

## OGDEN VALLEY PLANNING COMMISSION PLANNING MEETING AMENDED AGENDA

July 26, 2016  
5:00 p.m.

### *Pledge of Allegiance*

### *Roll Call:*

1. Consent Agenda:
  - 1.1. UVR060116 Consideration and action on a request for final approval of Reflections Subdivision (6 Lots) located at approximately 5650 E 1900 N in the Agricultural Valley (AV-3) Zone and Shoreline (S-1) Zone (Cortney Valentine, Agent)
  - 1.2. UVE050516 Consideration and action on a request for final approval of East Lake Meadows Subdivision (5 Lots) located at approximately 8600 E 500 S in the Agricultural Valley (AV-3) Zone and Forest Valley (FV-3) Zone (Brad Dobson, Owner)
  - 1.3. UVH060216: Consideration and action for final subdivision approval of the Horizon Neighborhood at Powder Mount PRUD at approximately 7758 East Horizon Run in the Ogden Valley Destination and Recreational Resort (DRR-1) Zone (Summit Mountain Holding Group LLC, Applicant)
2. Petitions, Applications and Public Hearings
  - 2.1. Administrative Items
    - a. Old Business:
      1. Election: Vice Chair for 2016
      2. Rules of Order: Approval of the Rules of Order
  - 2.2. Legislative Items
    - a. Old Business: Public Meeting:
      1. ZTA 2016-03: A public hearing to consider and take action on a request to amend the CV-2 Zone within the Weber County Land Use Code, to provide for residential units when approved by a development agreement.
      2. ZTA 2016-01 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7), and Hillside Development Review Procedures and Standards (§108-14), to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.
3. Public Comment for Items not on the Agenda
4. Remarks from Planning Commissioners
5. Planning Director Report
6. Remarks from Legal Counsel
7. Adjourn to Convene to a Work Session
  - WS1. DISCUSSION: Review and Discuss Public Utility Substation or Structure Amendments

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



***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***



# Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for final approval of Reflections Subdivision (6 lots) at approximately 5650 East 1900 North.

**Agenda Date:** Tuesday, July 26, 2016

**Applicant:** Cortney Valentine, agent

**File Number:** UVR 060116

### Property Information

**Approximate Address:** 5650 East 1900 North, Eden UT

**Project Area:** 25.673 acres

**Zoning:** Agricultural Valley AV-3 and Shoreline S-1

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential and agriculture

**Parcel ID:** 20-002-0081

**Township, Range, Section:** T6N, R1E, Section 2

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Pineview Res.
<b>East:</b> School	<b>West:</b> Agriculture

### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 10 Shoreline (S-1 Zone)
- Weber County Land Use Code Title 106 (Subdivision)

## Background

The applicant is requesting final plat approval of Reflections Subdivision (6 lots) at approximately 5650 East 1900 North in the AV-3 and S-1 Zones.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

**Land Use Code Standards:** As part of the subdivision process, the proposal has been reviewed against the adopted current zoning and subdivision code (LUC §106) to ensure that the regulations and standards have been adhered to. It appears that the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.



**Zoning:**

**Parcels Split by Zoning Boundaries:** LUC §104-1-4 explains that when a proposed lot is split by a zoning boundary the standards for area requirements depends on which of the zones has the more restrictive (or larger) area requirement. This is based upon a two-thirds rule.

- If two-thirds of the lot's area is contained in less restrictive zone, the lot may develop based upon the minimum standards of that zone. However the home must be built in that less restrictive zone.
- If this is not the case then the home can be built in the larger zone, but the lot must meet the lot standards of that zone. The area within the less restrictive zone may be applied to lot to meet the larger standard.

**Lot area, frontage/width and yard regulations:** The proposed 25 acre subdivision is proposed as three lots (4-6) meeting the minimum 5 acre lot area and 300 foot lot width requirements of the S-1 Zone, and three lots (1-3) which are split by a zoning boundary. These three lots (1-3) meet the minimum 3 acre lot area and 150 lot width requirements of the AV-3 Zone, as more than 2/3rds of the lot area is in the less restrictive AV-3 Zone. The homes on Lots 1, 2, and 3 will be required to be built in the AV-3 zone, which is 350 feet south of 1900 North.

**Access:** Lots 1, 2, and 3 in the proposed subdivision all front and can have access from 1900 North, although access for Lots 1 and 2 could also access from the private right of way as they function as corner lots. Road dedication is required for 1900 North with a road width of 80 feet as identify by the Ogden Valley Transportation Element Map adopted into the General Plan.

**Culinary water and sanitary sewage disposal:** A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision. The culinary water for the proposed subdivision will be provided by Eden Water Works and wastewater is controlled by individual septic systems.

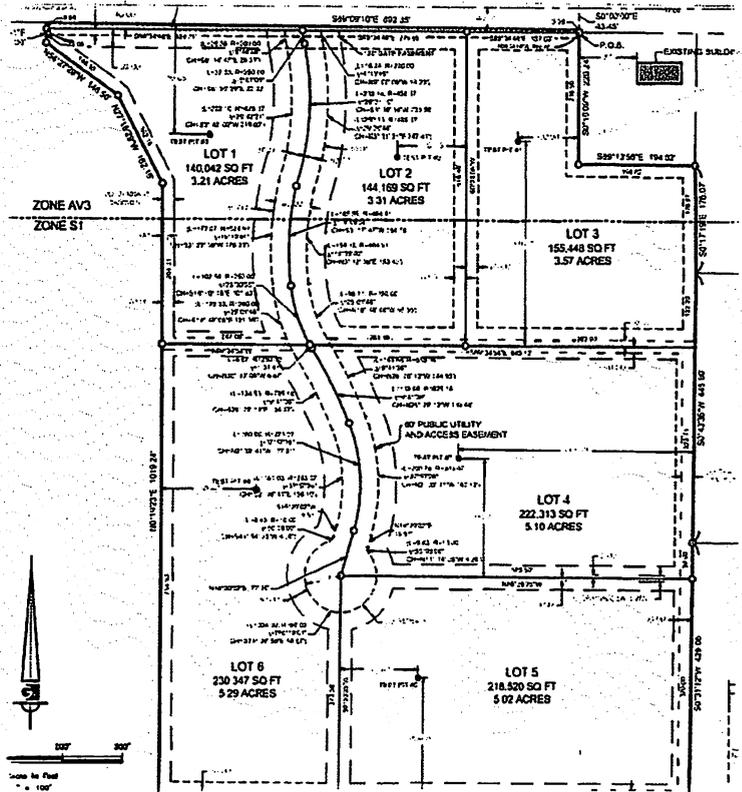
**Review Agencies:** The Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed and approved the proposal. All review agency comments have been attached as Exhibit B.

**Additional design standards and requirements:** As this is a rural subdivision in an agricultural area of the Ogden Valley the applicant is requesting that a recommendation be made to the Weber County Commission to defer the street improvements of curb, gutter, and sidewalk along 1900 North even though the property is near the school. A trail currently exists on this property next to the roadway.

As the lot lines of the subdivision follow the center line of the right of way easement, it has been suggested that an additional front setback be required to 60 feet in lieu of the standard 30 feet. This would allow for the homes to align in a normal fashion along the private access.

**Tax clearance:** The 2015 property taxes have been paid.

**Public Notice:** The required noticing for the subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6b.



## Summary of Considerations

Does the subdivision meet the requirements of the Land Use Code?

- The subdivision meets the requirements for a subdivision and the zones it is located in.

## Staff Recommendation

Staff recommends final plat approval of Reflections Subdivision (6 lots). This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Requirements of the Weber County Engineering Division.
2. Requirements of the Weber-Morgan Health Department.
3. Requirements of the Weber Fire District.
4. Requirements of the Weber County Surveyor's Office.
5. Requirements of the Weber County Recorder.
6. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

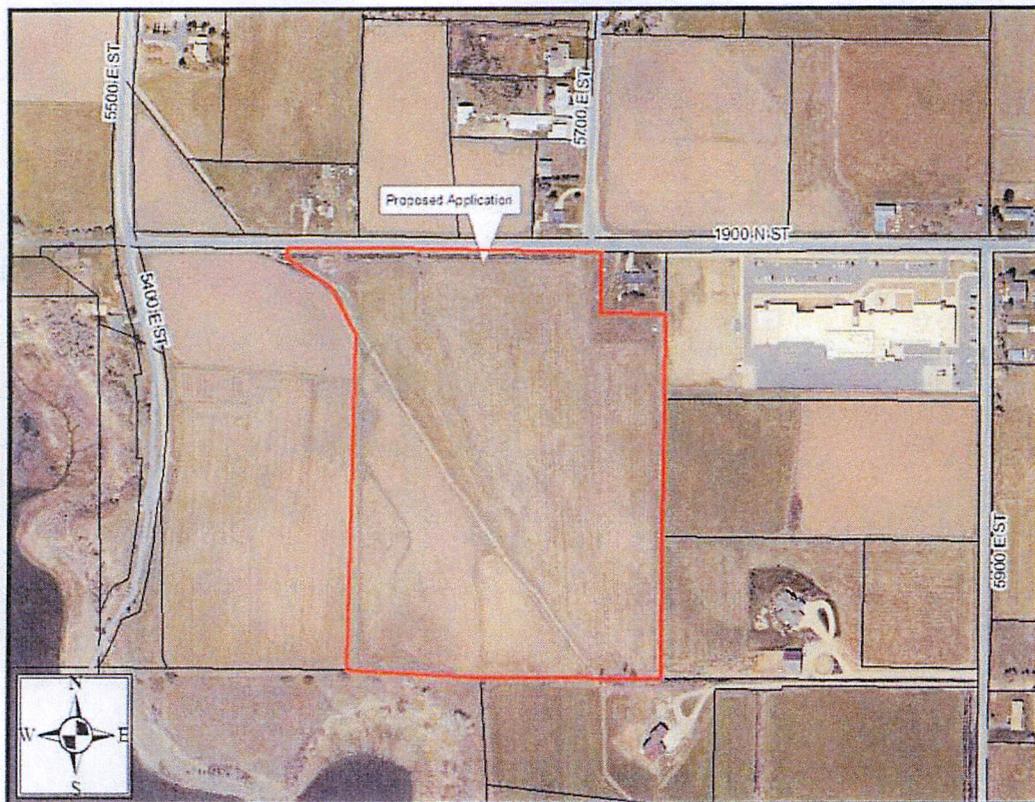
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Subdivision Plat
- B. Agency review comments

## Photo of the proposed subdivision



Notice map for the proposed subdivision

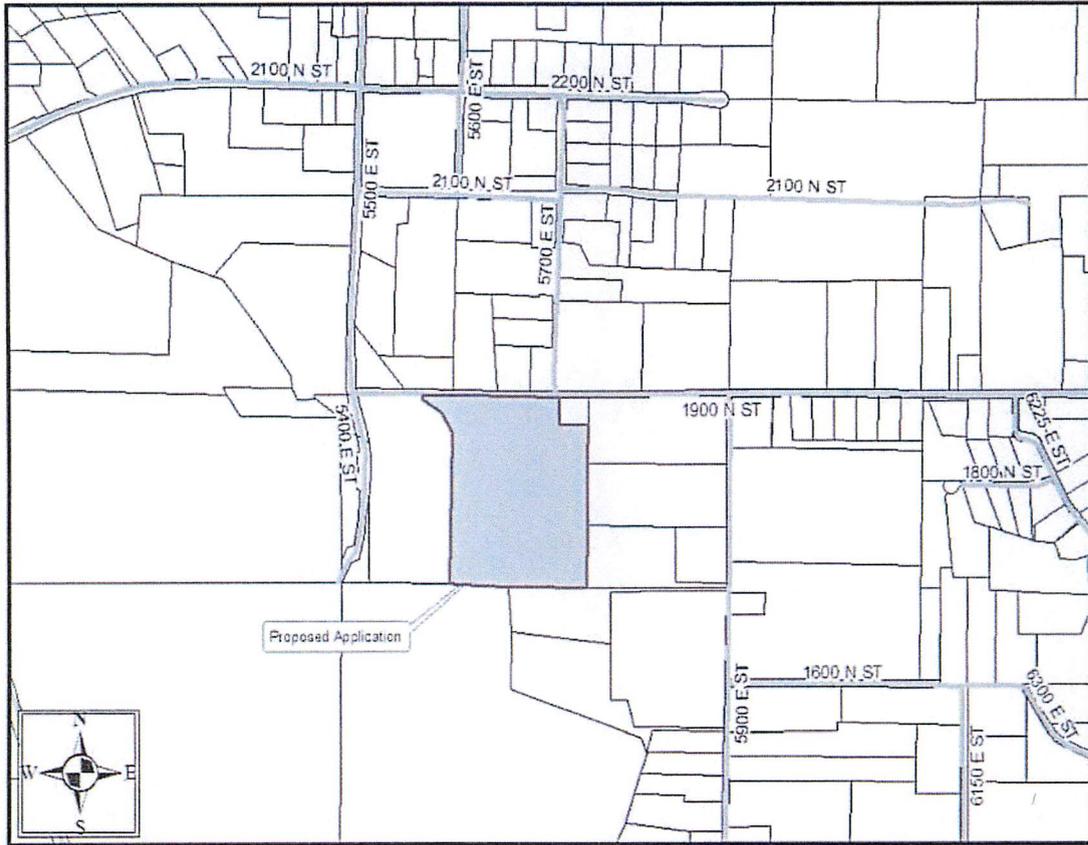
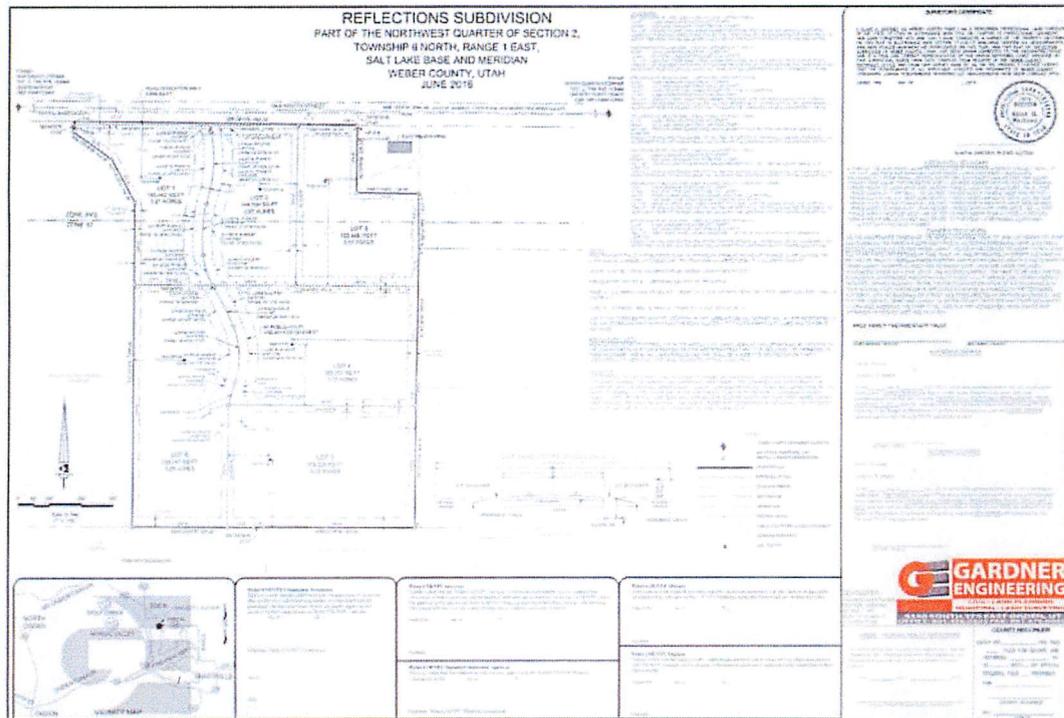


Exhibit A



## **Exhibit B-Review Agencies Comments**

### **Engineering Review 4**

**Project:** Reflections Subdivision

**User:** Blane Frandsen

**Department:** Weber County Engineering Division

**Created:** 2016-07-19

**Approved:** Approved

**Notes:** The SWPPP re-submittal has been received and is acceptable.

### **Weber County Surveyor's Review 2**

**Project:** Reflections Subdivision

**User:** Bahy Rahimzadegan

**Department:** Weber County Surveyor's Office

**Created:** 2016-07-18

**Approved:** Approved

**Notes:** This plat has been approved by the Weber County Surveyor's office; a review must be submitted prior to any changes done to the currently approved plat.



# Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on a request for final approval of East Lake Meadows Subdivision (5 lots) at approximately 8600 East 500 South.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, July 26, 2016

**Applicant:** Brad Dobson, owner

**File Number:** UVE 050516

### Property Information

**Approximate Address:** 8600 East 500 South, Huntsville UT

**Project Area:** 19.02 acres

**Zoning:** Agricultural Valley AV-3 and Forest Valley FV-3

**Existing Land Use:** Agricultural

**Proposed Land Use:** Residential and agriculture

**Parcel ID:** 21-026-0120 and 21-026-0120

**Township, Range, Section:** T6N, R2E, Section 16 and 17

### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> N. Branch of the S. Fork of the Ogden River
<b>East:</b> Residential	<b>West:</b> Residential

### Staff Information

**Report Presenter:** Ben Hatfield  
bhatfield@co.weber.ut.us  
801-399-8766

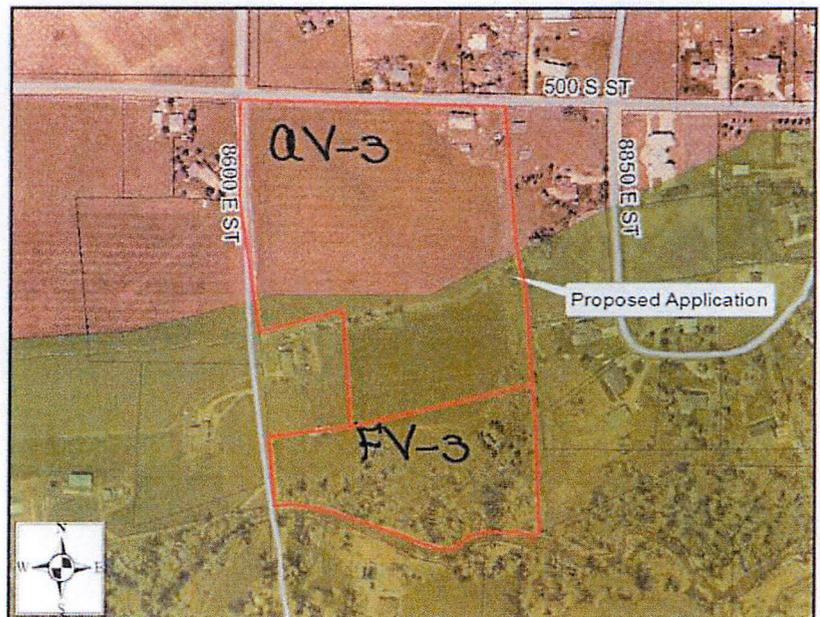
**Report Reviewer:** RK

## Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 6 Agricultural Valley (AV-3 Zone)
- Weber County Land Use Code Title 104 (Zones) Chapter 14 Forest Valley (FV-3 Zone)
- Weber County Land Use Code Title 106 (Subdivision)

## Background

The applicant is requesting final approval of East Lake Meadows Subdivision consisting of five lots. The proposed subdivision is 19 acres located at approximately 8600 East 500 South near Huntsville. Currently a home exists on the property and will be on Lot 5 consisting of 7.01 acres. A zoning boundary splits this property approximately where an irrigation ditch crosses through the subject property placing it into the AV-3 and FV-3 Zones.



## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan in a manner that does not detract from the Valley's rural character and natural setting. Subdivisions that meet the requirements of applicable Land Use Codes conform to the General Plan. This subdivision addresses water, wastewater, roads, and other issues which are discussed in the General Plan.

Land Use Code Standards: As part of the subdivision process, the proposal has been reviewed against the adopted current zoning and subdivision code (LUC §106) to ensure that the regulations and standards have been adhered to. It appears that the proposed subdivision is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Zoning:

Parcels Split by Zoning Boundaries: LUC §104-1-4 explains that when a proposed lot is split by a zoning boundary the standards for area requirements depends on which of the zones has the more restrictive (or larger) area requirement. This is based upon a two-thirds rule.

- If two-thirds of the lot's area is contained in less restrictive zone, the lot may develop based upon the minimum standards of that zone. However the home must be built in that less restrictive zone.
- If this is not the case then the home can be built in the larger zone, but the lot must meet the lot standards of that zone. The area within the less restrictive zone may be applied to lot to meet the larger standard.

Lot area, frontage/width and yard regulations: The proposed subdivision meets the minimum 3 acre lot area and 150 foot lot width requirements of the AV-3 and FV-3 Zones (LUC §104-8 and 104-14). Each lot meets each zones requirement, as the two zones have the same area and width standards.

Access: The lots in the proposed subdivision all front and can have access from 500 South or 8600 East. Both roads require road dedication and road widths of 66 feet.

Sensitive lands: Lot 5 is adjacent to the North Branch of the South Fork of the Ogden River and will require a 75 foot area of non disturbance for the high water mark of the river.

Flood Plain: Most of the proposed subdivision is located in Zone "X", however an area along the river is in Zone "AE" as determined by the FEMA maps. This Zone "AE" is typically referred to as the floodplain, and has a one percent chance of flooding.

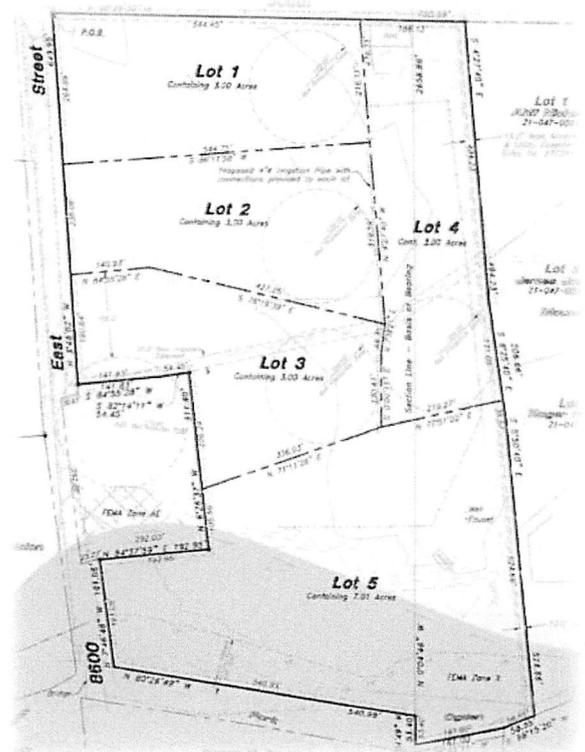
Culinary water and sanitary sewage disposal: A feasibility letter has been provided for the culinary and wastewater systems for the proposed subdivision. The culinary water for the proposed subdivision will be provided by a private wells and wastewater is controlled by individual septic systems.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office, and the Weber Fire District have reviewed and approved the proposal. All review agency comments have been attached as Exhibit B.

Additional design standards and requirements: As this is a rural subdivision in an agricultural area of the Ogden Valley the applicant is requesting that a recommendation be made to the Weber County Commission to defer the street improvements of curb, gutter, and sidewalk on both 8600 East and 500 South.

Tax clearance: The 2015 property taxes have been paid.

Public Notice: The required noticing for the subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6b.



**Summary of Considerations**

Does the subdivision meet the requirements of the Land Use Code?

- The subdivision meets the requirements for a subdivision and the zones it is located in.

## Staff Recommendation

Staff recommends final plat approval of East Lake Meadows Subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Requirements of the Weber County Engineering Division.
2. Requirements of the Weber-Morgan Health Department.
3. Requirements of the Weber Fire District.
4. Requirements of the Weber County Surveyor's Office.
5. Requirements of the Weber County Recorder.
6. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

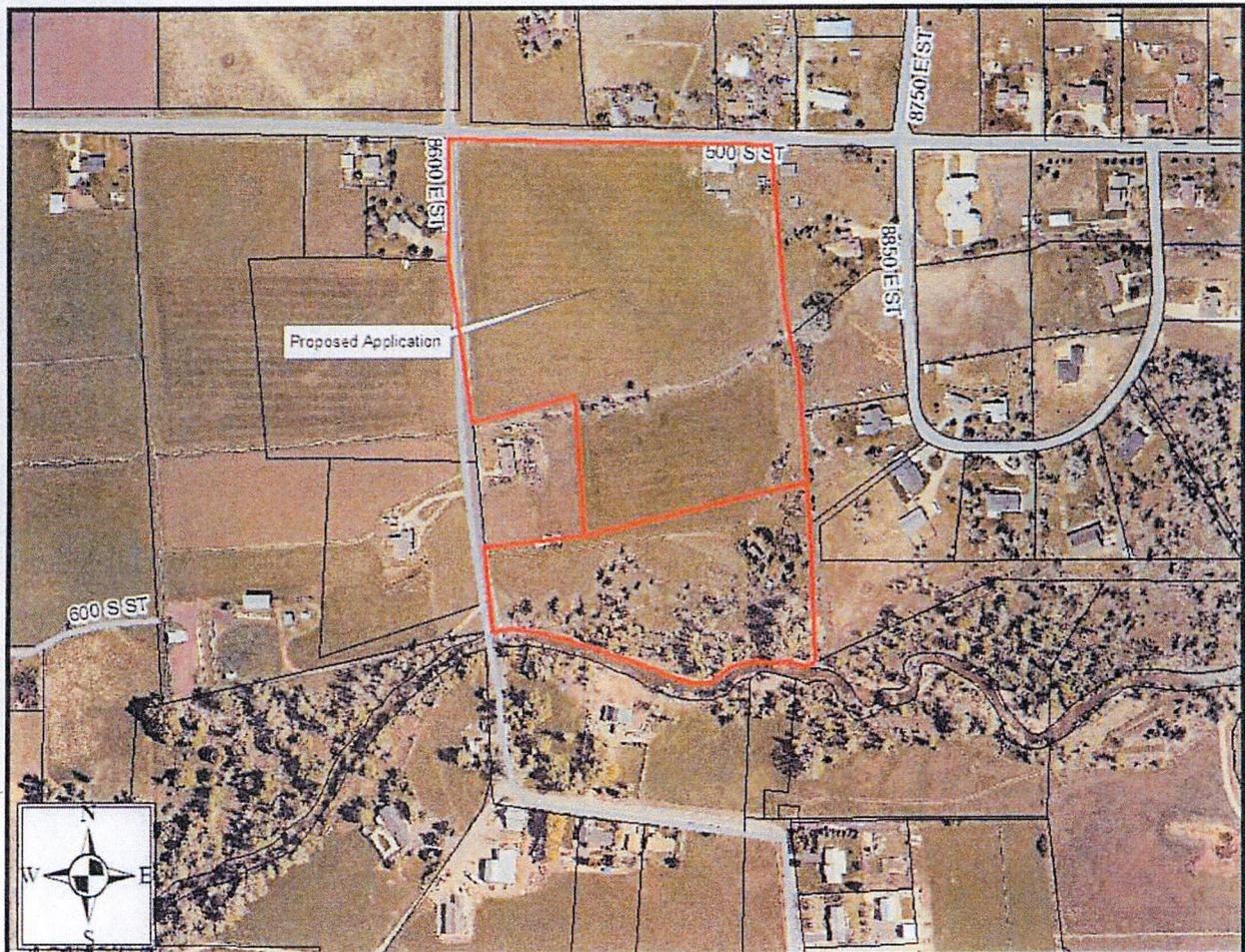
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all applicable County codes.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

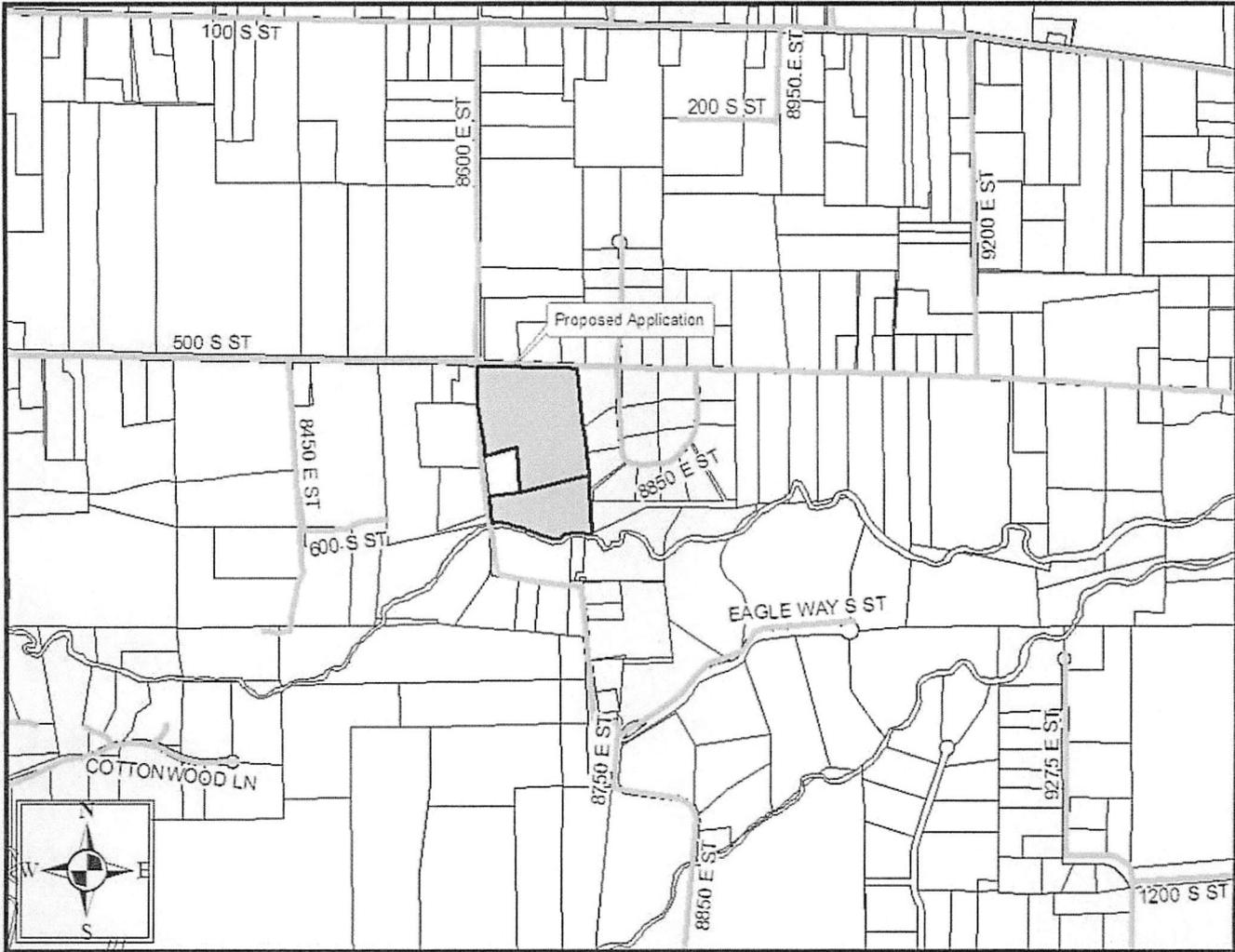
## Exhibits

- A. Subdivision Plat
- B. Agency review comments

## Photo of the proposed subdivision



Notice map for the proposed subdivision





## **Exhibit B-Review Agencies Comments**

### **Engineering Review**

**Project:** East Lake Meadows Subdivision

**User:** Blane Frandsen

**Department:** Weber County Engineering Division

**Created:** 2016-06-08

**Approved:** Not Approved

**Notes:** In the response letter you state that 8600 East is already a dedicated 66 foot street. I only see dedications for the west half of the street from the Eagleston and Brian Allen Subdivisions and nothing north of the Eagleston subdivision to 500 South. Please provide information regarding the dedication along the east side of the street and the full dedication north of the Eagleston subdivision to 500 South.

### **Weber County Surveyor 1st Review**

**Project:** East Lake Meadows Subdivision

**User:** Bahy Rahimzadegan

**Department:** Weber County Surveyor's Office

**Created:** 2016-06-02

**Approved:** Not Approved

**Notes:** In reviewing the above referenced plat, we have marked areas that still require attention. We have included a copy of the plat marked with these changes. If you have any questions or comments we are here to serve and help you in any possible way to expedite the approval process for this subdivision.

We can be reached at the Weber County Surveyors Office at (801) 399-8075. Thank you.



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action for final subdivision approval of the Horizon Neighborhood at Powder Mountain PRUD.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, July 26, 2016

**Applicant:** Summit Mountain Holding Group, LLC

**File Number:** UVH060216

#### Property Information

**Approximate Address:** 7758 East Horizon Run

**Project Area:** 5.426 acres

**Zoning:** Ogden Valley Destination and Recreation Resort Zone DRR-1

**Existing Land Use:** PRUD

**Proposed Land Use:** PRUD

**Parcel ID:** 23-128-0014, 23-128-0015, 23-128-0017 and 23-128-0018

**Township, Range, Section:** T7N, R2E, Section 6

#### Adjacent Land Use

<b>North:</b>	Ski Resort/Resort Development	<b>South:</b>	Ski Resort/Resort Development
<b>East:</b>	Ski Resort/Resort Development	<b>West:</b>	Ski Resort/Resort Development

#### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
801-399-8768

**Report Reviewer:** SM

### Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Standards, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

### Summary and Background

The Planning Division recommends final subdivision approval of the Horizon Neighborhood at Powder Mountain PRUD. The proposed subdivision is in the DRR-1 zone and will consist of 26 cabins with three shared parking structures (see Exhibit A). The Horizon Neighborhood will be located over two separate development lots identified as all of Lot 121 (2.520 acres) and all of Lot 122R (2.906 acres). The overall development area is approximately 5.426 acres and 4.51 acres (83%) will be preserved as dedicated open space.

The Horizon Neighborhood at Powder Mountain PRUD Subdivision is one of the four developments in the Summit at Powder Mountain Phase 1 PRUD, which was approved by the Weber County Commission on July 19, 2016. The Horizon Neighborhood at Powder Mountain PRUD, due to the previous platting of this area, is being processed as a plat amendment and is being forwarded for final subdivision approval.

The Uniform Land Use Code of Weber County (LUC) §101-1-7 identifies subdivision amendments as a "Small Subdivision" that can be administratively approved by the Planning Director as long as the amendment consists of five or fewer lots. The proposed amendment exceeds the lots that can be administratively approved, therefore the plat amendment must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission per the approval process outlined in LUC §106-1-8. The proposed subdivision amendment and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan (see Exhibit B) as well as the applicable subdivision requirements as required in the LUC.

## Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Ogden Valley Destination and Recreation Resort Zone more particularly described as the DRR-1 zone. The purpose and intent of the DRR-1 zone is identified in the LUC §104-29-1 as:

*"The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land."*

Lot area, frontage/width and yard regulations: The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for a single family residential dwelling. The PRUD has been designed for individual ownership of the cabin sites and common ownership for the shared garages. The following development standards are applicable for a standard single family building permit:

- Front yard setback: 0 feet
- Side yard setback: 8 feet with a total of two required side yards of not less than 18 feet
- Rear yard setback: 10 feet
- Average building height: 35 feet

The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for multi-family, commercial or mixed use structures. The following development standards will be reviewed upon submittal for the design review and building permit of the shared garages:

- Front yard setback: 0 feet
- Side yard setback: 0 feet
- Rear yard setback: 0 feet
- Average building height: 75 feet

The plat identifies both common area throughout the development and limited common area surrounding each individual lot. The owners of the individual lots will be responsible for the maintenance, upkeep and repair of improvements in the limited common area appurtenant to the owner's lot. The use of the limited common area is more specifically set forth in the "Neighborhood Declaration" (CC&R's). The CC&R's have been submitted for review by the Weber County Attorney's Office.

The applicant has provided conceptual renderings and site layouts for the proposed development (see Exhibit A & C). The proposed lot configurations meet the area and width standards in the DRR-1 Zone. The proposal is in conformance with previous approvals and updates to the PRUD and the Zoning Development Agreement Contract# C2015-6.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "D" as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone "D" are typically areas in which no analysis of flood hazards has been conducted.

The proposed Horizon Neighborhood at Powder Mountain PRUD is located within a couple potential geologic hazardous units per the UGS published Ogden 30 x 60 Quadrangle map. The geologic units identified on these sites are "Tw" and "Qmc". The applicant is currently undergoing an extensive geologic investigation and will be required to provide the County with a final geologic and geotechnical report as well as a letter from the civil and structural engineer stating that subdivision improvements and structures are designed based on the findings and recommendations of the applicant's engineering geologist and geotechnical engineer. The applicant has provided a letter from the engineering geologist and geotechnical engineer that are currently performing the investigation, stating:

*"Based on our preliminary assessment, it does not appear that any of the structures will have to be moved, nor have we identified any 'no build' zones. Some or all of the*

*structures may have to be constructed on deep foundations to mitigate potential soil creep; the location of areas impacted by soil creep will be delineated on the forthcoming geotechnical report.*

A condition of approval has been added to the staff's recommendation requiring that prior to recording the final Mylar, the applicant will need to identify any lots that are impacted by a geologic hazard per the geologic and geotechnical reports that have been submitted to the County by adding a note to the subdivision plat. The note will provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. All site development will need to adhere to the recommendations of any reports and a "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.

