice.

(a) Distribution of preliminary plan. The planning ~~commission~~ division ~~office~~ shall distribute a copy of the preliminary plan to each of the following for their information and recommendations: county engineer, county fire district, county health officer, county school board, county surveyor, county treasurer, and company furnishing telephone, electric, water, sanitary sewer, and/or gas service. The planning ~~commission office~~division may distribute copies of the preliminary plan to other agencies and organizations to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any information and recommendations to the planning division.

(b) Public notice. Notice of the proposed subdivision shall be mailed as a courtesy not less than seven calendar days before the planning commissions' public hearing on the proposed subdivision to the record owner of each parcel within 500 feet of the property. ~~proposed for subdivision; or posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.~~

(c) Notice for an amendment or vacating a subdivision. For an amendment to a subdivision, the planning division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.

(d) Notice challenge. If the notice is not challenged within 30 calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.

(Ord. of 1952, title 26, § 1-6)

Sec. 106-1-7. - Subdivision time limitations.

(a) Time limitation for preliminary approval. Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received ~~receiving~~ preliminary plan approval shall have 18 months from the date

of the preliminary approval by the planning commission to receive a recommendation for final approval of the subdivision or the first phase ~~thereof, from the planning commission~~. An extension of preliminary approval for an additional time ~~period~~ of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state and federal ~~ordinances~~ laws current at the time of the extension. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted. The Planning Director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship.

(b) Time limitation for final approval. A final subdivision plat ~~for the first phase~~or phase of a subdivision that receives a recommendation for final approval from the planning commission shall be offered to the county commission for final approval and recording within one year from the date of the planning commission's recommendation for final approval. After one year from that date, the plat ~~shall not be received for recording and~~ shall have no validity ~~whatsoever~~. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat ~~shall not be received for recording and~~ shall have no validity ~~whatsoever~~. The P~~p~~lanning Director ~~commission~~ may grant a one-time extension for final subdivision approval for a maximum of one year ~~per subdivision~~. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.

(c) Nonconforming. Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

(Ord. of 1952, title 26, § 1-7)

Sec. 106-1-8. - Final plat requirements and approval procedure.

(a) Until all preliminary requirements outlined in the agencies review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.

(~~a~~b) Final plat required.

(1) After compliance with the provisions of section 26-1-4, the ~~subdivider~~ applicant shall submit ~~12~~ five full size, 24 by 36; one reduced size, 11 by 17 copy of the final plat; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. ~~Such plat shall be accompanied by a "letter of certification" by the subdivider's registered land surveyor, indicating that~~ The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.

(2) The final plat and accompanying information shall be submitted to the planning ~~commission~~ division at least 30~~5~~ days prior to a regularly scheduled planning commission meeting. ~~in order to be considered at said meeting.~~

(~~b~~c) Final plat requirements.

(1) Digital copies shall be submitted until the County Engineer and Surveyor gives their approval for a subdivision mylar to be submitted. The final plat shall ~~consist of~~be a sheet of ~~approved tracing linen or M~~mylar with ~~to the outside or trim~~ dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half inch or a maximum of 1½) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the ~~tracing linen or M~~mylar with permanent ink meeting industry ~~requirements~~standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the County Surveyor, and the workmanship on the finished drawing shall be ~~neat, clean cut and readable~~legible having a text size of not less than 0.10~~09~~ of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (b)~~g~~ h of this section, duly authorized and required to sign and shall contain the following information:

Comment [c37]: Verify reference.

a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.

b. Where a subdivision complies with the cluster subdivision provisions of ~~the~~ this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."

c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the County Surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)

d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, ~~and dimensions of all boundary~~ including the lines of the subdivision. ~~These~~ The boundary lines ~~should~~ shall be slightly heavier than street lines, and street lines shall be slightly heavier than ~~and~~ lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. §57.10. ~~and t~~The Basis of Bearing sufficient for retracement shall ~~also~~ be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all

portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be ~~named or~~ numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street ~~naming and~~ numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The County Surveyor must approval these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.

f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.

g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the County Recorder ~~included in the lot numbering system and shall also be titled "Public Park" or "Private Common Open Space," whichever is applicable.~~.

h. ~~The standard forms approved by the planning commission~~A signature block conforming to state code and county ordinances shall be included on the plat ~~for all subdivision plats lettered for~~ the following:

1. Description of land ~~to be~~ included in subdivision;
2. Private ~~L~~licensed land surveyor's "certificate of survey";
3. Owner's dedication certificate;
4. Notary public's acknowledgment;
5. County planning commission's certificate of approval,~~;~~ to be signed by the Planning Director for the chair;
6. County engineer's certificate of approval;
7. County attorney's certificate of approval;
8. Board of county commissioners' certificate of acceptance;
9. County clerk's certificate of attest;
10. County surveyor's certificate of approval;
11. Weber-Morgan Health Department certificate of approval.

i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.

j. The subdivision boundary ~~corners~~ and lot corners ~~not affected by road construction~~ shall be set on the site prior to recording of the final plat. Lot corners ~~affected by road construction~~ shall be set prior to issuance of a residential building permit. In addition, ~~F~~front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot

corners and centerline street monuments shall be noted on the final plat in conformance ~~to~~ with ~~the record of survey requirements~~County ordinances.

k. Map narrative. The map shall contain a written narrative which complies with U.C.A §17-23-17 and Part I, Title 2, Chapter 10, of the Weber County Code of Ordinances.

~~1. The map shall contain a written narrative that explains and identifies:~~

~~(i) The purpose of the survey.~~

~~(ii) The basis on which lines were established. The surveyor should explain what decisions he made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.~~

~~(iii) The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right-of-way lines, subdivision boundaries, fences, etc.) the surveyor should indicate what he found relating to these calls.~~

~~2. If the narrative is a separate document, it shall also contain:~~

~~(i) Location by quarter section or lot number, section number, township and range.~~

~~(ii) Date of survey.~~

~~(iii) Surveyor's stamp or seal and signature.~~

~~(iv) Surveyor's business name and address.~~

~~3. The map and narrative shall be referenced to each other if they are separate documents.~~

l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.

m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holders.

n. If no preliminary plans are required a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:

1. All easements.

2. Reference (the entry number and or book and page number) to all deeds in chain of title.

3. All boundary line agreements.

4. All rights of way whether the parcel is subject to or has reserve rights.

5. All current owners.

6. All outstanding liens, taxes, etc

(2) ~~Reserved.~~A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

(3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and ~~record~~ area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.

(4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area~~s~~" as defined in ~~this title~~Section 101-1-7, the following shall be required on the final plat:

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the ~~said~~ lot and by including the following notification on the final plat: "Notice ~~of~~ to Purchasers of Restricted "R" Lots. Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of ~~the Land Use Code~~Title 108, Chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.

b. For lots approved with "~~building~~ buildable areas" such ~~building~~ buildable areas shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. ~~with dimensions and with distances to at least two lot lines to accurately indicate the location of such building area and by placing the~~The words "~~building~~ buildable area" shall be placed within the dashed lines and ~~by~~ the plat shall ~~including~~ include the following notification ~~on the plat~~: "Notice to Purchasers of Lots with Designated ~~Building~~ Buildable Areas. Lots with designated "~~building~~ buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

(5) ~~For~~ Ssubdivisions ~~that are~~ located in areas ~~of unincorporated areas of the county~~ which are zoned for agriculture (A-1, A-2, A-3, and AV-3)~~,~~ shall have the following statement ~~shall be required~~ on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

(6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.

Comment [c38]: These clarifications were not part of the 2012 subdivision code changes.

Clarifications to "buildable lot" to make it more consistent with 106-1-8(c)(4) and the definition of "buildable lot."

~~For subdivisions that include lots, which will be partially or completely in the base flood plain of any river, stream, watercourse, lake, or other body of standing water; a boundary and elevations of the floodplain shall be required on the final plat. The lowest elevation of any habitable floor in any structure for each lot shall also be shown on the final plat.~~

(7) On ~~final~~ subdivision plats where no preliminary plans are required ~~to be submitted~~, the location of buildings ~~or~~ and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.

(~~c~~d) Final improvement plans. The ~~subdivider~~ applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision ~~together with the final plat~~. All such utility and road construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with

~~(1) Copies of contracts~~letters agreeing to provide services, including the level of service, from applicable ~~with applicable~~ utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(~~d~~e) Approval of final plat.

(1) After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under $25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than $25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant.

(2) No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots ~~included in such plat~~ shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

(~~e~~f) Final plat approval; ~~minor~~ small subdivisions. The planning director is delegated administrative authority to approve ~~minor~~ small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by~~, from the date of the submittal to~~ the planning division ~~office for processing~~. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. ~~If required by state code, the planning director shall hold a public hearing or public meeting prior to approving the minor subdivision plat.~~

~~(f) Notice of minor subdivisions. Notice of the proposed minor subdivision or public hearing on the proposed minor subdivision shall be mailed not less than seven calendar days before final approval of the minor subdivision or the public hearing on the minor subdivision, to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less than three calendar days before the public hearing, on the property~~

~~proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passersby.~~

(g) Additional documents. Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic or environmental conditions or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing~~ if applicable~~, and~~/or~~ shall be recorded as a protective covenant attached to the lot or lots ~~so~~ affected. ~~rather than being described as notes on the plat.~~

(h) Tax clearance. The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.

(i) A copy of the subdivision mylar shall be filed as a record of survey in the County Surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014)

...

Title 108 - STANDARDS

...

CHAPTER 3. - CLUSTER SUBDIVISIONS

Sec. 108-3-1. - Intent.

The purpose of this chapter is to provide flexible development standards to landowners that are committed to developing safe, attractive, conservation oriented neighborhoods that are thoughtfully designed and arranged in a manner that considers, gives deference to, and ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced infrastructure costs and the possibility for a substantial increase in residential density in the Western Weber ~~Township~~Planning Area. It is equally intended to benefit the residents of Weber County by promoting public welfare through the reduction of long-term infrastructure maintenance costs and the permanent preservation of the county's functional open spaces, picturesque landscapes, and rural character.

...

Sec. 108-3-3. - Approval procedure.

(a) The cluster subdivision approval procedure consists of four phases as follows:

(1) A conceptual sketch plan endorsement from the appropriate ~~township~~ planning area planning commission;

(2) A preliminary approval by the appropriate ~~township~~ planning area planning commission;

(3) A recommendation from the appropriate ~~township~~ planning area planning commission for final approval by the board of county commissioners; and

...

Sec. 108-3-8. - Bonus density.

The county may, in its discretion, allow for an increased number of residential lots by awarding bonus densities to those cluster subdivisions developed within the Western Weber County ~~Township~~Planning Area. Cluster subdivisions within the Ogden Valley ~~Township~~ Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to cluster subdivisions located within specific zoning boundaries:

...

CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

...

Sec. 108-5-4. - Use requirements.

...

(c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the ~~township~~ planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:

...

CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S MARKETS

...

Sec. 108-13-4. - Temporary outdoor sales.

Temporary outdoor sales site consist of the sale of seasonal goods (e.g. Christmas tree lot, pumpkins, or fireworks), that are associated with a recognized holiday, on a commercially zoned property. An application for a temporary outdoor site is subject to the following requirements:

...

(10) All outdoor lighting, including temporary lighting, shall comply with chapter 39, Ogden Valley Lighting, for outdoor sale sites located within the Ogden Valley ~~Township~~Planning Area.

...

CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS

...

Sec. 108-14-5. - Hillside development review board.

(a) The review board membership shall consist of the county planning director as the chairperson, the county engineer, the county building official, the fire district fire chief, and the Weber Morgan health official or their representatives. Representatives from the respective ~~township~~ planning area planning commission shall be requested when the review involves a subdivision application and not an individual lot. The duty of the board is to review and regulate development on hillsides in accordance with this chapter. The planning division will coordinate the efforts of this review board.

...

Sec. 108-14-6. - Restricted lot requirements and lots requiring a buildable area.

Each lot or parcel of land meeting the definition of a "restricted lot" or that requires a buildable area as defined by Section 101-1-7 shall have an increased lot area and lot width as the lot or parcel slope percentage increases, ~~an area and width equal to or greater than that required by the applicable zoning district area regulations~~ as determined from the ~~applicable~~ tables ~~contained in this chapter~~ in Section 108-14-12. Such lots shall also have sufficient area for the buildings, setbacks, yards, septic tank and drain fields, wells and any necessary cuts and fills, drainage facilities and stabilization areas required by the hillside development review board.

Comment [c39]: Providing clarification that BOTH restricted lots AND lots requiring a buildable envelope are considered herein. The section is re-written for admin clarity, and to help make it consistent with 106-1-8(c)(4)

...

Sec. 108-14-12. - Lot; size requirements.

~~Lot area and widths shall be increased as the lot or parcel slope percentage increases.~~ Pursuant to Section 108-14-6, ~~T~~the following tables shall be used to determine the area and width of a lot~~s~~, parcel~~s~~ or tract~~s~~ of land that ~~meeting~~ meets the ~~criteria for~~definition of a "restricted lot," or is required to contain a buildable area as defined in Section 101-1-7: ~~or those lots with a designated building area on a buildable portion of the lot which has an average percent of slope of 25 percent or more:~~

Comment [c40]: Clarified.

TABLE 1. "RESTRICTED LOT" SIZE REQUIREMENTS

(1) 5,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	5,000	50
25—30	6,500	65
31—35	8,150	80

36—40	10,000	90
41 and over	12,500	100

...

TABLE 2. LOT SIZE REQUIREMENTS FOR LOTS WITH A REQUIRED ~~75-FOOT BY 100-FOOT~~ "~~BUILDING~~ BUILDABLE AREA"

Comment [c41]: Changed to be consistent with the revised definition of "buildable area."

Non-Restricted Lots with Buildable Areas

(10) 15,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	15,000	100
25—30	15,750	100
31—35	17,250	110
36—40	19,500	115
41 and over	22,500	120

...

CHAPTER 19. - ACCESSORY APARTMENTS

...

Sec. 108-19-4. - Application procedure.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment:

(1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then

be reviewed and either approved or denied by the ~~township~~ respective planning area planning commission ~~in which jurisdiction the property lies.~~ In accordance with the decision requirements of Title 108 Chapter 4 of this Land Use Code.

...

CHAPTER 21 - AGRI-TOURISM

...

Sec. 108-21-6. - Use/activity standards and limitations.

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

...

(3) Non-Agriculturally Related Uses/Activities.

...

d. Hunting preserve.

1. Limited to the Western Weber County ~~Township~~Planning Area.

...

Title 110 - SIGNS

CHAPTER 1. - WESTERN WEBER SIGNS[1]

Field Code Changed

Sec. 110-1-1. - Purpose and intent.

The purpose and intent of the sign standards is to provide for reasonable display of all signage in the Western Weber ~~Township~~ Planning Area to identify and advertise products, services, institutions, events, and business establishments for the information and convenience of the general public. These standards and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. The standards are also designed to aid in the orderly development and promotion of business by providing regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of signs while protecting and enhancing community character in the unincorporated portion of the Western Weber ~~Township~~Planning Area.