Additional design standards and requirements: The improvements for the public and private roadways have been installed during the previous phases of the Summit at Powder Mountain PRUD. The Horizon Neighborhood is designed to utilize shared pathways or boardwalks (covered and uncovered) for foot access to the individual cabins from the parking garages; which are arranged in a manner to provide safe ingress and egress to the site. The parking garages will provide 26 parking spaces for the tenants of the Horizon Neighborhood cabins.

The parking standards in the LUC §108-8-2 require a minimum of two parking spaces for single family residents; however, the required number of parking spaces may be adjusted by the planning commission if it's determined 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" per LUC §108-8-5. Summit Mountain Holding Group, LLC (SMHG) has an ongoing goal to reduce the reliance of the personal automobile, and encourage travel in a more efficient and environmentally friendly manner thereby greatly reducing the impacts on existing and proposed infrastructure. Currently, SMHG is working on a parking plan for the entire Summit at Powder Mountain development on a neighborhood by neighborhood basis for planning purposes. The parking plan will be presented to Weber County for approval in the near future. SMHG is requesting that the parking standards for the Horizon Neighborhood cabins be reduced from two parking spaces per cabin to one parking space per cabin.

SMHG already has taken steps to reduce the amount of vehicles that travel to and from the resort by teaming up with UTA transit services with pick up locations in Ogden (the Rainbow Gardens Park-n-Ride Lot) and Eden (Eden Valley Market Park-n-ride) as well as encouraging the guests of the resort to utilize the airport rideshare programs to arrive and depart from the Summit at Powder Mountain Resort. As the development continues to grow, guests will be able to attain the desired services and tangibles necessary without needing to leave the resort. The Summit at Powder Mountain development has been designed to be a pedestrian friendly village by implementing ski in/ski out homes, designated bike paths and a bike share program. The resort has been designed to provide amenities at the core of each village. SMHG has also committed to providing an internal shuttle system between the resort development areas which will enable overnight guests and daily users to access the ski areas and other onsite amenities without using their own vehicles. Based on the current proposal, staff supports the reduction in the number of required vehicles per dwelling unit and does not feel that it will create a nuisance nor be detrimental to the area in general. If the Planning Commission feels that the garages need to be increased in size to allow for two parking spaces per cabin, a condition of approval will need to be added. A condition of approval has been added to staff's recommendations to include a note on the subdivision plat identifying the parking reduction for the Horizon Neighbor at Powder Mountain PRUD.

There may be additional site preparation in conjunction with each approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time. The applicant will be required to provide a cash escrow to be held by Weber County for the applicable improvements within the subdivision.

Culinary water and sanitary sewage disposal: Culinary and sewer services are provided by Powder Mountain Water and Sewer Improvement District. The original PRUD approval included a "Will Serve" letter for 154 connections and the development has not utilized all 154 connections that have been allotted to the development. The State of Utah Division of Drinking Water has recently given final approval of the capacity, mitigation measures and expansion of the Powder Mountain Water and Sewer Improvement District. A letter confirming the payment of a connect fee from the Powder Mountain Water and Sewer District will be required to be submitted with each building permit application.

Review Agencies: The Weber County Surveyor's Office and the Weber Fire District have reviewed and made recommendations that will need to be addressed prior to recording the final Mylar for the Horizon Neighborhood at Powder Mountain PRUD subdivision. To date, the Weber County Engineering Division has not reviewed the application. A

condition of approval has been included to ensure that all applicable review agencies requirements will be met prior to recording the final Mylar.

Public Notice: The required noticing for the final subdivision plat approval has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed subdivision amendment per noticing requirements outlined in LUC §106-1-6(c).

### **Staff Recommendation**

Staff recommends approval of the Horizon Neighborhood at Powder Mountain PRUD subdivision. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar with a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
2. A note will be added to the subdivision plat to provide notice that a reduction in parking spaces has been approved to ensure the individual lot owners within the development area aware that each cabin site is allotted one parking space.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

### **Exhibits**

- A. The Horizon Neighborhood at Powder Mountain PRUD
- B. The amended PRUD and ZDA Conceptual Land Use Plan
- C. Architectural renderings for the Horizon Neighborhood

Location Map 1









Exhibit B-Approved ZDA Conceptual Land Use Plan

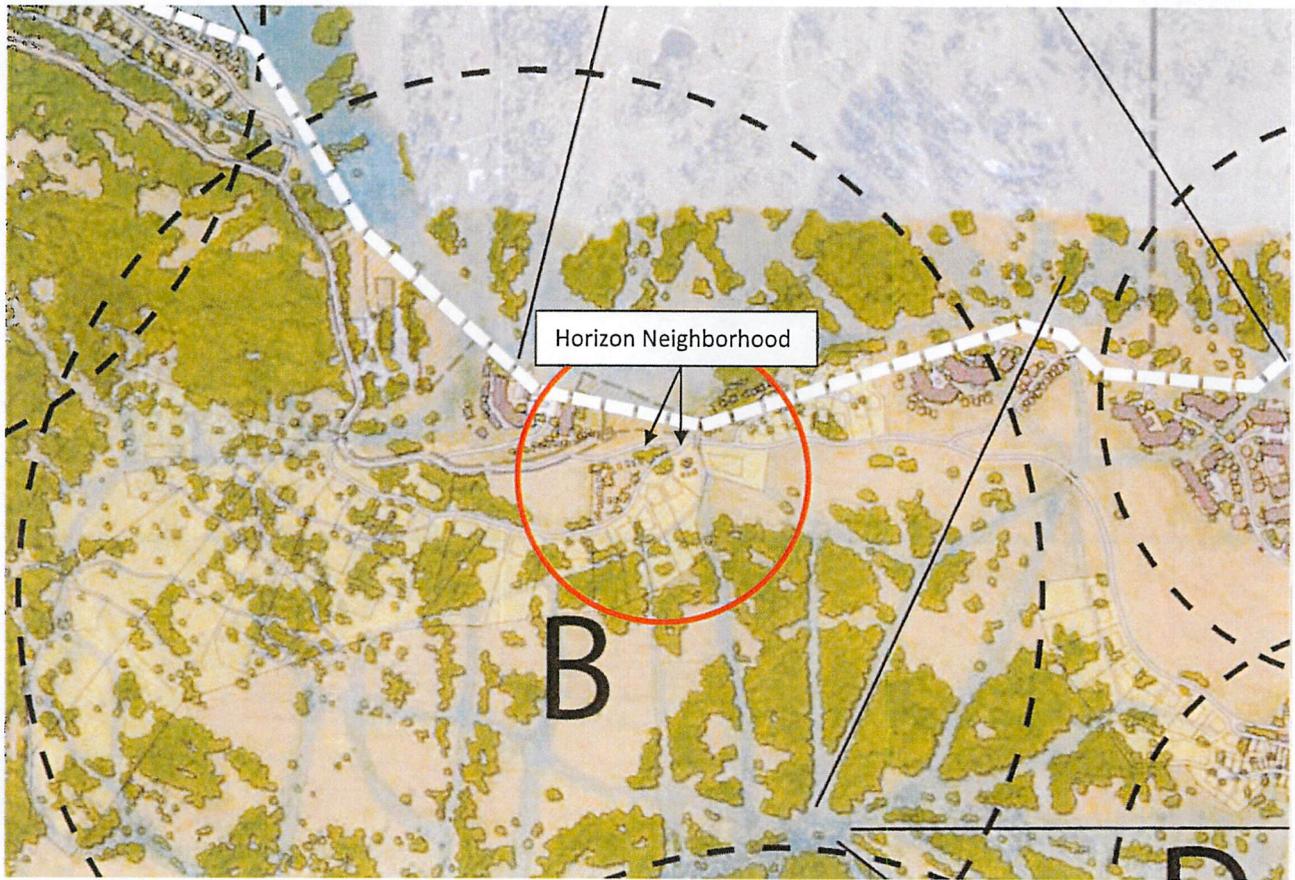


Exhibit C-Architectural Renderings for the Horizon Neighborhood



VIEWED FROM THE ARTIST



RENDERINGS



DESIRED PATHWAY



RENDERINGS

Exhibit E-Architectural Renderings for the Horizon Neighborhood



PARKING GARAGE  
VIEWED FROM THE EAST



RENDERINGS



PARKING GARAGE  
VIEWED FROM THE  
SOUTH



RENDERINGS

Exhibit E-Architectural Renderings for the Horizon Neighborhood



TERRACE INTERIOR  
HORIZONTAL CEDAR  
BOARDS



RENDERINGS



TERRACE EXTERIOR  
HORIZONTAL CEDAR  
BOARDS



RENDERINGS

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
November 19, 2013

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

2. Chair - Duties

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a respectful way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice Chair

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary - Duties

The Planning Director or his/her designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a file of all records pertaining to the work of the Commission, in accordance with state and county record retention laws and policies; and
- (d) Perform such other duties as may be required by these rules.

**B. CONDUCT OF MEMBERS OF THE COMMISSION**

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend all training that is required by state or county law.

4. Conflict of Interest

Near the beginning of each meeting, the Chair shall ask whether any member of the Planning Commission has any conflicts of interest to disclose. A member who knows that he/she has a conflict of interest in a matter on the agenda for that meeting shall state that such a conflict of interest exists. A member who feels that he/she, or any other member of the Commission, *may* have a conflict of interest on any matter that is on the agenda shall explain the possible conflict to the Commission, and the Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist. A Commissioner who has a conflict of interest shall not participate in the discussion and voting on that matter, but shall leave the meeting during the time in which the matter in question is being discussed and voted upon, and shall not attempt to influence other Commissioners regarding that matter before, during, or after the meeting..

(a) Disqualification

No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law; any business in which the member is then serving or has served within the past two (2) years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

(b) Disclosure of Potential Conflict of Interest

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law, including Chapter 17-16a of the Utah Code.

(c) Ex Parte Contacts

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Administrative matters, generally speaking, are applications that are to be reviewed for compliance with existing ordinances, and the Planning Commission is typically the decision maker (although county ordinances may require county commission approval in some cases). Examples include subdivision reviews, conditional use permit applications, and design reviews.

On the other hand, communications regarding legislative matters are permitted. Legislative matters, generally speaking, are policy decisions to be made by the county commissioners, following consideration of the Planning Commission's recommendations. Examples include adoption or amendment of the General Plan, adoption or amendment of land use ordinances, and zoning and rezoning decisions.

Communication with planning staff members is not an ex parte contact and is allowed.

Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

(d) Planning Commission Members Wishing to Give Comment

A member who desires to make comments at a meeting may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he/she can fully participate in the matter.

(e) Gifts and Favors

Gifts and favors standards are found in UCA 17-16a-4. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or

loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift having a value less than \$50 or an award publicly presented in recognition of public service.

(f) Treatment of Information

Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information.

(g) Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

**C. MEETINGS**

1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The purpose of a pre-meeting is to increase the meeting's efficiency by ensuring that everyone is prepared for the meeting. The pre-meeting is a public meeting, complying with the notice and recording requirements for public meetings. No decisions are made during the pre-meeting.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each

member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular or special meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

Work sessions are meetings in which the Commission may discuss matters at greater length or obtain additional background information on issues that will be coming before it. The Commission shall take no vote during work sessions, except to give directions to Staff regarding the presentation of options for future consideration. Regular work sessions are as follows:

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

No pre-meeting is held before a work session. If necessary, a special meeting may be called and held together with the regular work session, to allow consideration of an application or other matter requiring Commission action. Additional work sessions may be held as part of regular or special Commission meetings or may be called separately in the same manner as a special meeting.

7. Open Meetings Law

All meetings of the Planning Commission, including pre-meetings and work sessions, shall be open to the public and shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business

The order of business in the Commission shall be as follows:

- (a) Chair opens the meeting and welcomes those in attendance
  - (b) Pledge of Allegiance
  - (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
  - (d) Chair reads opening meeting statement
  - (e) Chair asks commissioners if there are any ex parte communications or conflicts of interest to disclose
  - (f) Approval of minutes of prior meetings
  - (g) Consent Agenda
  - (h) Petitions, Applications and Public Hearings
    - i. Administrative Items
      - (1) Old Business
      - (2) New Business
    - ii. Legislative Items
      - (1) Old Business
      - (2) New Business
  - (i) Public Comment for Items not on the Agenda
  - (j) Planning Commission Remarks
  - (k) Planning Director Report
  - (l) Legal Counsel Remarks
  - (m) Chair Adjourns Meeting
2. Agenda for Meetings  
 The secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least seven (7) days in advance of a regular meeting.
3. Approval of Minutes from Prior Meetings  
 The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission, the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next meeting.
4. Consent Agenda  
 A consent agenda consists of items that do not require discussion or debate, typically because they are routine procedural items or because it is believed that they will be non-controversial and will be unanimously supported. Consent agenda items are approved together, through a single vote, without discussion. The following procedure shall be used for consent agendas:
- (a) The Planning Director shall determine which items shall be on the consent agenda, list those items on the consent agenda, and include all supporting reports and documents with the packet that is delivered to Commissioners before the meeting.
  - (b) Commissioners, as part of their duties in preparing for the meeting, shall become familiar with all consent agenda items and shall decide whether or not they support approval of those items, as well as whether or not, in their opinion, each item will require discussion during the meeting.

- (c) When the consent agenda comes up during the meeting, the Chair shall read the items on the consent agenda and ask whether any Commissioner wants any item removed, to allow that item to be discussed and voted on separately during the meeting.
- (d) If any Commissioner opposes an item on the consent agenda or believes that the item requires discussion, the Commissioner shall request that the item be removed from the consent agenda.
- (e) If any Commissioner requests that an item be removed from the consent agenda, it must be removed. The Chair shall decide when the item shall be discussed during the meeting.
- (f) When there are no more items to be removed, the Chair shall note, for the record, which items have been removed and shall call for a vote on approval of the remaining items on the consent agenda. There shall be no discussion. Approval requires a unanimous vote.

5. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed thirty (30) days prior to consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline, the application is complete, and Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

6. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

**E. ORDER AND DECORUM**

1. Order of Consideration of Items

The following procedure will normally be observed; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Staff makes a presentation on the criteria, standards, and recommendations;
- (c) Applicant or applicant's agent presents evidence for the proposal;
- (d) If it is a public hearing, then other interested people may comment;
- (e) Planning Commission members may question staff, applicant, or others on all the above;
- (f) Applicant's rebuttal if requested;
- (g) Closing of the public hearing, if applicable;
- (h) Concluding comments of Staff or Staff summary and recommendations;
- (i) The Planning Commission makes its decision, following the processes described below.

2. Consideration of Items

All parties shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- (a) Regulate the course and decorum of the meeting.
- (b) Dispose of procedural requests and similar matters.

No member of the Commission shall vote on any question unless the member is present when the vote is taken and when the result is announced. Voting by proxy shall not be allowed.

2. Additional Options After a Motion Is Made

(a) Withdraw or Modify a Motion Before the Motion Is Stated

- i. When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn by the mover by simply notifying the Chair that he/she withdraws the motion.
- ii. When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, the mover can modify his/her motion. To do so, the mover notifies the Chair that he/she modifies the motion and what the modification is.
- iii. Modifying a motion after it has been seconded cancels the second. A new second is required for the modified motion to proceed to discussion and a vote.
- iv. Before a motion is stated by the Chair, any member may suggest to the Chair that the mover withdraw or modify his/her motion, but only the mover may do so. If the motion is seconded and not modified or withdrawn, the Chair must state the motion and call for discussion.
- v. After the Chair states a motion, it is the property of the Commission. It can be withdrawn or amended only by an additional motion, as described below.

(b) Motions in Order During Debate

After a motion has been stated and is open for discussion, no additional motion shall be received except the following:

- i. To fix the time to adjourn
- ii. To adjourn
- iii. To table or postpone to a specified time
- iv. To withdraw the original motion
  - (1) Only the member who made the original motion can make this request.
  - (2) The first step is for the mover to notify the Chair of his/her request to withdraw the motion. The Chair shall announce that the mover has made this request and shall ask for unanimous consent. If no member objects, then the Chair shall declare the original motion withdrawn.
  - (3) If a member objects, then the request to withdraw is considered denied; however, at that time, the mover may make a formal motion to withdraw the original motion, in which case the Chair shall call for a second. If there is no second, then the motion to withdraw dies, and the discussion of the original motion continues. If there is a second, then the Chair shall state the motion to withdraw and put it to a vote, without debate.
  - (4) If a request or motion to withdraw is granted, then it is as if the motion had not been made in the first place, so the mover (or any other Commissioner) can make that same motion again at the same meeting.
- v. To amend
  - (1) All amendments must relate to the same subject as the original motion.
  - (2) A "friendly amendment" is an amendment that makes no substantive changes, but is a minor technical amendment appropriate for

clarification or correction. A Commissioner may offer a friendly amendment without a formal motion, and if the Chair determines that no member objects, then the Chair shall declare the original motion so amended. If any member objects to the friendly amendment, then the request dies, although any member may then make the request again through a formal motion, following the procedure described below.

(3) Any amendment other than a friendly amendment must be offered by motion. If the motion to amend is seconded, then the Chair shall state the motion and call for discussion and then a vote on whether or not to amend the original motion. If the motion to amend fails, then the original motion is back under consideration. If the motion to amend passes, then the original motion is superseded, and the amended motion is under consideration and shall be put to a vote after any necessary discussion.

(4) A motion to amend may be withdrawn or tabled without prejudice to the original motion. Likewise, if a motion to amend passes, but the amended motion then fails to pass, then any Commissioner may make the original motion again. In other words, if an attempt is made to amend an original motion, and the Commission does not end up voting in favor of the amended motion, then the original motion may be re-made.

vi. To refer to committee

vii. To call the question (i.e., immediately close debate and vote on the motion that is before the Commission)

viii. To limit or extend limits of debate

ix. To take a recess

x. To call for orders of the day (i.e., insist that the schedule and agenda be followed)

xi. To suspend the rules

xii. To appeal rulings by the Chair

xiii. To reconsider an undebatable motion

### 3. Additional Rules Regarding Motions

#### (a) Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

#### (b) Motion to Reconsider

A motion to reconsider a previous decision must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. A motion to reconsider proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

## G. DOCUMENTS OF THE COMMISSION

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the

record." The Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.

2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

**H. AMENDMENT**

Any person may propose an amendment to these Rules of Order. The person shall present the proposal to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14 days after the meeting in which the initial proposal was made. The regular rules for quorums, motions, and voting apply.