ORDINANCE NUMBER 2012-14

An Ordinance Amending Chapter 1 of the Subdivision Ordinance (General Provision – Filing of Preliminary and Final Plans), Chapter 6: Penalty, Validity, and Repealer (signature block section), and Chapter 1 (General Provisions) section 1-6 Definitions of the Weber County Zoning Ordinance

Whereas, the Weber County Planning Division is proposing to amend Chapter 1 (General Provision – Filing of Preliminary and Final Plans) and Chapter 6 of the Weber County Subdivision Ordinance: PENALTY, VALIDITY, AND REPEALER The Title Blocks for the signatures of the approving authority for subdivisions; and

Whereas, the Weber County Planning Division is proposing to amend Chapter 1 **GENERAL PROVISIONS** of the Weber County Zoning Ordinance; and

Whereas, The Board of County Commissioners of Weber County, Utah, find that the proposed ordinance amendment will comply with the goals/objectives of the General Plan and will promote property rights; and

Whereas, the proposed amendment to the Weber County Zoning Ordinance will support the public health, safety, or welfare; and

Whereas, the Western Weber County Township Planning Commission, after appropriate notice, held a public hearing on February 14, 2012, and recommended approval of the proposed amendment; and

Whereas, the Ogden Valley Township Planning Commission, after appropriate notice, held a public hearing on March 27, 2012, and recommended approval of the proposed amendment; and

Whereas, the Weber County Board of Commissioners, after appropriate notice, held a public hearing on July 31, 2012 and approved the proposed amendment to the Weber County Zoning and Subdivision Ordinance;

Now Therefore, the Weber County Board of Commissioners ordains as follows:

CHAPTER 1

GENERAL PROVISIONS
Filing of Preliminary and Final Plans

Amd. Ord. 95-31, 11/11/95; 10-2005, 8/16/05; 2008-11 4/15/08

26-1-1 Purpose and Intent
26-1-2 Variances
26-1-3 Subdivision Required
26-1-4 Definitions
26-1-5 Subdivision Application Requirements
26-1-6 Preliminary Plan Requirements and Approval Procedure
26-1-7 Agency Review and Public Notice
26-1-8 Subdivision Time Limitations
26-1-9 Final Plat Requirements and Approval Procedure

26-1-1 Purpose and Intent. The purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of the unincorporated area of Weber County in the subdivision of land and related matters. This ordinance outlines the procedures for processing subdivisions and their approvals.

26-1-2 Variances. The County Commission is the appeal board for the subdivision ordinance. The County Commission may vary the standards in cases where unusual topographical or other exceptional conditions exist. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The Planning Commission shall make a recommendation to the County Commission prior to the consideration of any variances. Subdivision time extensions are not variances and are addressed in section

26-1-8 Subdivision Time Limits. The illegal division of land does not constitute an exceptional condition.

26-1-3 Subdivision Required. No person shall subdivide any tract of land, except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been in accordance with the provisions of this Ordinance. This Ordinance shall not apply to any lot(s) forming a part of a subdivision recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.

No lot within a subdivision approved by the Planning Commission and County Commission and recorded in the County Recorder's Office in accordance with the provisions of this Ordinance, shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the Land Use Authority. (Amd. Ord. #2-71, 2/25/71)

26-1-4 Definitions. The following words and phrases used in this Ordinance shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

1. "Average Percent of Slope": An expression of rise or fall in elevation along a line perpendicular to the contours of the slope connecting the highest point of a slope to the lowest point of the same slope within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred percent (100%) grade. The horizontal distance between any two measured points shall not exceed 50 feet. (Amd. Ord. #2-71, Feb. 25, 1971; #15-92, 12/16/92)

2. "Block": The land surrounded by streets and other rights-of-way, or land, which is designated as a block on any recorded subdivision plat.

3. "Bonafide division or partition of agricultural land for agricultural purposes": shall mean the division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is the raising and grazing of animals or agriculture as defined in the Weber County Zoning Ordinance and provided that:

   a. No dedication of any streets shall be required to serve any parcels of agricultural land.

   b. The agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with this ordinance.

   c. No dwellings shall be permitted unless all subdivision, zoning and health requirements are met. (Amd. Ord. #20-72, #4-81)

4. "Buildable Area". As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance. (Amd. Ord. #2-71, 2/25/71, #2002-03, 3/05/02)

5. "Easement": That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

6. "Lot Combination": A Lot combination recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow creation of additional lots, and the original lot lines as recorded do not change. The lots have to conform to current zoning or be part of a cluster subdivision. If the lots do not conform to current zoning then an amended subdivision plat is required. The Planning Director can administratively approve Lot Combination Application that meet current zoning.

7. "Lot Line Adjustment": Allows owners of lots within approved subdivisions to adjust ownership lines between lots. An Amended Plat is required to do a Lot Line Adjustment. Non-conforming lots cannot become more non-conforming. (Ord. #2002-3, 3/05/02)

8. "Non-Buildable Area": As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance. (Amd. Ord. #9-88, 5/9/88)

9. "Protection Strip Line": A Protection Strip is a line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, is restricted from having access. The Protection Strip Line, having no specific width, is shown on a subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. The Protection Strip Line shall expire after 10 years in accordance with a separately written and recorded agreement.

10. "Small Subdivision":

a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or

b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or

c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under $10,000.

11. "Streets":

a. "Street, Public": A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-six (26) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

b. "Street, Major": A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Street Plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

c. "Street, Collector": A street existing or proposed of considerable continuity, which is the main means of access to the Major Street System.

d. "Street, Standard Residential": A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

e. "Street, Frontage": A street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

f. "Street, Private": A minimum of a 50 foot wide thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the developer or other private agency.

g. "Cul-de-sac": A terminal street provided with a turnaround.

12. "Subdivision":

a. Means any land that is divided, resubdivided, or proposed to be divided into one or more new lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

b. "Subdivision" includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. "Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance.

c. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

d. "Subdivision does not include a bona fide division or partition of agricultural land for

agricultural purposes. (Amd. Ord. 15-92, 12/16/92)

13. "Subdivision Cluster": As defined in the Cluster Subdivision Provisions of the Weber County Zoning Ordinance.

26-1-5 Subdivision Application Requirements.

(A) Pre-application meeting required. Each person who proposes to subdivide land shall confer with the Weber County Planning Division before preparing any plats, charts, or plans in order to become familiar with the County Subdivision requirements and existing master plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.

(B) Subdivision Application Submittal. Subdivision applications shall be submitted to the Planning Division, by appointment, and shall include:

A completely filled out subdivision application, signed by the property owner(s).

1. Five (5) full size 24 x 36 copies, and one (1) reduced size 11 x 17 copy, and one (1) reduced size 81/2 x 11 copy of a preliminary plan meeting the requirements listed in this ordinance. This includes two (2) 24 x 36 copies of the phasing plan. Once all preliminary requirements have been met, two (2) full size copies and a digital copy shall be submitted to the Planning Division. This requirement shall be met prior to the submittal for final approval.

2. All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

3. A written statement of feasibility from the County or State Health Department, which states the recommendation of the Health Department regarding:
   a. sanitary sewage disposal,
   b. culinary water availability, and
   c. A Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.

26-1-6 Preliminary Plan/Plat Requirements and Approval Procedure.

(A) The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than one hundred (100) feet to the inch unless varied by the County Surveyor and shall show:

1. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat.

2. North point, scale, and date.

3. The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or record bearings, distances, and other controlling data with ties to section corners.

4. Contour determined by the County Engineer.

5. The individual or company names and addresses of the applicant, engineer, and land

surveyor of the subdivision.

6. The existing location, widths, and other dimensions of all streets and other important features such, as but not limited to railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines, or other lines of occupation, exceptional topography, easements, and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.

(Amd. Ord. #2002-3, 3/05/02)

7. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, pathways, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.

8. Neighborhood circulation plan showing how future roads can connect to provide circulation to future neighborhoods.

9. Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number. (Amd. Ord. #2-71, 2/25/71)

10. The location of percolation test holes on each lot. (Ord. 2007-1, 1/09/07)

11. Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent (10%) percent or greater.

(Amd. Ord. #4-86, 3/10/86, #2007-1, 1/09/07)

12. Open space and common area improvements including but not limited to landscaping, structures, signs, parking, and other amenities.

13. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
    a. All easements.
    b. Reference (the entry number and or book and page number) to all deeds in chain of title.
    c. All boundary line agreements.
    d. All rights of way whether the parcel is subject to or has reserve rights.
    e. All current owners.
    f. All outstanding liens, taxes, etc.

(B) Approval Procedure.

1. With the exception of small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority, in this section Planning Commission, for their determination, based upon compliance with applicable ordinances.

    a. The Planning Commission's recommendation may be appealed to the County Commission by filing an appeal within 15 days of the Planning Commission's recommendation.

b. If the Planning Commission's recommendation is not appealed to the County Commission, the Planning Commission's recommendation shall stand as the County's decision on preliminary approval. (Amd. Ord. #2002-3, 3/05/02, #2007-1, 1/09/07)

2. Grading Limitation. No large-scale excavation (more than 5,000 sq. ft.), grading or regrading shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission.

26-l-7 Agency Review and Public Notice. (Ord. #2007-1, 1/09/07)

(A) Distribution of Preliminary Plan. The Planning Division shall distribute a copy of the Preliminary Plan to each of the following for their information and recommendations: County Engineer, Fire District, County Health Officer, County School Board, County Surveyor, County Treasury, and utility companies furnishing telephone, electric, water, sanitary sewer and/or gas service. The Planning Division may distribute copies of the Preliminary Plan to other agencies and organizations to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any information and recommendations to the Planning Division.

(B) Notice. Notice of the proposed subdivision shall be mailed on subdivision as a courtesy, not less than seven calendar days before the Planning Commissions' public hearing on the proposed subdivision to the record owner of each parcel within 500 feet of the property.

(C) Notice for an amendment or vacating a subdivision: For an amendment to a subdivision, the Planning Division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.

(D) Notice challenge: If the notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

26-l-8 Subdivision Time Limitations.

(A) Time Limitation for Preliminary Approval. Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void. Subdivisions that have received preliminary plan approval shall have eighteen (18) months from the date of the preliminary approval by the Planning Commission to receive a recommendation for final approval of the subdivision, or the first phase.

The Planning Director upon repayment of the subdivision application fees and the plan being brought into compliance with County ordinances, and State and Federal laws current at the time of the extension may grant an extension of preliminary approval for an additional time of up to eighteen (18) months. The extension request shall be submitted, and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extension will be granted. The Planning Director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship. (Amd. Ord. #2002-3, 3/05/02)

(B) Time Limitation for Final Approval. A final subdivision plat or a phase of a subdivision that receives a recommendation for final approval from the Planning Commission shall be offered to the County Commission for final approval and recording within one (1) year from the date

of the Planning Commission's recommendation for final approval. After one (1) year from that date, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The Planning Director may grant a onetime extension for final subdivision approval for a maximum of one (1) year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. An additional time extension may be granted if the hardship is determined to be a county cause delay.

(C) Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become non-conforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

26-l-9 Final Plat Requirements and Approval Procedure

Until all preliminary requirements outlined in the agencies review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.

(A) Final Plat Required.

1. After compliance with the provisions of Section 26-l-5 of this Ordinance, the applicant shall submit five (5) full size, 24 x 36, one (1) reduced size, 11 x 17 copy of the final plat, and one (1) 8 1/2x11 copy of the final plat, meeting the remaining requirements listed in this ordinance and any additional requirements set by the Land Use Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Zoning Ordinance. Digital copies shall be submitted as listed for preliminary plan.
(Amd. Ord. #4-86, 3/l0/86; #2007-1, 1/09/07)

2. The final plat and accompanying information shall be submitted to the Planning Division at least thirty-five (35) days prior to a regularly scheduled Planning Commission meeting. (Amd Ord. #2002-3, 3/05/02)

(B) Final Plat Requirements. (Amd. Ord. #2-88, 1/8/88)

1. Digital copies shall be submitted until the County Engineer and Surveyor gives their approval for a Subdivision Mylar to be submitted. The final plat shall be a sheet of Mylar with the dimensions of twenty four (24) by thirty six (36) inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half (1/2) inch or a maximum of one and one half (1½) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a Licensed Land Surveyor licensed in the State of Utah. All lines, dimensions, and markings shall be made on Mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than one hundred (100) feet to the inch unless approved by the County Surveyor and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in sub-paragraph "h" of this paragraph, duly authorized and required to sign and shall contain the following information:

a. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat. (Amd. Ord. #2-88, 1/8/88)

b. Where a subdivision complies with the Cluster Subdivision provisions the final plat shall indicate underneath the subdivision name the words, "Cluster

Subdivision". (Amd. Ord. #2002-3, 3/05/02)

c. A north point or arrow, which shall make the top of the sheet either north or east, however, exceptions, may be approved by the County Surveyor, the scale of the drawing, and the date of the survey noted in the heading. (Meaning the date, year, and month, the survey markers were placed).

d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines should be slightly heavier than street and steer lines slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown. If the curve is a non-tangent curve, the chord bearing and distance must be shown or noted as well. The words "Basis of Bearings" must be shown on the plat between two existing, described government monuments, which are recognized by, or on file in the office of the County Surveyor. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.S.C. 57.10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

(Amd. Ord. #4-86, 3/10/86; #2-88, 1/8/88)

e. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the County Surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the County Surveyor and conform as far as practicable to the adopted street numbering system of Weber County, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The County Surveyor must approve these allowable situations. Where streets are given a number as the primary identifier, a street name may be assigned as a secondary identifier. (Amd. Ord. #15-71 11/30/71; #4-86, 3/10/86)

f. A house number indicating the street address for each lot in the subdivision shall be assigned by the County Surveyor marked on each lot to face the street frontage. Corner lots shall have a house number assigned for both frontages. Homes that are built on approved flag lots or rights of way shall have the address assigned and posted-at the access point from a County Road or private road. (Amd. Ord. #3-73, 11/30/73; #3-82, 1/26/83; #4-86, 3/10/86; #2002-3, 3/05/02)

g. Parcels of land to be dedicated as Public Park or to be permanently reserved for private and/or public common area shall be numbered and labeled in accordance with policies of the County Recorder.

h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:

1. Description of land included in the subdivision;
2. Private licensed land surveyor's "Certificate of Survey", which meets the minimum requirements of UCA 12-27a-603;
(Amd Ord. #4-86, 3/10/86)
3. Owner's dedication certificate;
4. Notary public's acknowledgment;
5. Planning Director Certificate of approval, The Planning Director shall sign for the Township Planning Commission Chair
6. County Engineer's certificate of approval;
(Amd. Ord. #3-82, 1/26/82)
7. County Attorney's certificate of approval;
8. Board of County Commissioners' certificate of acceptance;
9. County Clerk's certificate of attest;
10. County Surveyor's Certificate of Approval;
(Amd. Ord. #4-86, 3/10/86)
11. Weber-Morgan Health Department Certificate of Approval.
(Amd. Ord. #3-96, 10/09/96)

i. A three (3) inch by three (3) inch space in the lower right hand corner of the drawing for recording information.

j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot corners may be permanently referenced in curbs after completion of the streets construction. The subdivision boundary corners, lot corners, and centerline street monuments shall be noted on the final plat in conformance with the County ordinances. (Amd. Ord. #2-88, 1/8/88)

k. The map shall contain a written narrative, which complies with state code (17-23-17), and county ordinance, Chapter 12 Technical requirements for surveys.

l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.

m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holders.

n. If no preliminary plans are required a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
a. All easements.
b. Reference (the entry number and or book and page number) to all deeds in chain of title.
c. All boundary line agreements.
d. All rights of way whether the parcel is subject to or has reserve rights.
e. All current owners.
f. All outstanding liens, taxes, etc.