**I. RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

December 10, 2013

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Pen Hollist, Chair  
Ogden Valley Planning Commission

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Andrew Favero, Chair  
Western Weber Planning Commission

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
November 19, 2013

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

2. Chair - Duties

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
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- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive-respectful way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice Chair

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

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The Planning Director or his/her designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a permanent record file of all documents and papersrecords pertaining to the work of the Commission, in accordance with state and county record retention laws and policies; and
- (d) Perform such other duties as may be required by these rules.

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

**Comment [cpe1]:** A hearing is a type of meeting; the term "meetings" covers all "hearings and meetings."

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend required training that is required by state or county law.

**Comment [cpe2]:** For purposes of these rules, we could just say something like this, instead of trying to specify what is required.

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Near the beginning of each meeting, the Chair shall ask whether any member of the A-Planning Commission has any conflicts of interest to disclose. A member with a who knows that he/she has a conflict of interest in a matter before the Commission on the agenda for that meeting shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels that he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission, and if the Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should withdraw from participation and voting. If a Commissioner who has a conflict of interest, that person shall not participate in the discussion and voting on that matter, but shall leave the meeting during the time in which the matter in question is being discussed and voted upon, and

Or, we could entirely delete this sentence, because if there is a separate legal requirement, it doesn't depend on a statement in these rules.

Or, if desired, we could make this provision more elaborate and specific. One downside to such an approach is that if the legal requirements change, the rules need to be changed or they won't match.

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the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he/she can fully participate in the matter.

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Gifts and favors standards are found in UCA ~~67-16-517-16a-4~~. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 or an award publicly presented in recognition of public service.

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(g) Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

C. MEETINGS

1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The purpose of a pre-meeting is to increase the meeting's efficiency by ensuring that everyone is prepared for the meeting. The pre-meeting is a public meeting, complying with the notice and recording requirements for public meetings. No decisions are made during the pre-meeting.

**Comment [cpe3]:** I struggled with what to say about this. I'd like to discuss the pre-meetings' compliance with the Open and Public Meetings Act, specifically subsections (1) and (6)(a) of UCA 52-4-202.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular or special meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

Work sessions are meetings in which the Commission may discuss matters at greater length or obtain additional background information on issues that will be coming before it. The Commission shall take no vote during work sessions, except to give directions to Staff regarding the presentation of options for future consideration. Regular work sessions are as follows:

A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

No pre-meeting is held before a work session. If necessary, a special meeting may be called and held together with the regular work session, to allow consideration of an application or other matter requiring Commission action. Additional work sessions may be held as part of regular or

special Commission meetings or may be called separately in the same manner as a special meeting.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission, including pre-meetings and work sessions, shall be open to the public. All meetings of the Planning Commission and shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

D. PROCEDURE - ORDER OF BUSINESS

1. Order of Business

The order of business in the Commission shall be as follows:

- (a) Chair opens the meeting and welcomes those in attendance
- (b) Pledge of Allegiance
- (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (d) Approval of minutes of prior meetings
- (e) Planning Director/Chair reads opening meeting statement
- (f) Chair asks commissioners if there are any ex parte communications or conflicts of interest to disclose
- (g) Approval of minutes of prior meetings
- (h) Consent Agenda
- (i) Petitions, Applications and Public Hearings
  - i. Administrative Items
    - (1) Old Business
    - (2) New Business
  - ii. Legislative Items
    - (1) Old Business
    - (2) New Business
- (j) Public Comment for Items not on the Agenda
- (k) Planning Commission Remarks
- (l) Planning Director Report
- (m) Legal Counsel Remarks
- (n) Chair Adjourns Meeting

2. Agenda for Meetings

The secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least seven (7) days in advance of a regular meeting.

**Comment [cpe4]:** I can't remember what was said about this part. Should the chair just state, for the record, the names of those who are absent?

**Comment [cpe5]:** It was decided that the planning director will prepare a short list of bullet points that should be read by the Chair.

**Comment [cpe6]:** To me, this makes more sense here, below the previous two items.

3. Approval of Minutes from Prior Meetings

The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission, the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next meeting.

4. Consent Agenda

A consent agenda consists of items that do not require discussion or debate, typically because they are routine procedural items or because it is believed that they will be non-controversial and will be unanimously supported. Consent agenda items are approved together, through a single vote, without discussion. The following procedure shall be used for consent agendas:

- (a) The Planning Director shall determine which items shall be on the consent agenda, list those items on the consent agenda, and include all supporting reports and documents with the packet that is delivered to Commissioners before the meeting.
- (b) Commissioners, as part of their duties in preparing for the meeting, shall become familiar with all consent agenda items and shall decide whether or not they support approval of those items, as well as whether or not, in their opinion, each item will require discussion during the meeting.
- (c) When the consent agenda comes up during the meeting, the Chair shall read the items on the consent agenda and ask whether any Commissioner wants any item removed, to allow that item to be discussed and voted on separately during the meeting.
- (d) If any Commissioner opposes an item on the consent agenda or believes that the item requires discussion, the Commissioner shall request that the item be removed from the consent agenda.
- (e) If any Commissioner requests that an item be removed from the consent agenda, it must be removed. The Chair shall decide when the item shall be discussed during the meeting.
- (a)(f) When there are no more items to be removed, the Chair shall note, for the record, which items have been removed and shall call for a vote on approval of the remaining items on the consent agenda. There shall be no discussion. Approval requires a unanimous vote.

**Comment [cpe7]:** What about preliminary subdivision applications? County code section 106-1-6(b) says there will be a public hearing. How does this work with putting these approvals on the consent agenda? Do we allow them on the consent agenda but allow members of the public to express a desire to comment and remove them from the consent agenda? If we do this for subdivision applications, do we do this for other types of consent agenda items as well?

3-5. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed thirty (30) days prior to consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline, the application is complete, and ~~determined that~~ Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

4-6. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

E. ORDER AND DECORUM

1. Order of Consideration of Items

The following procedure will normally be observed ~~in a public hearing or other matter before the Commission~~; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the [hearingmeeting](#).
- (c) Comments without first receiving recognition from the Chair and stating his/her full name and residence.
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

5. [Interactions Among Questions and Comments by Commissioners](#)

~~No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.~~

During all meetings, the Chair shall maintain order when Commissioners are discussing items, both with each other and with other people. A Commissioner who wants to make a comment or ask a question shall obtain the floor by asking to be recognized by the Chair. If the Chair consents, then the Commissioner may make the comment or ask the question. The Chair may choose to allow a continuing line of discussion without the need for Commissioners to seek recognition before each question or comment, but the Chair must ensure that discussions remain appropriate and relevant to the matter at hand, and may at any time require Commissioners to obtain recognition from the Chair before further questions or comments.

F. **PROCEDURE - MOTIONS**

1. **Motions—Typical Process**

Planning Commission decisions are made through the process of making and voting on motions. The following is a summary of the typical process and some of the key foundational rules for motions:

- (a) After the Planning Commissioners have reviewed the full public record and heard any presentations or comments regarding a request, the Chair asks Commissioners how they want to proceed on the request or invites Commissioners to make a motion. The Chair may choose to outline possible actions, such as approval, denial, tabling, or approval with conditions.
- (b) Any Planning Commissioner, except for the Chair, may make a motion to propose what decision the Commission should make on the request. The motion shall include not only the proposed decision, but also a recitation of specific findings of fact supporting the proposed decision.
- (c) Any Commissioner, including the Chair, may second the motion, which will allow for discussion and voting on the motion.
- (d) A motion dies in the absence of a second.
- (e) Once the motion has been seconded, the Chair "states the motion" and opens it up for discussion by saying something like, "We have a motion and a second. Is there any discussion?"
- (f) Members discuss the motion. Discussion of the motion should not take place until after it has been seconded and the Chair has stated the motion and called for discussion. During this time, members are allowed to openly discuss the proposal and may further

**Comment [cpe8]:** I thoroughly revised this section and some of the following sections, and in some places, I feared that Track Changes would make it too hard to follow, so I disabled it in those places. Readers who want to compare my version with the original will need to look at them side by side.

- so. If the motion is seconded and not modified or withdrawn, the Chair must state the motion and call for discussion.
- v. After the Chair states a motion, it is the property of the Commission. It can be withdrawn or amended only by an additional motion, as described below.

(b) Motions in Order During Debate

After a motion has been stated and is open for discussion, When a question is under debate, no additional motion shall be received except the following:

- i. To fix the time to adjourn
- ii. To adjourn
- iii. To continue, table, or postpone indefinitely to a specified time
- iv. To withdraw the original motion
  - (1) Only the member who made the original motion can make this request.
  - (2) The first step is for the mover to notify the Chair of his/her request to withdraw the motion. The Chair shall announce that the mover has made this request and shall ask for unanimous consent. If no member objects, then the Chair shall declare the original motion withdrawn.
  - (3) If a member objects, then the request to withdraw is considered denied; however, at that time, the mover may make a formal motion to withdraw the original motion, in which case the Chair shall call for a second. If there is no second, then the motion to withdraw dies, and the discussion of the original motion continues. If there is a second, then the Chair shall state the motion to withdraw and put it to a vote, without debate.
  - (1)(4) If a request or motion to withdraw is granted, then it is as if the motion had not been made in the first place, so the mover (or any other Commissioner) can make that same motion again at the same meeting.
- iii-v. To amend; to substitute;
  - (1) All amendments must relate to the same subject as the original motion.
  - (2) A "friendly amendment" is an amendment that makes no substantive changes, but is a minor technical amendment appropriate for clarification or correction. A Commissioner may offer a friendly amendment without a formal motion, and if the Chair determines that no member objects, then the Chair shall declare the original motion so amended. If any member objects to the friendly amendment, then the request dies, although any member may then make the request again through a formal motion, following the procedure described below.
  - (3) Any amendment other than a friendly amendment must be offered by motion. If the motion to amend is seconded, then the Chair shall state the motion and call for discussion and then a vote on whether or not to amend the original motion. If the motion to amend fails, then the original motion is back under consideration. If the motion to amend passes, then the original motion is superseded, and the amended motion is under consideration and shall be put to a vote after any necessary discussion.
  - (1)(4) A motion to amend may be withdrawn or tabled without prejudice to the original motion. Likewise, if a motion to amend passes, but the amended motion then fails to pass, then any Commissioner may make

**Comment [cpe9]:** The procedure for the motion to withdraw is based on Laura's research. Since we can modify the rules as we desire, we could choose to leave it this way, or we could choose to simplify the process by only allowing one of the options: either a request requiring unanimous consent, but no vote, or a motion requiring a second and a majority vote.

the original motion again. In other words, if an attempt is made to amend an original motion, and the Commission does not end up voting in favor of the amended motion, then the original motion may be re-made.

~~iv-vi.~~ To Rrefer to committee

~~v-vii.~~ Previous questionTo call the question (i.e., immediately close debate and vote on the motion that is before the Commission)

~~vi-viii.~~ To Limit or extend limits of debate

~~vii-ix.~~ To take a recess

~~viii-x.~~ To call for orders of the day (i.e., insist that the schedule and agenda be followed)

~~ix-xi.~~ To suspend~~Suspension of~~ the rules

~~x-xii.~~ To Appeal rulings by the Chair

~~xiii.~~ To Reconsider an undebatable motion

### 3. Additional Rules Regarding Motions

#### ~~(c)~~(a) Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

#### ~~(d)~~(b) Motion to Reconsider

A motion to reconsider a previous decision must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. A motion to reconsider proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

## **G. DOCUMENTS OF THE COMMISSION**

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" ~~provided, however, that t~~he Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.
2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

## **H. AMENDMENT**

~~These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.~~

~~Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present. Any person may propose an amendment to these Rules of Order. The person shall present the proposal to the Planning Commission, either orally or in writing, in any meeting or work session. The Planning Commission may then amend the Rules of Order at any regular or special meeting that is held at least 14 days after the meeting in which the initial proposal was made. The regular rules for quorums, motions, and voting apply.~~

**I. RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

December 10, 2013

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Pen Hollist, Chair  
Ogden Valley Planning Commission

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Andrew Favero, Chair  
Western Weber Planning Commission

**RULES OF ORDER**  
**WEBER COUNTY PLANNING COMMISSIONS**  
November 19, 2013

**A. ORGANIZATION**

**1. Appointment of Chair and Vice Chair**

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

**2. Chair - Duties**

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

**3. Duties of the Vice Chair**

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

**4. Temporary Chair**

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary - Duties

The Planning Director or his designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- (d) Perform such other duties as may be required by these rules.

**B. CONDUCT OF MEMBERS OF THE COMMISSION**

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend required training.

4. Conflict of Interest

A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission. The Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should withdraw from participation and voting. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting. A Commissioner who has a conflict of interest shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon.

**(a) Disqualification**

No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

**(b) Disclosure of Potential Conflict of Interest**

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.

**(c) Ex Parte Contacts**

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Communications regarding legislative matters are generally permitted.

Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

**(d) Planning Commission Members Wishing to Give Comment**

A member who desires to make comments at a meeting may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he / she can fully participate in the matter.

**(e) Gifts and Favors.** Gifts and favors standards are found in UCA 67 16 5. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 or an award publicly presented in recognition of public service.

(f) Treatment of Information. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information. Communication with planning staff members is not an ex parte contact and is allowed.

(g) Political Activity. Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

## C. MEETINGS

### 1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

### 2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

### 3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered  
Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.
5. Quorum  
Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.
6. Work Sessions  
A regular work session of the Western Weber Planning Commission shall be held on the second Tuesday of each month at the hour of 5:00 p.m.  
  
A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.  
  
Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.
7. Open Meetings Law  
All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.
8. Length of Meetings  
At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business  
The order of business in the Commission shall be as follows:
  - (a) Chair opens the meeting and welcomes those in attendance
  - (b) Pledge of Allegiance
  - (c) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
  - (d) Approval of minutes of prior meetings
  - (e) Planning Director reads opening meeting statement
  - (f) Chair asks commissioners if there are any exparte communications or conflicts of interest to disclose
  - (g) Consent Agenda
  - (h) Petitions, Applications and Public Hearings
    1. Administrative Items

asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

2. Consideration of Items

All parties shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- (a) Regulate the course and decorum of the meeting.
- (b) Dispose of procedural requests and similar matters.
- (c) Set reasonable time limits for individual public input, oral presentations, questions, and rebuttal information.
- (d) Question any person appearing, and allow other members to question any such person.
- (e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
- (f) Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

3. Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.

4. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- (a) Is disorderly, abusive, or disruptive.
- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- (c) Comments without first receiving recognition from the Chair and stating his/her full name and residence.
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

**F. PROCEDURE - MOTIONS**

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact

supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."
- (b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only the mover may do so.
- (c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.
- (d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- (a) To fix the time to adjourn;
- (b) To adjourn;
- (c) To continue, table, or postpone indefinitely to a specified time;
- (d) To amend; to substitute;
- (e) Refer to committee;
- (f) Previous question (immediately close debate);
- (g) Limit or extend limits of debate;
- (h) Take a recess;
- (i) Call for orders of the day;
- (j) Suspension of the rules;
- (k) Appeal rulings by the Chair;
- (l) Reconsider an undebatable motion.

4. Motion must be Germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.

5. Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Substitute Motions

A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending

measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically, such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

**G. PROCEDURE - RECONSIDERATION**

1. Motion to Reconsider

A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

**H. PROCEDURE - DEBATE**

1. Interruptions and Questions

No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.

**I. PROCEDURE - VOTING**

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yesses) and nay (no's) given by members of the Commission by voice vote. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Minute Approval

The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

3. Voting or Changing Vote Before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

4. Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.

5. **Commission Members Required to Vote - Late Voting**  
No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.
6. **Tie Votes**  
If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.
7. **Explaining Vote**  
After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
8. **Not to Vote Unless Present**  
No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

**J. DOCUMENTS OF THE COMMISSION**

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.
2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

**K. AMENDMENT**

These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

**L. RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

December 10, 2013

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Pen Hollist, Chair  
Ogden Valley Planning Commission

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Andrew Favero, Chair  
Western Weber Planning Commission



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and recommendation on a proposal to amend Title 104 (Zones), Chapter 21 (Commercial Valley Zones CV-1 and CV-2) to allow dwelling units in the zone if they were previously approved as part of a development agreement, and to provide specific standards governing them.

**Agenda Date:** Tuesday, July 26, 2016  
**Staff Report Date:** Wednesday, July 20, 2016  
**Applicant:** Weber County Planning Division  
**File Number:** ZTA 2016-03

#### Staff Information

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

### Applicable Ordinances

§101-1-7: Definitions  
 §104-21: Commercial Valley Zones CV-1 and CV-2

### 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.

### Summary and Background

The Wolf Creek Development Agreement of 2002 assigned a number of units to the CV-2 zone.<sup>1</sup> However, the CV-2 zone has never allowed dwelling units, nor did the development agreement specify that these units were intended to be located in other zones. A conflict exists between the development agreement and the zone.

Given the recent master plan amendment efforts of the developer(s), and the community engagement that they conducted, it seems that maintaining the allowance for these units in the CV-2 zone (especially now that they are assigned to specific lots)<sup>2</sup> is prudent. Because of the allowances in the development agreement, the developer(s) probably have some level of vesting in the existence of these units in the zone. The attached proposed text amendment for the CV-[X] zones eliminates the conflict between the development agreement and the zone, and provides development restrictions for the dwelling units that are intended to help keep the zone primarily commercial in nature. The proposal also clarifies certain points of the zone.

The applicant initially requested that the CVR-1 zone be changed to provide site development standards similar to the CV-2 zone, as those site development standards better provide for their future development style. If they were successful at getting the CVR-1 zone amended, they planned to then rezone property in their ownership to the

<sup>1</sup> The 2002 Zoning Development Agreement for the Wolf Creek Development assigned (Weber County Recorder Entry #1883524) 250 units to the CV-2 zone. It did not specify whether these units are allocated directly to that zone or intended to be used elsewhere.

<sup>2</sup> In 2015, an amendment to the Zoning Development Agreement of Wolf Creek was recorded (Weber County Recorder Entry #2768159) that re-allocated the development's remaining density amongst various parcels. Two parcels that are currently zoned CV-2 received a total of 75 of the remaining units.

CVR-1 zone. However, given the amount of changes that would have been required to the CVR-1 zone to accomplish their desires, and the general applicability of those changed standards on other property zoned CVR-1, staff recommended that the applicant consider changing the request to simply amend the CV-2 zone (which their property is currently zoned) to allow their desired use. Staff felt this would be simpler for the applicant, staff, and the Planning Commission.

Staff is recommending approval of the proposed text amendment.

## Policy Analysis

**Policy considerations.** Because the 2002 development agreement assigned dwelling units to the CV-2 zone, it can probably be construed that the developer has vested rights to locate them in that zone. Further, the recent 2015 development agreement amendments<sup>3</sup> clarify to which specific parcels each of these original units are now assigned. The fact that the development agreement conflicts with the zone is a problem that the County should've better resolved with the adoption of the initial agreement, but absent that resolution, the applicant is requesting that the Planning Commission consider a resolution now.