2. A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.

3. Remaining Parcel:
When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: REMAINING AGRICULTURAL PARCEL NOT APPROVED FOR DEVELOPMENT. The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the

remainder parcel required. Remaining parcels are not part of the subdivision.

4. For subdivisions that include lots of a "restricted" category or lots with "buildable areas", the following shall be required on the final plat:

(Amd. Ord. #9-72, 4/04/72)

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted (R) Lots". Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions Chapter 36B of the Zoning Ordinance. Approval of a Restricted Lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Ordinance shall be done to determine if a lot is buildable.

(Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

b. For lots approved with "buildable areas" such buildable areas shall be designated on the final plat by short dashed lines with dimensions and with distances to at least two lot lines to accurately indicate the location of such buildable area and by placing the words " buildable area" within the dashed lines and by including the following notification on the plat:

"Notice to Purchasers of Lots with Designated buildable areas. Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

5. Subdivisions located in areas, which are zoned for Agriculture (A-l, A-2, A-3, and AV-3), shall have the following statement on each page of the final plat:

"Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Zoning Ordinance for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

6. Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.

7. On Subdivision Plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent (within 30 feet) to the tract of land to be subdivided shall be shown on the plat.

(C) Final Improvement Plans. The applicant shall furnish to the County Engineer at the same time of submittal of the Final Plat a complete set of drawings signed and stamped by a Utah Licensed Civil Engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All such utility and road construction shall be in accordance with the adopted Public Works Standards of Weber County. A digital copy of the plans shall be submitted.

1. Letters agreeing to provide service, including the level of service from applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.

(D) Approval of Final Plat. (Amd. Ord. #2002-3, 3/05/02)

1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.

   After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under $10,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than $10,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant. (Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

2. No street improvements or utilities shall be installed until approval of the improvement plans by the County Engineer. No lots shall be purchased, sold, exchanged, nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded. (Amd. Ord. #3-82, 12/6/82)

(E) Final Plat Approval - Small Subdivisions. The Land Use Authority in this section the Planning Director, is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions, which warrant its submittal to the Planning Commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by, the Planning Division. If the subdivision is not offered for recording within this period, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. (Amd. Ord. #4-86, 3/10/86; #98-32, 11/26/98; 2007-1, 1/09/07)

(F) Additional Documents. Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic, environmental conditions, or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing, and shall be recorded as a protective covenant attached to the lot or lots affected (Amd. Ord. #6-91, 4/1 8/91)

(G) Tax Clearance: The County may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.

(H) A copy of the subdivision Mylar shall be filed as a Record of Survey in the County Surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

Section 2:
Chapter 6 of the Weber County Subdivision Ordinance: PENALTY, VALIDITY, AND REPEALER
The Title Blocks for the signatures of the approving authority for subdivisions is hereby amended as follows:

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____ 20__.

_____
Weber County Planning Director for the Township Planning Commission Chair

Section 3:
The Weber County Zoning Ordinance Chapter 1 **GENERAL PROVISIONS** of the Weber County Zoning Ordinance is hereby by amended by adding the following definition to section **1-6. Definitions:**

Floodplain: The land within a community, subject to a one percent or greater chance of flooding as defined by FEMA

flood insurance rate maps in any given year.

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this 7 day of August, 2012, by the Weber County Board of Commissioners.

Commissioner Gibson	Voting _____
Commissioner Dearden	Voting _____
Commissioner Zogmaister	Voting _____

_____
Chair

ATTEST:

_____
Ricky Hatch, CPA Weber County Clerk

4. **Petitions, Applications and Public Hearings:**
Old Business

4.1. **Rules of Order:** Consideration and action recommending approval of the Planning Commission Rules of Order

Rob Scott said they had a study session on this topic and have made various changes as a result of those discussions, there are some requests by our legal counsel to eliminate testimony or testify which they have accomplished that and they have also added a phrase dealing with the topic of ex parte communication. With that staff recommends that you consider adopting those amendments and approve the Rules of Order.

MOTION: Commissioner Borklund moved to approve Rules of Order with the noted changes. Commission Favero seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (6-0)

4.2. **ZTA2010-08:** Consideration and action recommending approval of the Weber County Zoning Ordinance Chapter 1 (General Provision – Filing preliminary and final plats)

Jim Gentry said that this had been discussed at a previous work sessions and this is before you for approval with the noted changes from the previous work session. He went through the staff report and indicated all the changes and what updates were made on those and which were administrative approvals. Another change is having escrows under $10,000.00 will be approved by the County Engineer but anything over $10,000.00 would have to go the County Commission for approval. What they are trying to do is streamline the process, making it easier and quicker for people to get through the subdivision process. It will also help the Planning Commission have more time to work on General Plan issues and ordinances. They did work with the Fire District, Engineering, Health Department, Building Inspections, and Recorders when they made these changes and all of them had input on this as well and they have all agreed to this. This is proposal that is before you, and staff recommends approval of the proposed amendments to Chapter 1 and if there is a unanimous recommendation it will go on to the County Commission for approval.

MOTION: Commissioner Borklund recommend approval to the ordinance amendment Chapter 1 as proposed. Andreotti seconded the motion. A vote was taken and Chair Hansen said the motion carried with all members present voting aye. Motion Carried (6-0)

5. **Public Comments:** There were no public comments.

6. **Planning Commissioner's Remarks:** Chair Hansen said he wanted to thank Rob and staff for bringing Lance Peterson, who did a good presentation. He would like to recommend that when they get some design work or proposals to have him come back so they could hear the new information.

7. **Staff Communications:**

7.1. **Planning Director's Report:** Rob Scott said they have an APA Conference coming up and Commissioner Borklund will be attending the APA conference. He would also like to give condolences to Commissioner Meibos' family for their loss.

7.2. **Legal Counsel's Remarks:** There were no remarks from Legal Counsel.

Adjourn: **Adjourn to the County Commission Chambers for a Work Session**

8. **Work Session Agenda Items:**

WS.1. **Update & Discussion:** Agri-Tourism

Scott Mendoza said there were two drafts in their packets but he would be using the second one with the red corrections because there are some notes that were written on that. On Page 1, through the bottom of the page, it starts with Acreage, Agri-tourism Activity Center. In the pre-meeting, he explained that they had students from Weber State take a look at the draft and start developing some proposed site plans to see how well that worked. One of their questions was how are they to know what was the Agri-Tourism Area and what was the other area. In the draft we would only allow 20% of the farm to be covered in commercial or Agri-Tourism activities, minus the pumpkin patches and corn mazes that we would accept those areas out of that 20% calculation. We needed to tell them what

Commissioner Graves said there has been talk about the requirement of dealing with the canal. Eric Langvardt explained that their engineer's plan is to pipe it back and come across as shown in the utility plan. They are not sure if the turn lane would be required by UDOT. To clarify for Commissioner Miller, Mr. Langvardt said they are not planning a connection off the beach as per the Forest Service. They have talked to Meg at Weber Pathways about having a 10 ft. hard surface trail as part of the Pineview Loop.