In conducting an evaluation of the effect of the request, staff had two primary concerns:

1. The possibility that this could create a loophole in the CV-2 zone that could unintentionally create new density; and
2. The possibility that allowing residential units on property governed by the CV-2 zone could yield development that runs contrary to the intent of the commercial valley zones.

To remediate these concerns, the proposed text amendment specifies that dwelling units are only allowed in the CV-2 zone when specifically assigned to a property by a previously approved development agreement (meaning a development agreement approved prior to the date of the adoption of this change), and only if the buildings provide street oriented commercial space with an emphasis on creating a complete street.

These requirements will help create development that has a village "feel" by placing buildings closer to the street, providing commercial shop space at the street level, and providing for pedestrian facilities along commercial frontage.

## Conformance to the General Plan

The current and proposed Ogden Valley General Plan mentions the creation of villages or "nodes" in strategic locations throughout the valley. Providing the proposed changes will help create those villages.

## Past Action on this Item

No action has occurred on this item.

## 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 with the following findings:

1. The changes are necessary to reduce conflicting provisions within the Land Use Code and between a previously approved development agreement.

<sup>3</sup> In 2015, an amendment to the Zoning Development Agreement of Wolf Creek was recorded (Weber County Recorder Entry #2768159) that re-allocated the development's remaining density amongst various parcels. Two parcels that are currently zoned CV-2 received a total of 75 of the remaining units.

2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes comply with the intent of the Land Use Code and adopted development agreements.
5. The changes are not detrimental to the effect of the general plan.
6. 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] – Commercial Valley Zones.
- C. 2002 Wolf Creek Development Agreement, with annotations.
- D. 2015 Wolf Creek Development Agreement Amendment, with annotations.

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

The following code changes are being proposed to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 102-1: General provisions

§ 104-27: Natural hazards overlay districts

§ 108-7: Supplementary and qualifying regulations

§ 108-14: Hillside development review procedures and standards

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

1 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2

2

3 Sec. 104-21-1. - Purpose and intent.

4 (a) The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the  
 5 various types of commercial activity needed to serve the people and commerce of the  
 6 Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial  
 7 zones, uses based upon the type of activity which are compatible and complementary, as  
 8 well as the intensity of land utilization and accessory use needs.

9 (b) The CV-1 Zone (Neighborhood Commercial) has been established for the purpose of  
 10 providing shopping facilities and services within neighborhoods in the Ogden Valley,  
 11 primarily for the convenience of people living in a neighborhood. The types of goods and  
 12 services which may be offered for sale have been limited to "convenience goods" such as  
 13 groceries, drugs, and personal services such as a barber and beauty shop, distinguished by  
 14 the fact that the principal patronage of the establishments originates within the surrounding  
 15 neighborhood. Consequently, other uses such as automobile sales, furniture, and other  
 16 stores, in which the principal patronage originates outside the surrounding neighborhood,  
 17 have been excluded from the CV-1 zone. The maximum size of a CV-1 zone node shall be  
 18 approximately five (5) acres exclusive of minimum lot widths and areas.

19 (c) The CV-2 Zone (General Commercial) has been established for the purpose of providing a  
 20 broad range of commercial services and goods to serve a larger region of the county like  
 21 the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates  
 22 throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to  
 23 be a commercial hub or node of activity. These areas, as outlined in the General Plan, are  
 24 to be near the traditional town centers of the Ogden Valley and not to be strung out along  
 25 the highways. Uses in the CV-2 Zone may provide goods and services not typically found  
 26 amongst commercial areas within resorts including automobile sales and service, sporting  
 27 goods, service stations, hotels, and professional offices.

28 \_\_\_\_\_

29 Sec. 104-21-2. - Site development standards.

30 The following site development standards shall apply in the Commercial Valley Zones CV-1  
 31 and CV-2:

	CV-1	CV-2
Minimum lot area	none	none
Minimum lot width	none	none
Minimum yard setbacks		
Front	20 ft. unless the requirements listed in <del>(B-4)</del> Section 104-21-4(c) Special regulations number 3 are met.	

Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) <del>Special regulations number 3</del> are met.	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Building height		
Minimum	1 story	1 story
Maximum	35 feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

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34 Sec. 104-21-3. - Sign regulations.

35 The height, size, and location of the permitted signs shall be in accordance with the  
 36 regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.

37 Sec. 104-21-4. - Special regulations.

38 (a) Hereinafter specified permitted and conditional uses shall be allowed only when the  
 39 following conditions are complied with: All manufacturing uses shall be done within a  
 40 completely enclosed building in an effort to mitigate objectionable nuisances such as odor,  
 41 dust, smoke, noise, heat, or vibration.

42 (b) A car wash shall be permitted subject to the following restrictions:

43 (1) Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1  
 44 Zone.

45 (2) There shall not be more than four washing bays for a manual spray car wash in CV-1  
 46 Zone.

47 (3) In both the CV-1 and CV-2 zones the off-street vehicle spaces or queues required shall  
 48 be as follows:

49 a. One bay car wash, four spaces in the approach lane;

50 b. Two bay car wash, three spaces in the approach lane for each wash bay;

51 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

52 (c) Complete street.

- 53 (1) A complete street is a transportation facility that is planned, designed, operated, and  
 54 maintained to provide safe mobility for all users including bicyclists, pedestrians, transit  
 55 vehicles, and motorists, appropriate to the function and context of the facility.
- 56 (2) A complete street design is required when the front setback is less than 20 feet, and  
 57 ~~may~~ shall include a ten foot pedestrian pathway or sidewalk, pedestrian lightings,  
 58 shade trees, clear view of intersection, and, when applicable, may also include safe  
 59 street crossings for pedestrians. The complete street design ~~is~~ shall be approved by  
 60 the planning commission.

61 (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in  
 62 Section 104-21-5, and only when specifically assigned to the property as part of a  
 63 previously approved development agreement for a master planned development. When  
 64 fronting on a public or private street, buildings that contain dwelling units shall comply with  
 65 the following:

- 66 (1) The building front shall provide street-facing commercial space, at the street level,  
 67 that is accessible from the street, for the entire length of the building's street  
 68 frontage;
- 69 (2) The building front shall not be setback any greater than 20 feet at any point from the  
 70 property line that runs parallel to the public or private street;
- 71 (3) The building shall be subject to the requirements of Chapter 108-1 and Chapter 108-  
 72 2; and
- 73 (4) The lot's street frontage shall be developed as a complete street, as specified in  
 74 Section 104-21-4(c).

75 \_\_\_\_\_  
 76 Sec. 104-21-5. - Uses.

77 In the following list of possible uses, those designated in any zone as "P" will be a permitted  
 78 use. Uses designated as "C" will be allowed only when authorized by a conditional use permit  
 79 obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" shall  
 80 not be allowed in that zone.

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P	P
Animal hospital	N	C
Antique, import or souvenir shop	N	P

Archery shop and range, provided it is conducted within an enclosed building	N	P
Art and artists gallery or supply store	P	P
Assisted living facility including convalescent or rest home	P	P
Athletic, recreational equipment, and sporting goods sales/ rentals, excluding sale or repair of motor vehicles, motor boats or motors	N	P
Auction establishment	N	C
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building	N	C
Automobile, new or used sales/service	N	C
Awning sales and service	N	P
Bakery	C	P
Bank or financial institution not including payday loan services	P	P
Barbershop	P	P
Beauty shop	P	P
Bed and breakfast dwelling	P	P
Bed and breakfast inn	N	P
Bed and breakfast hotel	N	C
Brewery, micro in conjunction with a restaurant	N	P
Bicycle sales and service	P	P
Billiard parlor	N	C
Boarding house	N	C
Boat sales and service	N	C

Boat and personal water craft rentals as an accessory use to boat sales and service	N	C
Book store, retail	P	P
Bowling alley	N	C
Business office	P	P
Butcher shop, excluding slaughtering	C	P
Cafe	P	P
Camera store	P	P
Candy store, confectionery	P	P
Car rental agency	N	P
Car wash, automatic	N	C
Car wash, manual spray	C	P
Catering establishment	C	P
Church	P	P
Clinics, medical or dental	P	P
Clothing and accessory store	N	P
Communication equipment building	N	P
Convenience store	C	P
Costume rental	N	P
Data processing service and supplies	N	P
Day care center	C	P
Delicatessen	P	P

Diaper service, including cleaning	N	P
Drapery and curtain store	N	P
Drug store	P	P
Dry cleaning	P	P
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.	P	P
Educational institution	N	P
Electrical and heating appliances and fixtures sales and service	N	P
Electronic equipment sales and service	N	P
Employment agency	N	P
Fabric and textile store	C	P
Farm implement sales	N	C
Feed and seed store, retail	N	P
Flooring sales and service, carpet, rug and linoleum	N	P
Florist shop	C	P
Fitness, athletic, health, recreation center, or gymnasium	N	P
Fruit and vegetable store or stand	P	P
Furniture sales and repair	N	P
Fur apparel sales, storage or repair	N	P
Garden supplies and plant materials sales	C	P
Gift store	P	P

Glass sales and service	N	P
Government office buildings	N	P
Greenhouse and nursery	N	P
Grocery store	C	P
Grooming for small animals	P	P
Gunsmith	P	P
Hardware store	N	P
Health food store	P	P
Hobby and crafts store	P	P
Hotel	N	C
House cleaning and repair	N	P
Household appliance sales and incidental service	N	C
Ice cream parlor	P	P
Insulation sales	N	P
Interior decorator and designing establishment	P	P
Jewelry store sales and service	P	P
Laboratory, dental or medical	N	P
Laundromat	P	P
Lawn mower sales and service	N	P
Library	P	P
Linen store	N	P

Liquor store	N	C
Locksmith	P	P
Lodge or social hall	N	P
Meat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering	N	C
Medical supplies	N	P
Miniature golf	N	C
Monument works and sales	N	P
Mortuary	N	C
Motel	N	C
Motorcycle and motor scooters sales and service	N	C
Museum	C	P
Music store	C	P
Office supply	N	P
Ornamental iron sales or repair	N	C
Paint or wallpaper store	N	P
Park and playground	P	P
Parking lot or garage as a main use	N	C
Pest control and extermination	N	P
Pet and pet supply store	N	P
Pharmacy	P	P

Photo studio	P	P
Plumbing shop	N	P
Post office	C	P
Pottery, sales and manufacture of crafts and tile	N	P
Printing, copy sales and services	N	P
Private liquor club	N	C
Professional office	N	P
Public utilities substation	C	C
Radio and television sales and service	C	P
Radio or television broadcasting station	N	P
Real estate agency	C	P
Reception center or wedding chapel	N	C
Recreational vehicle storage	N	C
Rental, equipment	N	P
Restaurant	C	P
<u>Dwelling unit, if in compliance with Section 104-21-4(d).</u>	<u>N</u>	<u>P</u>
Restaurant, drive-in	N	C
Restaurant, drive-through	N	C
Second-hand store	N	P
Self storage, indoor units for personal and household items	N	C
Service station, automobile excluding body, fender, and upholstery work	P	P

Service station, automobile with 1 bay automatic car wash as an accessory use	C	P
Sewing machine sales and service	N	P
Shoe repair	P	P
Shoe store	N	P
Snow plow and removal service	N	C
Snowmobile, ATV sales and repair	N	C
Soil and lawn service	N	P
Spa	N	P
Tailor shop	P	P
Tavern, beer pub	N	C
Taxidermist	N	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	P
Theater, indoor	N	P
Tobacco shop	N	P
Toy store, retail	N	P
Trade or industrial school	N	C
Travel agency	C	P
Upholstery shop	C	P
Vendor, short-term	P	P
Ventilating equipment sales and service	N	C

Video sales and rental	P	P
Window washing establishment	N	P

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2002-139

WEBER COUNTY

ZONING DEVELOPMENT AGREEMENT

PARTIES: The parties to this Zoning Development Agreement ("Agreement") are Wolf Creek Properties, L.C. ("petitioner") and Weber County Corporation ("the County").

EFFECTIVE DATE: The effective date of this Agreement shall be the date that this document is signed by all parties and recorded.

RECITALS: Whereas, the petitioner seeks approval for the amended Master Plan for the Wolf Creek Resort which includes the re-zoning of property within the Wolf Creek Resort, generally located in the Eden area of the Ogden Valley, and more specifically as described in the legal descriptions attached hereto and incorporated herein by this reference ("the property"); and, as shown on the attached Master Plan Map, within the unincorporated area of Weber County, Utah for the purpose of continuing the future development of the Wolf Creek Resort as follows:

<u>ZONE</u>	<u>DENSITY</u>	<u>TOTAL ACRES</u>	<u>UNDEVELOPED ACRES</u>	<u>UNITS</u>
O-1	***Open Space	1731.45	1731.45	0
CV-2	Limited Commercial	21.12	21.12	250
FR-3	*6.0 DU/acre	160.47	136.92	704
RE-15	**1.75 DU/acre	517.56	444.35	664
RE-20	1.5 DU/acre	46.94	35.75	28
FV-3	1 DU/3 acres	40.00	40.00	13
AV-3	0	84.74	84.74	0
FRC-1	1	9.11	9.11	1
<u>TOTAL</u>		n/a	<u>2503.44</u>	<u>1660</u>
<u>PROJECT TOTAL</u>		<u>2611.39</u>		<u>2152</u>

250 "units" assigned to the CV-2 zone.

\* DU/acre is an average for all parcels zoned FR-3  
\*\* DU/acre is an average for all parcels zoned RE-15  
\*\*\*An additional 190.00 acres of open space will be required within zones FR-3, RE-15 and FV-3.  
Total Open Space including AV-3 = 2006.19 acres

Limits uses in the CV-2 zone. Does not specify where else the 250 units are intended to go.

AND WHEREAS, the 21.12 acres re-zoned to the CV-2 designation shall be limited to the following uses:

- Arts and Crafts Store
- Health and Fitness Club
- Café
- Medical/Dental Office
- Sporting Goods Store
- Dry Cleaning Pick up Station
- Ice Cream and Coffee Shop
- Pet Grooming and Supplies
- Legal Office
- Music and Video Store
- Real Estate Agency
- Travel Agency
- Art Gallery
- Bank
- Community Center/Meeting Room
- Deli/Small Grocery Store
- Salon/Barber Shop
- Florist Shop
- Local Artist Shop
- Insurance Agency
- Book Store
- Office Supply
- Restaurant
- Interior Decorator Establishment
- Bed and Breakfast Inn
- Bed and Breakfast Hotel
- Liquor Store
- Beer Parlor, sale of draft beer
- Antique, import or souvenir
- Hotel, Condo/Hotel
- Temporary building for uses incidental to Construction work. Such buildings shall be Removed upon the completion of the work.

WHEREAS, the developer agrees to submit a Landscape Plan for the Sewer Pond area which includes plans for the irrigation and maintenance for such landscaping, shall be approved administratively and installation of such landscaping materials shall be completed within six (6) months of the signing and recordation of this document; and

WHEREAS, the County seeks to promote the health, welfare, safety, convenience and economic prosperity of the inhabitants of the County through the establishment and administration of Zoning Regulations concerning the use and development of land in the unincorporated area of the County as a means of implementing adopted Land Use Master Plans of all or part of the County; and

WHEREAS, the Petitioner has requested that certain property be re-zoned for purposes of allowing the Petitioner to develop the property in a manner which has been outlined to the Planning Commission; and

WHEREAS, the Petitioner considers it to its advantage and benefit for the County to review its petition for re-zoning based upon having prior knowledge of the development that is proposed for the property so as to more completely assess its compatibility with the County's General Plan and for the area and the existing land use surrounding the property.

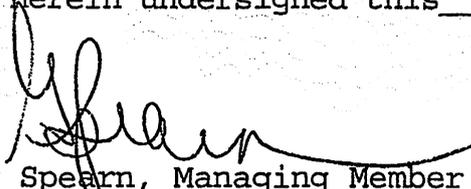
NOW THEREFORE, for good and valuable consideration in receipt of which is hereby acknowledged and accepted by both parties, the parties hereto mutually agree and covenant as follows:

1. The County will re-zone the property described in attached legal descriptions and as described above, for the purpose of allowing the Petitioner to construct the allowed uses on the property.
2. The petitioner shall develop the subject property based on development plans submitted and reviewed as proscribed in the Weber County Zoning and Subdivision Ordinances and any other applicable State or Federal law or regulation.
3. No other uses shall be approved until or unless this Agreement and the approved Master Plan are amended or voided.
5. The responsibilities and commitments of the petitioner and the County as detailed in this document, when executed shall constitute a covenant and restriction running with the land and shall be binding upon the petitioner/owner and shall be recorded in the Office of the Weber County Recorder.
6. Both parties recognize the advantageous nature of this Agreement which provides for the accrual of benefits and protection of interests to both parties.
7. The County will issue Land Use and Conditional Use Permits for only those uses determined to be within the general land use types listed above and more specifically on more detailed development plans for the project or major phase thereof submitted to and approved by the County.
8. The following conditions, occurrences or actions will constitute a default by the petitioner:

A written petition by the petitioner, filed with the County seeking to void or materially alter any of the provisions of this Agreement.

- 9. In the event that any of the conditions constituting default by the petitioner, occur, the County finds that the public benefits to accrue from re-zoning as outlined in this Agreement will not be realized. In such a case, the County shall examine the reasons for the default and proposed major change of plans, and either approve a change in the Master Plan or initiate steps to revert the zoning designation to its former zone.
- 10. The parties may amend or modify the provisions of this Agreement, the Master Plan and list of use types only by written instrument and after considering the recommendation of the Planning Commission, which may hold a public meeting to determine public feeling on the proposed amendment or modification.
- 11. This Agreement with any amendments shall be in full force and effect until all construction and building occupancy has taken place as per approved development plans or until the property covered herein has been reverted to its former zone designation as a result of default.
- 12. Nothing contained in this Agreement constitutes a waiver of the County's sovereign immunity under any applicable state law.
- 13. In the event that legal action is required in order to enforce the terms of this agreement, the prevailing party shall be entitled to receive from the faulting party any costs and attorney's fees incurred in enforcing this agreement from the defaulting party.
- 14. This agreement constitutes the entire agreement between the parties. No changes or alternatives may be made in this agreement except in writing signed by both parties.

Approved by the parties herein undersigned this 11th day of October, 2002



Greg Spearn, Managing Member  
Wolf Creek Properties, L.C.

**CORPORATE ACKNOWLEDGMENT**

STATE OF UTAH )

Et 1883524 BK2276 PG992

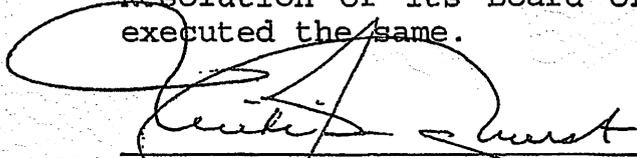
Zoning Development Agreement

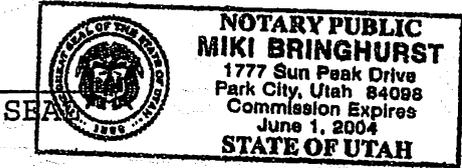
Page 4

) SS

COUNTY OF WEBER )

On this 11<sup>th</sup> Day of October, 2002,  
Greg Spear personally appeared before me, duly sworn, did say that he is the Managing Member of the corporation which executed the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of a Resolution of its Board of Directors that the said corporation executed the same.

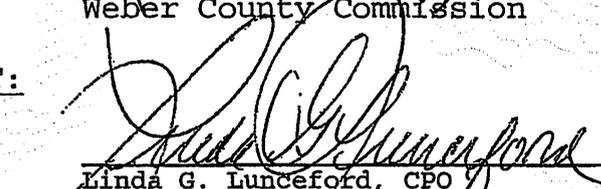
  
\_\_\_\_\_  
NOTARY PUBLIC



My commission expires 6-1-04

  
\_\_\_\_\_  
~~Glen H. Burton, Chair~~ Kenneth A. Bischoff, Vice Chair  
Weber County Commission

ATTEST:

  
\_\_\_\_\_  
Linda G. Lunceford, CPO  
Weber County Clerk/Auditor

Documents Attached:

Exhibit A: Copy of legal descriptions

EA 1883524 BK2276 P6993



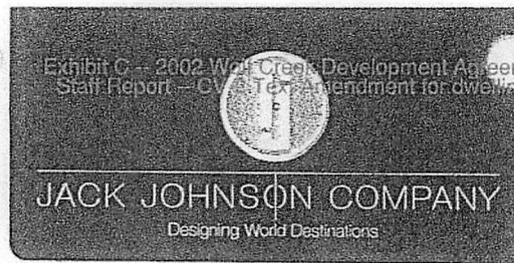


Exhibit "A"

**PARCEL 1**  
**ZONING RE-15**  
**Revised June 19, 2002**

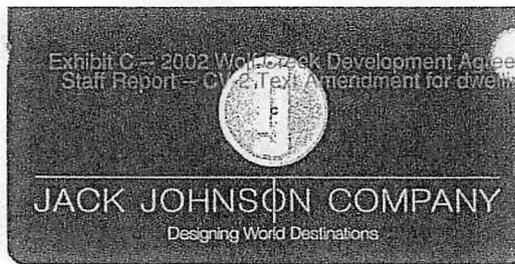
A Parcel of land located in the East 1/2 of the East 1/2 of the Southwest 1/4 and the Southeast 1/4 of Section 16 and the West 1/2 of the Southwest 1/4 of Section 15, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at a point which is on the South line of Section 16, Township 7 North, Range 1 East, Salt Lake Base and Meridian, said point being North 89°27'02" West 1316.85 feet from the Southeast Corner of said Section 16; and running thence North 89°27'02" West along said Section Line 1316.85 feet to the South quarter Corner of said Section 16; thence North 89°28'18" West 658.36 feet; thence North 00°23'41" East 2657.13 feet to the center of section line; thence South 89°11'52" East along said center of section Line, 3289.73 feet to the East Quarter Corner of said Section 16; thence South 89°27'00" East 1485.00 feet along the Center of Section Line of Section 15, Township 7 North, Range 1 East, Salt Lake Base and Meridian; thence South 00°20'34" West to the Northwest corner and continuing along the west line of Snowflake No. 3, 2648.55 feet to the South line of said Section 15; thence North 89°12'43" West along the Section Line, 1485.03 feet to the aforesaid Southeast Corner of Section 16 ; thence North 00°20'34" East along the Section line, 1321.19 feet; thence North 89°19'28" West, 1316.37 feet; thence South 00°21'50" West, 1324.09 feet more or less to the point of beginning.

Containing 250.38 acres, more or less.

1883524 BK2276 PG994

Parcel 1 of 15



**PARCEL 2**  
**ZONING FV-3**  
**Revised June 19, 2002**

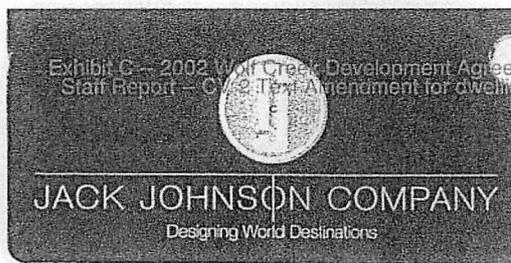
A Parcel of land located in the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 16, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and more particularly described as follows:

Beginning at the Southeast Corner of Section 16, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence North  $89^{\circ}27'02''$  West along the Section Line, 1316.85 feet; thence North  $00^{\circ}21'50''$  East 1324.09 feet; thence South  $89^{\circ}19'28''$  East 1316.37 feet to the East line of said Section 16; thence South  $00^{\circ}20'34''$  West along the Section Line 1321.19 feet more or less to the point of beginning.

Containing 40.0 acres more or less.

1883524 BK2276 P6995

Parcel 2 of 15



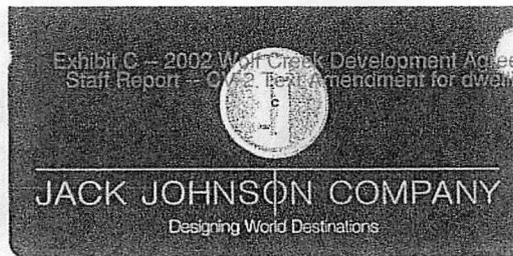
**PARCEL 3**  
**ZONING FR-3**  
Revised September 04, 2002

Beginning at a point which is North 00°20'47" East 400.01 feet along the Section line from the West Quarter Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing North 00°20'47" East 2678.81 feet as measured between said West Quarter Corner and the Northwest Corner of said Section 22); and running thence North 00°20'47" East along said Section line 2278.80 feet to the Northwest Corner of said Section 22; thence South 89°12'25" East 2206.55 feet as measured along the north line of said Section 22 to a point on the westerly right of way of Wolf Creek Drive and a non-tangent point of curvature of a 523.37 foot radius curve to the left, the center of which bears South 87°01'34" East; thence and running along said westerly right of way line the following three (3) courses: 1) thence southerly along the arc of said curve 173.70 feet through a central angle of 19°00'55"; 2) thence South 16°02'29" East 147.73 feet to a point of curvature of a 642.00 foot radius curve to the right, the center of which bears South 73°57'31" West; 3) thence southerly along the arc of said curve 126.78 feet through a central angle of 11°18'51" to the north line of the Wolf Creek Phase II Subdivision; thence along said north line the following three (3) courses: 1) thence North 84°39'13" West 310.56 feet; 2) thence North 03°39'13" West 155.00 feet; 3) thence South 74°03'11" West 474.66 feet to the westerly boundary of the Wolf Creek Phase II subdivision; thence along said westerly line the following six (6) courses: 1) thence South 15°07'47" West 370.00 feet; 2) thence South 12°46'17" West 334.70 feet; 3) thence South 86°20'43" East 214.60 feet; 4) thence North 31°36'02" East 168.90 feet; 5) thence South 76°45'43" East 79.20 feet; 6) thence South 07°10'07" West 127.60 feet; thence South 07°09'42" West 20.03 feet to the west line of the Wolf Creek Phase I subdivision; thence along said west line of Wolf Creek Phase I the following three (3) courses: 1) thence South 07°09'58" West 200.00 feet; 2) thence South 05°41'08" West 677.20 feet; 3) thence South 08°45'08" West 352.00 feet; thence North 87°41'19" West 393.67 feet to the Northeast corner of the Fairway Oaks Phase II subdivision; thence North 89°16'03" West 685.81 feet along the north line of said Fairway Oaks Phase II to the northeast corner of the Fairway Oaks Phase I subdivision; thence along the north line of said Fairway Oaks Phase I the following seven (7) courses: 1) thence North 89°16'05" West 191.19 feet; 2) thence South 57°23'41" West 60.16 feet; 3) thence West 108.60 feet; 4) thence North 05°10'41" West 36.25 feet to a point of curvature of a 500.00 foot radius curve to the left, the center of which bears South 84°49'19" West; 5) thence northerly along the arc of said curve 56.02 feet through a central angle of 06°25'11"; 6) thence South 78°24'08" West 60.00 feet; 7) thence North 89°14'39" West 73.37 feet to the point of beginning.

Containing 89.59 acres, more or less.

Parcel 3 of 15

ET 1883524 BK2276 PG996



**PARCEL 4**  
**ZONING FRC-1**  
**Revised September 04, 2002**

A Parcel of land located in the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at the North Quarter Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence South 88°07'11" East 379.00 feet along the Section line; thence South 00°07'44" West 623.00 feet; thence North 89°33'41" West 383.01 feet to the quarter section line; thence North 00°30'27" East 196.01 feet along said quarter section line; thence South 87°15'14" West 306.16 feet along the north line of Wolf Creek Phase II to the easterly right of way line of Wolf Creek Drive and a point of curvature of a 708.00 foot radius non tangent curve to the left; the center of which bears South 87°16'42" West; thence along said easterly right of way line the following 3 courses: 1) thence northerly along the arc of said curve 164.59 feet through a central angle of 13°19'11"; 2) thence North 16°02'29" West 147.73 feet to a point of curvature of a 457.37 foot radius curve to the right, the center of which bears North 73°57'31" East; 3) thence northerly along the arc of said curve 154.31 feet through a central angle of 19°19'49", to the North line of said Section 22; thence South 89°12'25" East 394.36 feet as measured along the North line of said Section 22 and the South line of Snowflake No. 2 (and extension) to the point of beginning.

Containing 9.11 acres, more or less.

E# 1883524 BK2276 P6997

Parcel 4 of 15



**PARCEL 5  
ZONING FR-3  
Revised June 19, 2002**

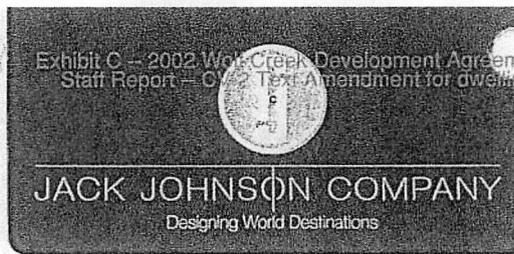
A Parcel of land located in the South 1/2 of the Northwest 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Fairway Oaks At Wolf Creek Phase 1, Entry No. 1492803, Book 45, Page 34 and Fairway Oaks At Wolf Creek Phase 2, Entry No. 1577548, Book 48, Page 31.

Containing 9.8 acres more or less

ET 1883524 BK2276 PG998

Parcel 5 of 15



**PARCEL 6**  
**PARCELS FOR ZONING RE-15**  
**Revised June 19, 2002**

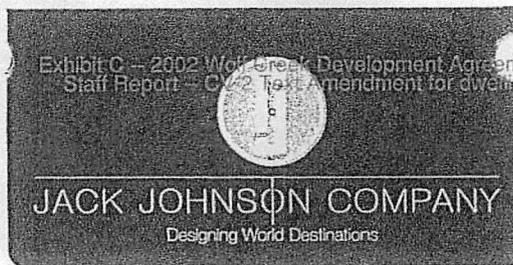
A Parcel of land located in the East ½ of the Northwest ¼ and the West ½ of the Northeast ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Wolf Ridge Phase 1, Entry No. 131497 and Wolf Ridge Phase 2 Subdivision, Entry No. 1362086.

Containing 10.9 acres more or less

1883524 BK2276 PG999

Parcel 6 of 15



**PARCEL 7  
ZONING RE-20  
Revised June 19, 2002**

A Parcel of land located in the North ½ of the Southeast ¼ and the South ½ of the Northeast ¼ of Section 22 Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Wolf Ridge Phase 3, Entry No. 1338495 and Wolf Ridge Phase 4, Entry No. 1338496.  
Containing 11.19 acres, more or less

Together with the following described Parcel:

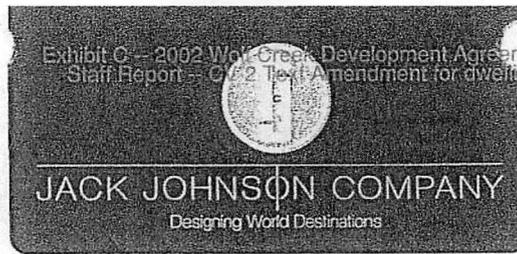
Beginning at a point on the northerly right of way of Elkhorn Drive which is North 89°50'09" East 1072.87 feet from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (basis of bearing is North 89°14'39" West from the Center to the West Quarter Corner of said Section 22) and running thence North 27°32'20" East 1078.00 feet; thence North 03°26'20" West 424.00 feet; thence North 68°09'06" East 359.00 feet; thence South 56°48'29" East 565.00 feet; thence South 02°23'14" West 849.00 feet; thence South 15°42'37" West 400.40 feet; thence South 13°24'49" West 481.87 feet to said northerly right of way of Elkhorn Drive and a point of curvature of a 1496.00 foot radius non tangent curve to the left, the center of which bears South 36°16'03" West; thence westerly along said northerly right of way and the arc of said curve 310.41 feet through a central angle of 11°53'18"; thence North 65°37'15" West 830.00 feet more or less along said northerly right of way to the point of beginning.

Containing 35.75 acres, more or less.

Containing 46.94 acres total, more or less.

ET 1283524 BK2276 PG1000

Parcel 7 of 15



**PARCEL 8**  
**PARCEL ZONING RE-15**  
**Revised September 4, 2002**

A Parcel of land located in the West 1/2 of Section 23 and the North 1/2 of the Northwest 1/4 of Section 26, and the Northeast 1/4 and Southeast 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

All of Elkhorn Subdivision Phase 1 (Entry No. 1415848), Elkhorn Subdivision Phase 1A (Entry No. 1449010), Elkhorn Subdivision Phase 2- Lots 24 Through 28 Amended (Entry No. 1531449), Elkhorn Subdivision Phase 3 (Entry No. 1572366), and Elkhorn Subdivision Phase 4 (Entry No. 1691677). Containing 62.31 acres more or less.

Together with the following described Parcel:

Beginning at a point on the South Line of Elkhorn Phase 4, Entry No. 1691677, said point being East 3319.98 feet and South 2187.95 feet from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian (basis of bearing North 89°14'39" West from the Center of said Section 22 to the West Quarter of said Section 22) and running thence along the Boundary of said Elkhorn Phase 4 the following seventeen (17) courses: 1) thence South 64°18'02" East 143.88 feet; 2) thence South 64°05'34" East 107.47 feet; 3) thence South 57°53'09" East 126.51 feet; 4) thence South 49°24'26" East 63.32 feet; 5) thence South 50°06'38" East 878.91 feet; 6) thence South 45°20'49" East 60.21 feet; 7) thence South 50°20'55" East 139.47 feet; 8) thence North 40°24'15" East 190.43 feet; 9) thence North 50°06'38" West 89.48 feet; 10) thence North 39°53'22" East 130.00 feet; 11) thence North 50°06'38" West 121.32 feet; 12) thence North 39°53'22" East 66.83 feet; 13) thence North 49°33'31" West 125.01 feet; 14) thence North 06°44'36" East 176.13 feet; 15) thence North 50°28'53" West 816.79 feet; 16) thence North 70°55'39" West 280.22 feet; 17) thence South 28°54'59" West 147.15 feet to the Easterly Boundary of Elkhorn Phase 3, Entry No. 1572366; thence along said Easterly Boundary the following three (3) courses: 1) thence North 67°04'42" West 98.99 feet; 2) thence North 36°18'19" West 176.96 feet; 3) thence North 24°31'00" West 345.10 feet to the Elkhorn Phase 1 Boundary, Entry No. 1415848; thence along said Boundary the following six (6) courses; 1) thence North 37°54'53" East 181.56 feet; 2) thence North 48°24'42" West 226.68 feet; 3) thence North 82°17'10" West 63.68 feet; 4) thence North 67°26'40" West 128.35 feet; 5) thence North 05°52'06" East 106.09 feet; 6) thence North 84°41'43" West 75.38 feet to the Northeasterly Corner of Lot 8, Elkhorn Subdivision Phase 1A, Entry No. 1449010; thence Along the Northerly and Westerly Boundary of said Lot 8, the following two (2) courses: 1) thence North 51°37'08" West 142.52 feet; 2) thence South 32°53'34" West 127.51 feet to the Northerly Boundary of said Elkhorn Phase 1, said point also being a non-tangent point of curvature of a 666.00 foot radius curve to the left, the center of which bears South 32°40'18" West; thence along said Northerly Boundary the following two (2) courses: 1) thence Northwesterly along the arc of said curve 72.40 feet through a central angle of 06°13'43" to a point of reverse curvature of a 1463.00 foot radius curve to the right, the center of which bears North 26°26'35" East; 2) thence Northwesterly along the arc of said curve 55.89 feet through a central angle of 02°11'20" to the Westerly Line of said Section 23; thence North 00°09'12" West along the Section Line 420.09 feet; thence North 31°12'57" West 426.98 feet; thence North 26°48'28" East 958.00 feet; thence South 50°52'00" East 2118.00 feet; thence South 67°30'12" East 422.00 feet; thence South 44°20'14" East 596.11 feet; thence South 00°21'47" West 1495.41 feet; thence South 00°21'31" West 1325.17 feet; thence North 89°48'12" West 2647.25 feet to the West line of said Section 26; thence North 00°27'52" East 1150.49 along said West line to the South line of Elkhorn Phase 3, Entry No. 1572366, thence along the South and Easterly Boundary of said Elkhorn Phase 3 the following nine (9) Courses: 1) thence South 89°07'48" East 132.34 feet; 2) thence North 89°51'02" East 189.94 feet; 3) thence North 01°26'25" West 130.53 feet; 4) thence North 17°10'22" West 157.52 feet; 5) thence North 58°18'49" East 68.60 feet; 6) thence North 38°47'54" East 172.79 feet; 7) thence North 28°21'04" East 73.83 feet; 8) thence North 45°52'46" East 143.92 feet; 9) thence North 55°13'30" East 124.26 feet to the point of beginning.

Containing 194.24 acres, more or less.

# 1883524 BK2276 PG1001

Containing 256.28 acres total, more or less.