Ray Bertoldi, Bertoldi Architects, said from a site plan aspect they reduced density and they looked at every building the same way in sense of its overall mass. They took a hard look at the rooflines, and the shadows of the buildings, and they would like to incorporate some flat roofs. The highest building would be 23 ft. Many of the pitched roofs drain down into the spaces and the varied rooflines allow them to control water. They would not have any drip lines where people walk and makes for a safer environment. He agrees that the storage units will be the nicest storage units around. Mr. Bertoldi said they would integrate different types of siding in the project and will use earth colors. They will have asphalt shingles as well as metal roofing.

Ray Bertoldi indicated that the hard surface water drains to the detention area. On the east commercial building, they have integrated a gable style roof over part of the building and then a lower portion a flatter roof on the front store side that would be protected. They would utilize the grade of the property on the buildings.

Chair Parson said he is concerned where the water travels down from Hwy 39 to the natural drainage. John Reeve said there is an existing ditch there.

Commissioner Hollist asked about basements. Mr. Bertoldi said the units would not all have basements but they will all be subterrain.

Commissioner Warburton thanked Mr. Bertoldi and Mr. Langvardt for their enjoyable presentation.

Steve Clarke said he told Mr. Bertoldi before the meeting that this is a more comfortable plan than those they have seen before.

MOTION: Commissioner Warburton move to approve of CUP 2012-02 a request to amend the Edgewater Beach Resort PRUD (CUP 2003-12) site plan with CUP 2012-02 conditioned upon all staff and other agency recommendations. Commissioner Montgomery seconded the motion.

Commissioner Warburton said the plan is keeps to the general plan and that she believes this is a good project for the valley. Commissioner Howell indicated his concerns regarding parking. Commissioner Graves asked if everyone is comfortable with the setback from the highway. Commissioner Miller said the argument of the commercial needing to be closer to the highway in order to be valuable made good sense.

Commissioner Graves asked if everyone was comfortable with the canal. He is comfortable.

Commissioner Hollist said he would like to see the canal piped the entire distance for the safety of the children. Mr. Langvardt indicated that it would be a good idea.

John Reeve indicated that he has spoken with Greg Graves and they are of the same mind regarding the canal. Commissioner Graves indicated that he is president of the canal company that pipes that ditch. The agreement to pipe that ditch has always be part of any plan for this property.

Commissioner Graves said he would like to see a little more landscaping on the west side. It does a good job at buffering the buildings, but he believes that they need a little more buffering from the property to the west.

VOTE: A vote was taken and Chair Parson said the motion carried with all members present voting aye (Vote 7-0).

Old Business:

2.2. ZTA 2010-8 Consideration and Action on an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats).

Jim Gentry presented a staff report and indicated that his chapter outlines the requirements for submitting preliminary and final subdivision plats. Meetings have been held for approximately eight months with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to bring the subdivision reviewing process current with state code and to make administering the Subdivision Ordinance more efficient and productive. Policy issues have been discussed with the County Commission.

There is no requirement under state code regarding public notice. Staff is proposing that anything over five lots notice would be sent to property owners.

Under the small subdivision definition it lists the number of lots that can be approved administratively by the Planning Division. Staff is suggesting the numbers are increased as follows:

> a) A subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned, or b) An amended subdivision consisting of ten (10) or fewer lots and for which no new streets will be created or realigned; or c) A subdivision phase consisting of ten (10) or fewer lots which has a valid preliminary approval by the Planning Commission and meets all conditions of that preliminary approval, including proposed street layouts.

In a recent Advisory Opinion issued by the Office of Property Rights Ombudsman, the following statement was made: "to require a planning commission to review and decide on every application for a permitted use is at best, a waste of time and resources, and at worst, a potential violation of the County Land Use and Management Act, in that the policy decision regarding the use will be made again and again despite the ordinance.

Jim Gentry indicated that where people are amending a subdivision the administrative approval of ten lots could come into play. With ten lots, you would need a stub street because it would exceed the maximum block length.

The reason for the title report is to reduce the hours spent by different departments researching the six items listed below and a title report helps protect future buyers.

Changes to Subdivision Time Limitations were made to give the planning director administrative authority to approve time extensions if they meet the requirements of the ordinance. Instead of allowing subdivision to never expire (since closure is needed) staff is allowing one additional time extension for preliminary approval. Preliminary time extension beyond two will have to be approved by the planning director. Any extension request beyond the two needs to be based on other issues besides financial, economic, or self-imposed hardship. Time extensions for final approval remain the same.

Commissioner Warburton asked staff if the appeal process would come into play either way, and Mr. Gentry replied yes.

Commissioner Howell asked if once there is an easement shown on the subdivision plat is it there forever. Jim Gentry indicated yes until it is vacated or ordered to be removed by the courts.

Commissioner Warburton said on 26-1-2 the planning commission should make a recommendation on any variances. Jim Gentry said the appeals would be heard by the planning commission first.

Commissioner Hollist said he believes that he has changed his opinion. Much of what they do is react, and they try to apply the best judgment that they have. He believes that their neighbors are counting on them to have the vision of what is to occur in the future. He believes that is where their concentration should be. He believes that they should leave to the staff as much as they possibly can and only get involved only if there is a variance or a large amount of acreage.

Commissioner Warburton said she also agrees that developing ordinances is where their efforts should go. Commissioner Howell said that his concern of the ten lots was the amount of property it could conceivably be. Commissioner Warburton said that is the beauty of developing a master plan and having guidelines. Commissioner Graves said that even if it a large piece, it is just one house with a lot of open space. Jim Gentry said that it is getting harder to find large tracts on existing roads today.

Commissioner Warburton said on Page 1-9, she said if they are not required to notify by state law. She is all about including the public so if they are going to take the notice away, she would like the Planning Commission to have a lesson on Miradi as well as lessons for the public. She believes it is a great idea to educate the public.

Commissioner Miller said she believes that they really have to learn it. Staff will set it up with Justin Morris so that the Planning Commissioners can learn the program.

Steve Clarke said he feels obligated to speak about administrative approval. A great many people in the Ogden Valley have a deep mistrust of county government. They often feel that county government is out to do things behind their back and to their detriment. He believes that the Planning Commission sits in a position of trust and believes they owe it to the citizens to learn as much as they can about the items they are to make recommendations or decisions for. He believes that the Planning Commission should look at making the best use of their time.

On Page 1-8 26-1-5-6-113 said it is his understanding that prior to this change, all the title work has been done by the staff. If in fact they are now asking the developer for the title report, is that cost deducted from the old filing fee for subdivision developers?

Regarding Miradi, said he learned today to not expect too much because computerized tools have their limits. It is a good tool, but he believes property owners should still be noticed.

Commissioner Howell said communication is the key. He believes that if they get more information into the Ogden Valley newspaper or the Standard about the current issues, he believes that would be a great tool. Commissioner Warburton indicated that the Ogden Valley News would print this information free.

Jim Gentry as part of the application currently, the county surveyor is doing the surveying work and it takes an exorbitant time to research the entire property history. It puts the liability back on the title company and not on the county. The fees that we do cost never covers the entire cost for the reviews, the County Commission structured the fees that way.

MOTION: Commissioner Hollist moved to recommend approval to the Commission of Zoning Text Amendment ZTA 2010-8, an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats) subject to items contained in the staff report packet. Commissioner Graves seconded the motion. A vote was taken and Chair Parson said the motion carried with a unanimous vote of all members present voting aye.