Parcel 8 of 15 - Person .. 1777 Sun Peak Drive · Park City · Utah 84098

Telephone · 435.645.9000 · Facsimile · 435.649.1620



**PARCEL 9**  
**ZONING FR-3**  
**Revised September 04, 2002**

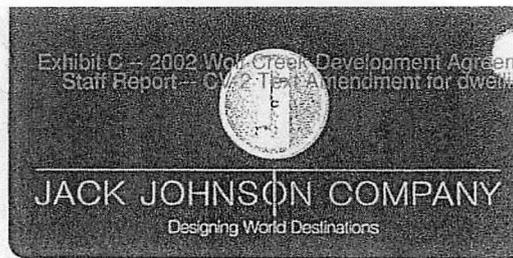
A Parcel of land located in the South half of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; more particularly described as follows:

Beginning at a point which is South 89°07'33" East along the Section Line 1525.56 feet from the Southwest Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence North 01°21'04" East 444.20 feet to a non-tangent point of curvature of a 865.42 foot radius curve to the right, the center of which bears South 58°38'05" East; thence Northeasterly along the arc of said curve 269.13 feet through a central angle of 17°49'05"; thence North 49°11'00" East 373.26; thence South 43°11'12" East 344.51 feet to the Northerly Boundary of Moose Hollow Phase 1, Entry No. 1615983; thence along said Northerly Boundary the following seven (7) courses: 1) thence North 86°29'18" East 217.81 feet; 2) thence North 44°23'05" West 61.46 feet; 3) thence North 43°31'56" East 51.84 feet; 4) thence North 73°06'35" East 87.04 feet; 5) thence South 59°25'25" East 80.30 feet; 6) thence North 66°37'30" East 132.31 feet; 7) thence South 52°14'55" East 150.50 feet; thence North 47°19'55" East 48.92 feet; thence North 21°50'08" East 346.42 feet; thence North 03°30'06" West 349.55 feet; thence North 45°38'40" East 261.99 feet; thence South 49°01'02" East 478.23 feet; thence South 28°21'48" West 612.53 feet; thence North 68°21'50" West 135.45 feet; thence North 79°53'09" West 98.00 feet to a non-tangent point of curvature of a 260.00 foot radius curve to the right, the center of which bears North 79°53'10" West; thence Southwesterly along the arc of said curve 194.97 feet through a central angle of 42°57'56" to the Northerly Boundary of said Moose Hollow Phase 1; thence along said Northerly Boundary the following six (6) courses: 1) thence South 52°16'42" East 7.10 feet; 2) thence South 37°21'01" East 72.00 feet; 3) thence South 52°22'27" West 17.73 feet to a point of curvature of a 442.10 foot radius curve to the left, the center of which bears South 37°37'33" East; 4) thence Southwesterly along the arc of said curve 71.08 feet through a central angle of 09°12'43"; 5) thence South 37°54'44" East 214.64 feet; 6) thence South 28°21'48" West 398.31 feet to the South Line of said Section 22; thence North 89°09'42" West along said South line 173.93 feet to the South Quarter Corner of said Section 22; thence North 89°07'33" West along said South line 653.89 feet; thence North 00°52'26" East 140.48 feet; thence North 29°51'11" East 256.00 feet; thence North 56°51'11" East 148.65 feet to the West Line of Moose Hollow Phase 2, Entry No. 1719847; thence along said West Line the following two (2) courses: 1) thence North 13°27'12" West 28.25 feet; 2) thence North 45°18'01" East 180.35 feet to the Southerly Line of said Moose Hollow Phase 1; thence South 86°29'27" West along said Southerly Line 68.68 feet; thence South 54°45'04" West 297.24 feet; thence South 37°39'42" West 342.00 feet; thence South 06°03'38" West 150.02 feet to said Southerly Line of said Section 22; thence North 89°07'33" West along the Section Line 320.88 feet to the point of beginning.

Containing 28.84 acres more or less

ET 1883524 BK2276 PG1002

Parcel 9 of 15



**PARCEL10  
ZONING FR-3  
Revised June 19, 2002**

A Parcel of land located in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 22, township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

All of Wolf Star 1A, Entry No. 863595, Wolf Star 1B, Entry No. 871503 and Wolf Star 1C, Entry No.883019.  
Containing 5.35 acres more or less.

Together with the Parcel more particularly described as follows:

Beginning at the Southwest Corner of Wolf Ridge Phase 2, Entry No. 1362086, said point being South  $00^{\circ}30'27''$  West along the Center Section Line 2305.27 feet and East 33.03 feet from the North Quarter Corner of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence along the Southerly Line of said Wolf Ridge Phase 2 North  $54^{\circ}20'39''$  East 359.81 feet; thence North  $67^{\circ}45'45''$  East 102.09 feet; thence North  $54^{\circ}39'47''$  East 322.44 feet; thence South  $89^{\circ}20'13''$  East 303.68 feet; thence South  $50^{\circ}20'13''$  East 365.00 feet; thence South  $38^{\circ}39'47''$  West 292.63 feet; thence South  $19^{\circ}54'40''$  West 90.01 feet to the Northeast Corner of Wolf Star 1B; thence along the North Line of said Wolf Star 1B, Entry No. 871503, North  $73^{\circ}18'19''$  West 249.77 feet to the Northeast Corner of Wolf Star 1C, Entry No.883019; thence along the Boundary of said Wolf Star 1C the following four (4) courses: 1) thence North  $73^{\circ}18'19''$  West 330.13 feet; 2) thence South  $11^{\circ}20'13''$  East 222.32 feet; 3) thence South  $10^{\circ}39'47''$  West 114.60 feet to a non-tangent point of curvature of a 633.00 foot radius curve to the left, the center of which bears South  $08^{\circ}37'06''$  East; 4) thence Southwesterly along the arc of said curve 160.59 feet through a central angle of  $14^{\circ}32'08''$  to the Northerly Right of Way line of Wolf Creek Drive, said point also being a non-tangent point of curvature of a 207.59 foot radius curve to the left, the center of which bears South  $51^{\circ}06'06''$  West; thence along said Northerly Right of Way line the following four (4) courses: 1) thence Northwesterly along the arc of said curve 64.34 feet through a central angle of  $17^{\circ}45'28''$ ; 2) thence North  $56^{\circ}39'22''$  West 244.00 feet to a point of curvature of a 76.41 foot radius curve to the right, the center of which bears North  $33^{\circ}20'38''$  East; 3) thence Northwesterly along the arc of said curve 40.90 feet through a central angle of  $30^{\circ}40'00''$ ; 4) thence North  $25^{\circ}59'22''$  West 128.00 feet to the point of beginning.

Containing 10.99 acres more or less

Containing 16.34 acres total, more or less.

**E# 1883524 BK2276 PG1003**

Parcel 10 of 15



**PARCEL 11**  
**ZONING FR-3**  
**Revised June 19, 2002**

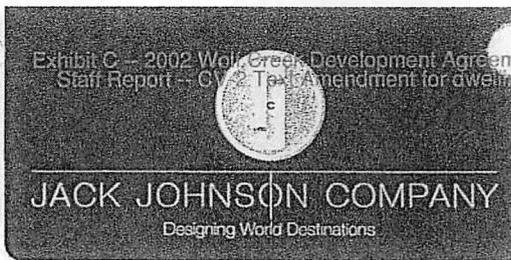
A Parcel of land located in the East ½ of the Southwest ¼ and the West ½ of the Southeast ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South 00°17'28" West 1435.63 along the Center Section Line and West 158.34 from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence North 86°36'42" East 295.00 feet; thence South 03°57'32" East 258.00 feet; thence South 69°32'24" West 320.98 feet; thence North 79°07'31" West 116.21 feet to the easterly line of Tax Parcel 22-016-0015 belonging to Stanley A Ulvin, etal; thence along the easterly and northerly lines of said Tax Parcel 22-016-0015 the following 2 courses: 1) thence North 44°36'27" East 301.00 feet; 2) thence North 43°11'12" West 159.00 feet to the point of beginning.

Containing 2.0 acres more or less

Parcel 11 of 15

ET 1883524 BK2276 PG1004



**PARCEL 12**  
**ZONING CV-2**  
**Revised June 19, 2002**

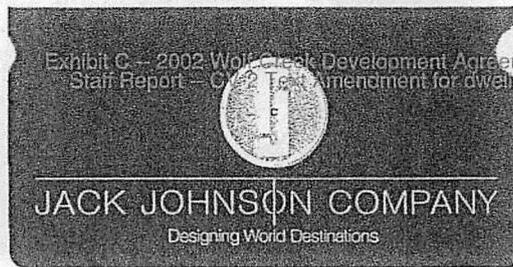
A Parcel of land located in the East ½ of the Southwest ¼ of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South 00°17'28" West 1435.63 along the Center Section Line and West 158.34 from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence North 43°11'12" West 141.00 feet to the Easterly Right of Way of Wolf Creek Drive and a non-tangent point of curvature of a 2669.00 foot radius curve to the right, the center of which bears North 46°26'45" West; thence along said Easterly Right of Way the following four (4) courses: 1) thence Southwesterly along the arc of said curve 30.01 feet through a central angle of 00°38'39"; 2) thence South 44°11'54" West 169.28 feet to a point of curvature of a 2224.06 foot radius curve to the right, the center of which bears North 45°48'06" West; 3) thence Southwesterly along the arc of said curve 101.51 feet through a central angle of 02°36'54"; 4) thence South 46°48'48" West 113.90 feet; thence North 38°35'21" West 339.54 feet; thence North 43°07'37" East 337.00 feet; thence North 19°48'10" West 518.00 feet; thence North 69°15'29" East 250.50 feet to the westerly Line of Wolf Creek Village II Phase 3-Supplement, Entry No. 1525078; thence along the boundary of Wolf Creek Village II Phase 1, Entry No. 1134999, Wolf Creek Village II Phase 2, Entry No. 1525077 and said Wolf Creek Village II Phase 3, the following four (4) courses: 1) thence South 42°42'39" East 335.42 feet; 2) thence South 87°55'56" East 110.25 feet; 3) thence South 42°55'56" East 180.00 feet to the westerly right of way of Wolf Creek Drive and a non-tangent point of curvature of a 2603.00 foot radius curve to the left, the center of which bears North 56°47'02" West; 4) thence Northeasterly along said easterly right of way and the arc of said curve 120.58 feet through a central angle of 02°39'15"; thence South 58°07'47" East 386.51 feet; thence South 31°37'35" West 466.00 feet; thence South 86°36'42" West 295.00 feet to the point of beginning

Containing 14.6 acres more or less

Parcel 12 of 15

† 1883524 BK2276 PG1005



**PARCEL 13**  
**ZONING FR-3**  
**Revised June 19, 2002**

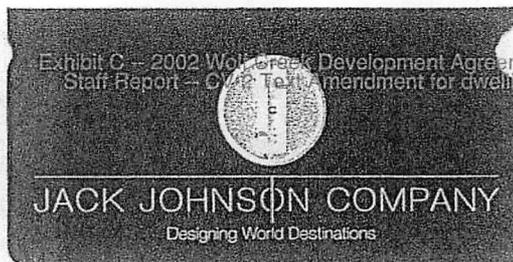
A Parcel of land located in the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South 00°17'28" West 919.69 feet along the Center Section Line and West 14.06 from the Center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian, said point of beginning also being the most Southerly Corner of Wolf Creek Village II Phase 2, Entry No. 1525077 and running thence along the Westerly Boundary of said Wolf Creek Village II Phase 2 and Wolf Creek Village II Phase 3-Supplement, Entry No. 1525078 the following three (3) courses: 1) thence North 42°55'56" West 180.00 feet; 2) thence North 87°55'56" West 110.25 feet; 3) thence North 42°42'39" West 335.42 feet; thence South 69°15'29" West 250.50 feet; thence North 54°06'05" West 189.81 feet; thence North 30°12'28" West 187.57 feet; thence North 36°02'13" West 292.66 feet; thence North 42°52'48" East 51.82 feet; thence North 72°39'34" East 39.43 feet; thence South 74°52'58" East 351.54 feet to the Northwest Corner of Worldmark Phase 2, Entry No. 1678925; thence South 74°52'58" East 227.73 feet along the North Line of said Worldmark Phase 2; thence North 28°48'42" East 261.03 feet; thence South 71°39'11" East 398.00 feet; thence South 16°24'05" West 231.25 feet to the Northerly Line of Worldmark Phase 1, Entry No. 1663019; thence along the Boundary of said Worldmark Phase 1 and said Wolf Creek Village II Phase 2-Supplement and Wolf Creek Village II Phase 1, Entry No. 877444 and said Wolf Creek Village II Phase 2 the following three (3) Courses: 1) thence South 74°52'58" East 321.81 feet; 2) thence South 25°52'48" West 233.58 feet to a point of curvature of a 2603.00 foot radius curve to the right, the center of which bears North 64°07'12" West; 3) thence Southeasterly along the arc of said curve 333.29 feet through a central angle of 07°20'10" to the point of beginning.

Containing 13.9 acres more or less

Parcel 13 of 15

E# 1883524 BK2276 PG1006



**PARCEL 14**  
**PARCEL ZONING CV-2**  
**Revised June 19, 2002**

A Parcel of land located in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at the center of Section 22, Township 7 North, Range 1 East, Salt Lake Base and Meridian and running thence North  $00^{\circ}30'27''$  East along the center of section line 51.68 feet; thence North  $55^{\circ}48'19''$  West 349.10 feet; thence North  $64^{\circ}16'42''$  East 347.28 feet to the Easterly Right of Way of Wolf Creek Drive, said point being a non-tangent point of curvature of a 1349.43 foot radius curve to the left, the center of which bears North  $65^{\circ}14'53''$  East; thence along said Easterly Right of Way the following seven (7) courses: 1) thence Southeasterly along the arc of said curve 29.15 feet through a central angle of  $01^{\circ}14'15''$ ; 2) South  $25^{\circ}59'22''$  East 127.63 feet to a point of curvature of a 76.41 foot radius curve to the left, the center of which bears North  $64^{\circ}00'38''$  East; 3) thence Southeasterly along the arc of said curve 40.90 feet through a central angle of  $30^{\circ}40'00''$ ; 4) thence South  $56^{\circ}39'22''$  East 244.00 feet to a point of curvature of a 207.59 foot radius curve to the right, the center of which bears South  $33^{\circ}20'38''$  West; 5) thence Southerly along the arc of said curve 218.12 feet through a central angle of  $60^{\circ}12'10''$  to a point of compound curvature of a 751.74 foot radius curve to the right, the center of which bears North  $86^{\circ}27'12''$  West; 6) thence Southwesterly along the arc of said curve 293.02 feet through a central angle of  $22^{\circ}20'00''$ ; 7) thence South  $25^{\circ}52'48''$  West 69.45 feet; thence North  $74^{\circ}52'58''$  West 388.99 feet; thence North  $16^{\circ}24'05''$  East 231.25 feet; thence North  $26^{\circ}35'10''$  East 84.50 feet; thence North  $46^{\circ}04'06''$  West 55.43 feet to the point of beginning.

Containing 6.52 acres more or less

Parcel 14 of 15

ET 1883524 BK2276 PG1007



**PARCEL 15**  
**PARCEL ZONING AV-3**  
**Revised June 19, 2002**

A Parcel of land located in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 27, Township 7 North, Range 1 East, Salt Lake Base and Meridian; being more particularly described as follows:

Beginning at a point which is South  $00^{\circ}21'36''$  West 302.91 feet along the Section Line from the Northwest corner of Section 27 Township 7 North, Range 1 East, Salt Lake Base and Meridian; and running thence South  $76^{\circ}50'35''$  East, 869.71 feet; thence South  $67^{\circ}43'30''$  East 786.80 feet; thence South  $39^{\circ}57'20''$  East 349.86 feet; thence South  $36^{\circ}22'06''$  East 1396.70 feet; thence North  $89^{\circ}59'19''$  East 23.96 feet to the center of section line; thence along the center of section line South  $00^{\circ}16'53''$  West 278.44 feet; thence South  $69^{\circ}22'19''$  West 1300.49 feet; thence North  $21^{\circ}06'41''$  West 1563.00 feet; thence South  $66^{\circ}18'19''$  West 294.41 feet; thence South  $12^{\circ}44'00''$  West 393.55 feet; thence South  $89^{\circ}59'19''$  West 524.49 feet to the west line of Section 27; thence North  $00^{\circ}21'36''$  East 1669.85 feet to the point of beginning.

Containing 84.74 acres more or less

Parcel 15 of 15

E# 1883524 BK2276 PG1008



WHEN RECORDED, RETURN TO:

2015 12 13  
LEANN H KILTS, WEBER COUNTY RECORDER  
04-DEC-15 820 AM FEE \$ .00 DEP TN  
REC FOR: WEBER COUNTY PLANNING

Dated: \_\_\_\_\_, 2015 Space Above for Recorder's Use Only

**AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT**

RECITALS

WHEREAS, Weber County, Utah (the "County") and Wolf Creek Properties, L.C., a Utah limited liability company ("Original Developer"), entered into that certain Zoning Development Agreement dated October 11, 2002 and recorded on October 22, 2002 as Entry No. 1883524, in Book 2276, beginning at page 990 in the office of the Weber County Recorder (the "Development Agreement");

WHEREAS, the Development Agreement, among other things, allocates available density for the development of the Wolf Creek Resort located in the Eden area of the Ogden Valley located within the County (the "Resort");

Specifies that we are dealing with zoning density.

WHEREAS, the actual allocation of density for the Resort is based on zoning classification and available acreage within the zones, and the actual placement of units within the over-all development of the Resort was left to the Original Developer to propose to the County, under the County's land use code; and

WHEREAS, the Resort has been partially developed with assigned density allocations as contemplated by the Development Agreement, but there remains undeveloped areas within the Resort that have not been developed and for which density allocations are available;

WHEREAS, the parties signing this Amendment with the County (the "Successor Developers") have succeeded to the interests of the Original Developer to that portion of the Resort that is legally described on Exhibit "A" attached to and incorporated by reference in this Amendment (the "Subject Property"); and

WHEREAS, the Successor Developers wish to amend and clarify certain provisions of the Development Agreement to reflect changes in the ownership of the Subject Property and to assign to each Successor Developer's portion of the Subject Property (each a "Developer Parcel") a portion of the remaining density entitlements for the Resort that can be supported by the zoning classification of each Developer Parcel but subject to the remaining unassigned density allocations that were available to the Original Developer under the terms of the Development Agreement; and

WHEREAS, the Ogden Valley Planning Commission, in a Public Hearing on December 2, 2014, received public comment on this proposal and unanimously recommended approval to the Weber County Commission.

**4. MASTER PLAN AMENDMENTS**

Successor Developers must submit to the Ogden Valley Township Planning Commission proposed drawings for any Amendments to the existing Master Plan covering the Development Parcels within twelve (12) months after the date of this Amendment.

**5. EFFECT OF AMENDMENTS**

Except for the specific provisions of the Development Agreement clarified and amended hereby, the Development Agreement shall remain in full force and effect and shall be applicable to the parties and the Resort. In the case of conflict between the provisions of this Amendment and the Development Agreement, the provisions of this Amendment shall govern in all respects.