3. **Public Comments:**
4. **Planning Commissioner's Remarks:**

Commissioner Hollist said Sean Wilkinson as well as Steve Clarke attended the Wasatch 2040. By Year 2040, they would receive a 65% population increase. He does not know if real estate will handle a 65% increase. It will therefore squish out into the Wasatch Back, namely Snyderville and the Park City Area, Tooele, Ogden Valley, Brigham City and points north, etc. He believes that they need to really start and move aggressively to implement their vision. His vote is to move aggressively to do the planning. He likes the idea of using the Bear River model for updating their General Plan and obtaining public input. He believes that there will never be more than three access points to the Ogden Valley. If they can stop the people coming from the Salt Lake area in commercial nodes in the Ogden Valley and provide them an acceptable plan for immediate access shopping, etc. rather than have the people spill out all across landscape haphazardly.

Commissioner Graves said staff has been looking at this and has been responding. He believes they need to be a little patient.

Commissioner Warburton asked why isn't there a county presence on the Wasatch 2040, and Rob Scott said the Wasatch 2040 project grant is more of a Salt Lake County orientation. The real impact of that project will be mostly in Salt Lake County.

Commissioner Howell said in areas with enormous growth all the infrastructure is concentrated in certain areas. As a result, the growth will go up instead of sprawl.

Commissioner Hollist said in one of the questions of the Wasatch 2040 plan to have metropolitan centers, urban centers, town centers, etc., all of which goes up, was, "How many of you would be willing to live in one of these vertical communities?" Thirty percent responded that they were willing. Commissioner Hollist said he believes they should have their definition of what "up" means.

Commissioner Graves said he believes they will get into that with the node study.

5. Staff Communications:

5-1. Planning Director's Report

Rob Scott said there would be a work session this next week. Chair Parson said he would be gone next week.

5-1. Legal Counsel's Remarks

Chris Allred said gave an update on the residential facilities issue and discussions they had a lengthy discussion with Dan McDonald where he asked for a model ordinance. He replied no. He did say that there were a couple of good city ordinances out there. The landscaping is changing right now with the cases pending in the 10th Circuit. Maybe they should start initially with one of the good city ordinances and just tweak it from there.

Green Valley went to the District Court (it went to three different judges) (one was a friend of the applicant, another had to recuse himself, and the final judge was Judge Hadley. He ruled that it was a school and they had no other say. Essentially, the District Court said under the broad definition of school, it did constitute a school. The petitioner could appeal to the appeals court or to the State Supreme Court.

Commissioner Warburton said the ruling was on their ordinances as written not based on ADA or other regulations. Chris Allred replied yes.

6. Adjourn

The meeting was adjourned and a work session convened at this time.

WS1. Revisions to the Agricultural AV-3 Zone

Jim Gentry indicated from the staff report that indicated that staff is proposing some revisions to the Agricultural AV-3 Zone. He reviewed the proposed changes with the Planning Commissioners.

Commissioner Warburton asked what is meant by *permanent structure*. There was a discussion about not being able to build a hay barn on a one-acre parcel in an agricultural zone.

- It was decided to change the ordinance language to allow mobile butchering including packaging.

Concerns were raised regarding 5B-2 and the livestock feed lot only allowed September through April.

Page 5B-4 Dog Training/Breeding, why are the allowing only 10 pups, where a litter could be 12 or more pups. What is the harm?

MINUTES
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY

Tuesday, August 7, 2012 - 10:00 a.m.
2380 Washington Blvd., Ogden, Utah

In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.

COMMISSIONERS PRESENT: Craig L. Dearden, Chair, Jan M. Zogmaister and Kerry W. Gibson.

OTHERS PRESENT: Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Fernelius, of the Clerk/Auditor's Office, took minutes.

A. WELCOME - Chair Dearden
B. PLEDGE OF ALLEGIANCE - Fátima Fernelius
C. THOUGHT OF THE DAY - Commissioner Gibson

D. REPORT ON THE COUNTY SEAT PUBLIC AFFAIRS TV PROGRAM

Chad Booth, producer of The County Seat, updated the Commission on the television program outlining the issues covered in this season, which include jail funding, condition of probation, county road funding, local county issues with Senator Hatch and congressman Bishop, indigent defense, planning and zoning, the election process, droughts and wildfire management. Mr. Booth invited the Commission and other elected officials to make suggestions of topics that they would like discussed. Commissioner Gibson expressed appreciation for the work in this worthwhile cause to educate citizens about their county government.

E. PRESENTATIONS OF THE "CRYSTAL BOWL AWARDS" TO RECOGNIZE CITIZENS OR GROUPS THAT HAVE MADE SIGNIFICANT CONTRIBUTIONS IN WEBER COUNTY

Commissioner Zogmaister noted that National County Government Week started in 1991 to raise awareness of the role of counties. Weber County's goal is to protect and enhance the health, welfare and safety of citizens and this is the criteria the county uses to honor a citizen and a County department/agency. Commissioner Zogmaister explained the symbolism of the quartz crystal bowl, which produces pure and powerful sounds that resonate, which is also symbolic of the people that amplify community service. Larry Slater was honored for his volunteerism with the Friends of the Weber-Morgan Children's Justice Center and the County Roads Department was honored for all the hard work during the 2011 severe flooding season. Lance Peterson, of County Emergency Services, showed a slide presentation depicting the Road Department's hard work, dedication and heroic efforts during the severe flooding problems throughout the county. They worked tirelessly at all hours and helped prevent further damage, and their efforts are ongoing. The commissioners expressed thanks for their dedication. Kelly Hipwell, of the County Roads Department, thanked the Commission for their recognition noting that staff put in a lot of hard work and long hours. The whole community came together.

F. CONSENT ITEMS:
1. Purchase Orders for $694,792.33
2. Warrants #288521 - #288651 for $1,837,369.00
3. Warrants #287942-#288149 for $1,385,123.63 dated July 24, 2012
4. Minutes for meeting held on July 31, 2012

Commissioner Gibson moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

G. ACTION ITEMS:

1. CONTRACT WITH BUCK CONSULTANTS TO PROVIDE AN ESTIMATE OF THE TOTAL COST OF COUNTY RETIREES HEALTH INSURANCE BENEFIT FOR CURRENT & FUTURE RETIREES - CONTRACT C2012-166

Dan Olsen, County Comptroller, stated that the contract is for $15,000, the same price as two years ago.
Commissioner Zogmaister moved to approve Contract C2012-166 with Buck Consultants to provide an estimate of the total cost of County retirees' health insurance benefit for current and future retirees; Commissioner Gibson seconded, all voting aye.

2. INTER-AGENCY AGREEMENT AMENDMENT WITH THE STATE OF UTAH, DEPARTMENT OF WORKFORCE SERVICES (DWS), TO EXTEND THE PERIOD OF PERFORMANCE FOR AN ADDITIONAL 12 MONTHS - CONTRACT C2012-167

Dan Olsen, County Comptroller, noted that two years ago the county entered into an agreement with DWS for the county to act as a conduit of State funds that go to the Ogden Community Foundation. The State simply wishes to extend that contract to 6/30/2013.
Commissioner Gibson moved to approve Contract C2012-167, Inter-Agency Agreement Amendment with the State of Utah, Department of Workforce Services, to extend the period of performance for an additional 12 months; Commissioner Zogmaister seconded, all voting aye.

3. APPROVAL OF A TEMPORARY EXEMPTION FOR TWO SPECIAL EVENT OFF-SITE SIGNS

Rob Scott, County Planning Division Director, noted that last week the County Commission discussed amending the Ogden Valley Sign Ordinance and Steve Clarke, representing the Community Foundation of Ogden Valley, requested two off-site signs for a special event. The ordinance provides for granting temporary exceptions allowing the County Commission to determine if such an exception is justified due to an extraordinary, emergency or act of God situation and the health, safety, convenience or welfare of citizens will not be substantially affected. Justification may include that the Commission is in the process of reviewing an ordinance amendment to allow for these signs. The county's code enforcement officer received a telephone call from a citizen stating that signs had already been put up over the weekend, and the county verified it. Commissioner Zogmaister noted that the county was trying to accommodate the request, had placed the item on the agenda for action today and expressed displeasure that the signs went up without approval, asking that Mr. Scott convey that to the petitioner.
Commissioner Gibson moved to approve a temporary exemption for two special event off-site signs; Commissioner Zogmaister seconded, all voting aye.

4. APPROVE THE WEBER COUNTY 2012 POLLING LOCATIONS

Jennifer Morrell, County Elections Director, stated that after reviewing feedback from poll workers, facility managers, voters, and others associated with the June Primary, it has become necessary to amend the list of polling locations. Voter turnout is anticipated at 75% in November, about a threefold increase from June. It is essential to have the appropriate facilities that are ADA compliant, have adequate parking, and can accommodate the number of poll workers, voters, and voting machines. The county has used many schools but because they are overcrowded and do not have the space to accommodate the process some church buildings will be used.
Commissioner Zogmaister moved to approve the Weber County 2012 polling locations; Commissioner Gibson seconded, all voting aye.

5. **SECOND READING TO AMEND AN ORDINANCE (TITLE 25, SEWERS) TO INCREASE SEWER FEES**

Chad Meyerhoffer, of County Engineering, noted that the first reading occurred last week. The Central Weber Sewer District has increased its fees from $30 to $37/month and the county collects the fees. Commissioner Zogmaister asked if any feedback was received since the letters were mailed with the billings and Mr. Meyehoffer had not, however, County Property Management received 1-2 calls but not in opposition to the increase. The county's portion increased by 90 cents. No ordinance had been prepared and this item will be handled next week.

6. **CONTRACT WITH THE STATE OF UTAH, ATTORNEY GENERAL'S OFFICE, FOR SERVICES AS APPROPRIATED BY THE UTAH STATE LEGISLATURE AND ADMINISTERED BY THE UTAH ATTORNEY GENERAL'S OFFICE-CHILDREN'S JUSTICE (CJC) DIVISION - CONTRACT C2012-168**

Rod Layton, Children's Justice Center Director, presented this annual contract noting that the State funds some of the CJC program. The contract amount is $223,076. Chair Dearden noted that the contract amount on the Contract Summary sheet showed $223,246 and Mr. Layton will look into it.
Commissioner Zogmaister moved to approve Contract C2012-168 with the State of Utah, Attorney General's Office, for services as appropriated by the Utah State Legislature and administered by the Utah Attorney General's Office, Children's Justice Division; Commissioner Gibson seconded, all voting aye.

7. **RATIFY CONTRACT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR WEBER COUNTY TO PAY THE 6.77% MATCH AND ANY OVERRUNS. THE FEDERAL MATCH IS $1,230,837 AND THE COUNTY WILL PAY $89,379. THIS IS MONEY THAT WE RECEIVED TO FIX PARTS OF THAT ROAD THAT WAS DAMAGED DURING THE 2011 SPRING RUNOFF. – CONTRACT C2012-169**

Jared Andersen, County Engineer, noted that Old Snowbasin Road has been closed for over one year and this contract is for federal funds to repair parts of it that were damaged during the 2011 Spring flooding. Commissioner Gibson had previously signed this contract.
Commissioner Gibson moved to ratify Contract C2012-169 with Utah Department of Transportation for Weber County to pay the 6.77% ($89,379) match and any overruns for the Old Snowbasin Road project; Commissioner Zogmaister seconded, all voting aye.

8. **VACATION OF LOT 25 OF THE LEGENDS AT HAWKINS CREEK, A CLUSTER SUBDIVISION, INCLUDING ALL PUBLIC UTILITIES THEREIN AND FOR FINAL APPROVAL OF THE LEGENDS AT HAWKINS CREEK 2ND AMENDMENT A CLUSTER SUBDIVISION (1 LOT) - ORDINANCE 2012-13**

Ben Hatfield, of the County Planning Division, noted that when this subdivision was originally platted some lots had steep slope and were classified as restricted lots and some were left in question. For the final plat they did not remove the buildable area requirements, restricting those lots unnecessarily. The new owners wish to build a home that sits outside of the currently defined buildable area and this is to enlarge it.
Commissioner Zogmaister moved to adopt Ordinance 2012-13 vacating lot 25 of The Legends at Hawkins Creek a Cluster Subdivision, including all public utilities therein, and granting final approval of The Legends at Hawkins Creek 2nd Amendment a Cluster Subdivision; Commissioner Gibson seconded.
Roll Call Vote:
Commissioner Zogmaister.....aye
Commissioner Gibson.....aye
Chair Dearden.....aye

9. ACTION ON A PUBLIC HEARING TO AMEND THE WEBER COUNTY SUBDIVISION ORDINANCE, CHAPTER 1, GENERAL PROVISION-FILING OF PRELIMINARY AND FINAL PLANS, CHAPTER 6, PENALTY, VALIDITY, AND REPEALER (SIGNATURE BLOCK SECTION), AND COUNTY ZONING ORDINANCE, CHAPTER 1, GENERAL PROVISIONS, SECTION 1-6, DEFINITIONS - ORDINANCE 2012-14

Jim Gentry, of the County Planning Division, noted that the public hearing was held last week. This item was held to give the County Engineer an opportunity to review a section of the ordinance relating to the definition of "floodplain" which has now occurred and a minor clarification was made. Commissioner Gibson moved to adopt Ordinance 2012-14 amending the Weber County Subdivision Ordinance, Chapter 1, General Provision-Filing of Preliminary and Final Plans, Chapter 6, Penalty, Validity, and Repealer (signature block section), and the County Zoning Ordinance, Chapter 1, General Provisions, Section 1-6, Definitions; Commissioner Zogmaister seconded.
Roll call vote:
Commissioner Zogmaister.....aye
Commissioner Gibson.....aye
Chair Dearden.....aye

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 14, 2012, 10 A.M.

I. PUBLIC COMMENTS: None

J. ADJOURN
Commissioner Gibson moved to adjourn; Commissioner Zogmaister seconded, all voting aye.

Attest:

Craig L. Dearden, Chair
Weber County Commission

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

Exhibit G: August 7, 2012, County Commission Minutes
Subdivision Code Re-Write Complete Packet Page 54 of 54

Work Session
Western Weber Cluster Subdivision Discussion

WS1.

Discussion/Question:

Today, the County's cluster subdivision code requires lots to be grouped into clusters of no less than 3 lots. According to the code, if a farm has an existing farmhouse and is developing into a cluster subdivision, the farmhouse needs to be located on a separate residential lot and be part of a cluster that consists of at least 3 lots.

Would the Planning Commission consider amending the cluster subdivision code in a way that would allow a (newly constructed or existing) farmhouse to be located on an agricultural preservation/open space parcel or at least appear as though it is a part of the agricultural/preservation open space parcel?

Options:

1. The County does not want to consider an amendment; or

The County could amend the code by adding language that:

2. Allows the farmhouse to be located directly on the agricultural preservation/open space parcel and makes clear that a farmhouse is considered a unit when calculating density. This option would require a Planning Commission approval of an open space plan that includes the farmhouse.
3. Allows the farmhouse to be located on a separate residential lot; however does not require that the "farmhouse lot" be a part of a 3 lot (minimum) cluster. This option would allow the lot to be located right next to the agricultural/preservation open space parcel and be separate from the other clustered lots.
4. Other, as directed by the Western Weber Planning Commission.

Pros:	**Cons:**
_____	_____
_____	_____
_____	_____
_____	_____