[Signatures appear on the following pages.]

NOW THEREFORE, for good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties do hereby amend the Development Agreement as follows:

**1. ZONING CLASSIFICATION OF THE RESORT**

1) A map depicting the Resort and showing ownership of each remaining Developer Parcel affected by this Amendment, its approximate acreage and zoning classification is attached to and incorporated by reference in this Amendment as Exhibit "B."

2) The County and the Successor Developers acknowledge that the ownership of the Subject Property has changed from the Original Developer to the Successor Developers.

**2. DENSITY ALLOCATIONS FOR SUBJECT PROPERTY**

The following table summarizes the zoning classification, Development Parcel owner and the total units available to each of the Development Parcels affected by this Amendment, with notice to the County and agreed to by the Successor Developers, and includes the reallocation of 58 units from Parcel 3 to Parcel 1 now owned by America First Federal Credit Union ("America First"):

DEVELOPMENT PARCEL/UNITS			
Zoning Parcel No. (see Exhibit "A")	Zone(s)	Successor Developer	Total Units Assigned
Parcel 1	RE-15	America First	413
Parcel 3	FR-3	WCU, LLC	73
Parcel 4	FR-1	WCU, LLC	1
Parcel 8	RE-15	Eden Village	13
Parcel 10	FR-3	Capon Capital	61
Parcel 12	CVR-1	WCU, LLC	101
Parcel 12	CVR-1	WCU, LLC	61
Parcel 12	CV-2	KRK Wolf Creek	40
Parcel 14	CV-2	KRK Wolf Creek	35
			798

Each Successor Developer may use the total assigned units on its Development Parcel(s) as shown on the above-table. Each Successor Developer shall be required to follow the approval process set forth in the County's land use code before commencing any construction on its Development Parcel, including preliminary and final plat approval.

**3. ASSIGNMENT**

The Development Parcels, or portions thereof, may be sold, assigned, or otherwise transferred by the Successor Developers to parties, individuals, or entities, together with the assigned density allocations set forth in paragraph 2 above. In no event shall the transfer of units result in an allocation to any Development Parcel, or portion thereof, that exceeds the maximum number of units otherwise available to such Development Parcel, or portion thereof, under this agreement and the County's land use code, unless the master plan for Wolf Creek is amended as required by Section 4 of this agreement.

Assigns remaining density from the 250 CV-2 units of the 2002 development agreement to these CV-2 lots. See attached graphics for their locations







EDEN VILLAGE, L.L.C., a Utah limited liability company

By: [Signature]  
Title: PTGS / MGR

STATE OF UTAH )  
COUNTY OF Weber ) : ss.

The foregoing instrument was acknowledged before me this 2 day of Dec, 2015, by Russ Wolf, who is the Manager of EDEN VILLAGE, L.L.C., a Utah limited liability company.

[Signature]  
NOTARY PUBLIC  
Residing at Ogden County, Utah

My Commission Expires:  
11-24-2019



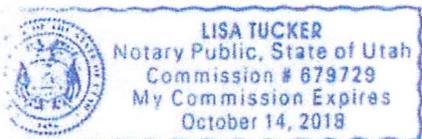
WCU, LLC, a Utah limited liability company

By: [Signature]

Title: Managing member

STATE OF UTAH )  
 : ss.  
COUNTY OF Weber )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of Dec., 2015, by John L. Lewis, who is the managing member of WCU, LLC, a Utah limited liability company.



Lisa Tucker  
NOTARY PUBLIC  
Residing at Weber County, Utah

My Commission Expires:

10/14/18

CAPON CAPITAL, LLC, a Utah limited liability company

By: [Signature]  
Title: Managing member

STATE OF UTAH )  
 ) : ss.  
COUNTY OF Weber )

The foregoing instrument was acknowledged before me this 2nd day of Dec., 2015, by John Lewis, who is the Managing member of GALT CAPITAL, LLC, a Utah limited liability company.



Lisa Tucker  
NOTARY PUBLIC  
Residing at Weber County, Utah

My Commission Expires:  
10/14/18

PARCEL 1  
BOUNDARY DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 16, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND RUNNING THENCE ALONG THE EAST LINE OF SAID SECTION 16 NORTH  $00^{\circ}20'34''$  EAST 1328.34 FEET; THENCE NORTH  $89^{\circ}38'07''$  WEST 1316.70 FEET; THENCE SOUTH  $00^{\circ}20'47''$  WEST 1324.09 FEET TO THE SOUTH LINE OF SAID SECTION 16, THENCE ALONG THE SOUTH LINE OF SAID SECTION 16 NORTH  $89^{\circ}27'25''$  WEST 1974.97 FEET TO THE EAST BOUNDARY LINE OF SHEEP CREEK CLUSTER SUBDIVISION PHASE 1; THENCE ALONG THE EAST LINE OF SHEEP CREEK CLUSTER SUBDIVISION PHASES 1, 2, AND 3 NORTH  $00^{\circ}23'38''$  EAST 2655.42 FEET TO THE NORTH LINE OF SAID SOUTH HALF; THENCE ALONG SAID NORTH LINE OF SAID SOUTH HALF SOUTH  $89^{\circ}28'10''$  EAST 3287.33 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH  $88^{\circ}40'09''$  EAST 1486.52 FEET; THENCE SOUTH  $00^{\circ}20'39''$  WEST 2642.21 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER NORTH  $89^{\circ}12'43''$  WEST 1484.21 FEET TO THE POINT OF BEGINNING.

PARCEL 3  
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22 AND RUNNING THENCE ALONG THE NORTH LINE OF SAID SECTION 22 SOUTH  $89^{\circ}12'43''$  EAST 1484.21 FEET; THENCE SOUTH  $89^{\circ}10'46''$  EAST 289.74 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND THE NORTH RIGHT-OF-WAY LINE OF A FUTURE 80.00 FOOT RIGHT-OF-WAY; THENCE ALONG THE NORTH LINE OF SAID 80.00 FOOT RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) ALONG THE ARC OF A 390.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 221.36 FEET, HAVING A CENTRAL ANGLE OF  $32^{\circ}31'14''$ , CHORD BEARS SOUTH  $74^{\circ}31'40''$  WEST 218.40 FEET; (2) SOUTH  $58^{\circ}16'30''$  WEST 508.21 FEET; (3) ALONG THE ARC OF A 560.00 FOOT RADIUS CURVE TO THE RIGHT 330.58 FEET, HAVING A CENTRAL ANGLE OF  $33^{\circ}49'23''$ , CHORD BEARS SOUTH  $75^{\circ}10'44''$  WEST 325.80 FEET; (4) NORTH  $87^{\circ}54'34''$  WEST 302.48 FEET; (5) ALONG THE ARC OF A 1540.00 FOOT RADIUS CURVE TO THE LEFT 524.05 FEET, HAVING A CENTRAL ANGLE OF  $19^{\circ}29'50''$ , CHORD BEARS SOUTH  $82^{\circ}20'31''$  WEST 521.53 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE WEST LINE OF SAID NORTHWEST QUARTER NORTH  $00^{\circ}21'24''$  EAST 491.93 FEET TO THE POINT OF BEGINNING.

PARCEL 4  
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

ALL OF THE NORTHWEST QUARTER OF SAID SECTION 22 LYING NORTH OF WOLF CREEK SUBDIVISION NO. 2 AND EAST OF WOLF CREEK DRIVE (A.K.A. 5100 EAST STREET) MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER SOUTH  $00^{\circ}24'17''$  WEST 437.73 FEET TO THE NORTH LINE OF SAID WOLF CREEK SUBDIVISION NO. 2; THENCE ALONG THE NORTH LINE OF SAID WOLF CREEK SUBDIVISION NO. 2 SOUTH  $87^{\circ}15'11''$  WEST 290.35 FEET TO THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE; THENCE ALONG SAID EAST RIGHT-OF-

WAY LINE THE FOLLOWING THREE (3) COURSES: (1) ALONG THE ARC OF A 725.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 164.21 FEET, HAVING A CENTRAL ANGLE OF 12°58'40", CHORD BEARS NORTH 09°16'38" WEST 163.86 FEET; (2) NORTH 15°45'58" WEST 152.69 FEET; (3) ALONG THE ARC OF A 440.36 FOOT RADIUS CURVE TO THE RIGHT 149.70 FEET, CHORD BEARS NORTH 06°01'35" WEST 148.98 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER SOUTH 89°12'43" EAST 376.69 FEET TO THE POINT OF BEGINNING.

PARCEL 8  
BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 26, AND A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHWEST CORNER OF TRAPPERS RIDGE AT WOLF CREEK P.R.U.D. PHASE 5 ALSO BEING ON THE BOUNDARY LINE OF ELKHORN SUBDIVISION PHASE 3 SAID POINT BEING LOCATED NORTH 89°57'13" EAST 319.29 FEET ALONG THE NORTH OF SAID NORTHWEST QUARTER AND SOUTH 00°00'00" EAST 34.80 FEET FROM THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE ALONG THE BOUNDARY LINE OF ELKHORN BOUNDARY PHASE 3 THE FOLLOWING SIX (6) COURSES: (1) NORTH 17°10'22" WEST 157.52 FEET; (2) NORTH 58°18'49" EAST 68.60 FEET; (3) NORTH 38°47'54" EAST 172.79 FEET; (4) NORTH 28°21'04" EAST 73.83 FEET; (5) NORTH 45°52'46" EAST 143.92 FEET; (6) NORTH 55°13'30" EAST 124.26 FEET TO THE SOUTHWEST CORNER OF ELKHORN SUBDIVISION PHASE 4; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID ELKHORN SUBDIVISION PHASE 4 THE FOLLOWING FIVE (5) COURSES: (1) SOUTH 64°18'02" EAST 143.88 FEET; (2) SOUTH 64°05'34" EAST 107.47 FEET; (3) SOUTH 57°53'09" EAST 126.51 FEET; (4) SOUTH 49°24'26" EAST 63.32 FEET; (5) SOUTH 50°06'38" EAST 473.71 FEET TO THE NORTH LINE OF SAID TRAPPERS RIDGE SUBDIVISION PHASE 8; THENCE ALONG THE NORTH LINE OF SAID PHASE 8 SOUTH 88°09'13" WEST 1106.18 FEET TO THE POINT OF BEGINNING.

PARCEL 10  
BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE AND THE SOUTH LINE OF WOLF CREEK SUBDIVISION PHASE 2 BEING LOCATED NORTH 00°24'17" EAST 379.42 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER AND NORTH 90°00'00" EAST 30.87 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; RUNNING THENCE ALONG SAID SOUTH LINE NORTH 54°20'36" EAST 359.81 FEET; THENCE NORTH 67°45'45" EAST 102.09 FEET; THENCE NORTH 54°39'47" EAST 322.44 FEET; THENCE SOUTH 89°20'13" EAST 303.68 FEET; THENCE SOUTH 50°20'13" EAST 365.00 FEET; THENCE SOUTH 38°39'47" WEST 292.63 FEET; THENCE SOUTH 19°54'40" WEST 90.01 FEET TO THE NORTH LINE OF WOLF STAR P.R.U.D. PHASE 1 PLAT B; THENCE ALONG THE NORTH LINE OF SAID WOLF STAR P.R.U.D. PHASE 1 PLAT B AND THE NORTH LINE OF WOLF STAR P.R.U.D. PHASE 1 PLAT C NORTH 73°18'19" WEST 579.90 FEET; THENCE ALONG THE WEST BOUNDARY LINE OF SAID PLAT C THE FOLLOWING TWO (2) COURSES: (1) SOUTH 11°20'13" EAST 222.32 FEET; (2) SOUTH 10°39'47" WEST 114.60 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ELKHORN DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE ALONG THE ARC OF A 633.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 160.59 FEET, HAVING A CENTRAL ANGLE OF 14°32'08", CHORD BEARS SOUTH 74°06'50" WEST 160.16 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 207.59 FOOT RADIUS CURVE NON-TANGENT TO THE LEFT 64.34 FEET, HAVING A CENTRAL ANGLE OF 17°45'29", CHORD BEARS NORTH 47°46'38" WEST 64.08 FEET; (2)

NORTH 56°39'22" WEST 244.00 FEET; (3) ALONG THE ARC OF A 76.41 FOOT RADIUS CURVE TO THE RIGHT 40.90 FEET, HAVING A CENTRAL ANGLE OF 30°40'00", CHORD BEARS NORTH 41°19'22" WEST 40.41 FEET; (4) NORTH 25°59'22" WEST 128.00 FEET TO THE POINT OF BEGINNING.

PARCEL 12  
BOUNDARY DESCRIPTION

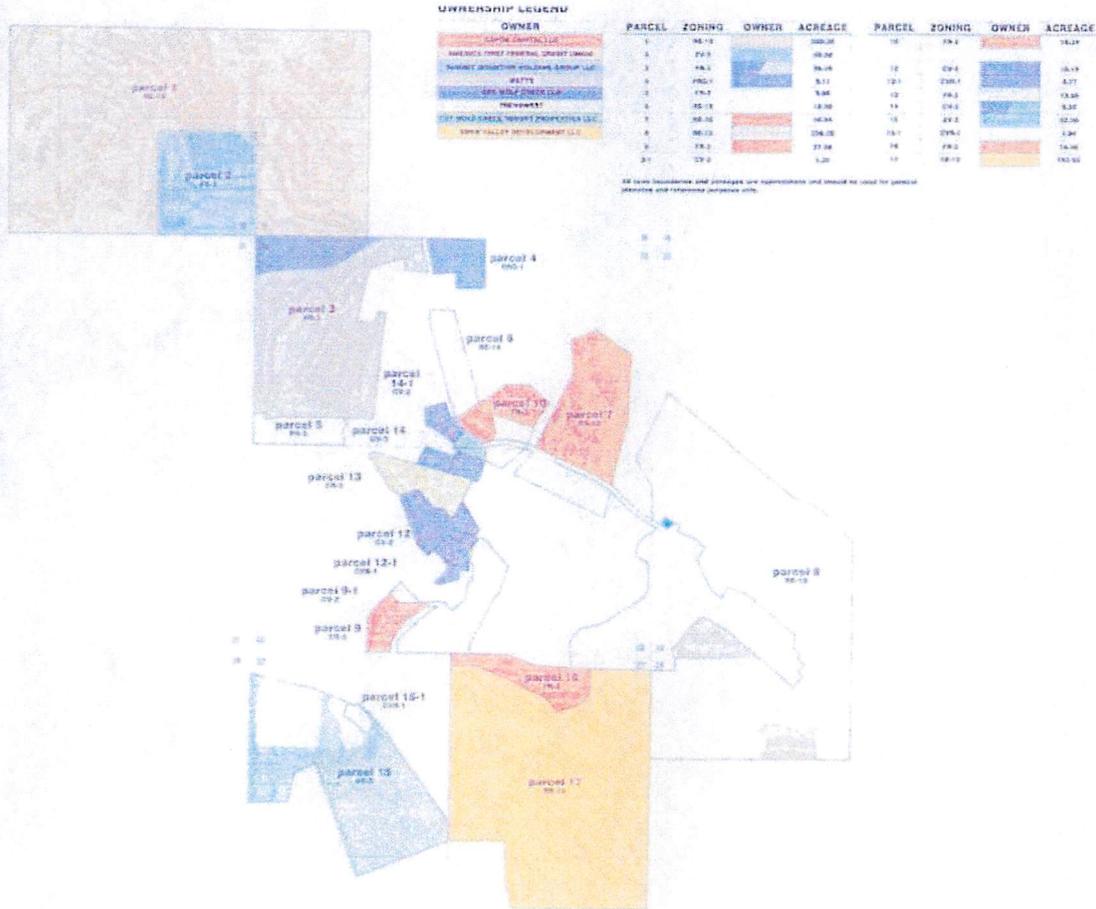
A PART OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE BEING LOCATED SOUTH 00°24'17" WEST 1346.93 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 AND NORTH 90°00'00" WEST 232.82 FEET FROM THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; RUNNING THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) ALONG THE ARC OF A 943.25 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT 11.87 FEET, HAVING A CENTRAL ANGLE OF 00°43'16", CHORD BEARS NORTH 37°34'48" EAST 11.87 FEET; (2) NORTH 37°13'11" EAST 62.30 FEET; (3) ALONG THE ARC OF A 3633.87 FOOT RADIUS CURVE TO THE LEFT 196.11 FEET, HAVING A CENTRAL ANGLE OF 03°05'32", CHORD BEARS NORTH 35°40'25" EAST 196.09 FEET; (4) ALONG THE ARC OF A 2669.04 FOOT RADIUS CURVE TO THE LEFT 443.53 FEET, HAVING A CENTRAL ANGLE OF 09°31'16", CHORD BEARS NORTH 32°29'17" EAST 443.02 FEET; THENCE SOUTH 31°00'04" EAST 358.42 FEET; THENCE SOUTH 31°37'35" WEST 111.01 FEET; THENCE SOUTH 60°36'55" EAST 4.76 FEET; THENCE SOUTH 83°21'49" EAST 37.30 FEET; THENCE SOUTH 34°17'37" WEST 213.48 FEET; THENCE SOUTH 00°31'06" WEST 253.28 FEET; THENCE SOUTH 89°56'50" WEST 118.57 FEET; THENCE SOUTH 00°27'18" WEST 98.78 FEET; THENCE SOUTH 70°55'49" WEST 263.65 FEET; THENCE NORTH 79°07'31" WEST 98.41 FEET; THENCE NORTH 44°17'09" EAST 300.74 FEET; THENCE NORTH 43°29'21" WEST 271.81 FEET TO THE POINT OF BEGINNING.

PARCEL 14  
BOUNDARY DESCRIPTION

A PART OF THE NORTH HALF OF SECTION 22, TOWNSHIP 7 NORTH, RANGE 1 EAST, OF THE SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF WOLF CREEK DRIVE BEING LOCATED NORTH 00°24'17" EAST 222.03 ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22 AND NORTH 90°00'00" EAST 60.76 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE SOUTH 38°48'58" WEST 184.37 FEET; THENCE NORTH 55°40'31" WEST 368.67 FEET; THENCE NORTH 83°42'40" WEST 23.32 FEET; THENCE NORTH 04°59'10" WEST 61.40 FEET; THENCE NORTH 69°10'50" EAST 328.85 FEET TO SAID WEST RIGHT-OF-WAY LINE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) SOUTH 23°30'13" EAST 127.65 FEET; (2) SOUTH 26°07'32" EAST 7.04 FEET; (3) SOUTH 35°39'22" EAST 149.42 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

RESORT ZONING MAP



WOLF CREEK RESORT







## Staff Report to the Ogden Valley 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: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

**Agenda Date:** Tuesday, July 26, 2016  
**Staff Report Date:** Wednesday, June 29, 2016  
**Applicant:** Weber County Planning Division  
**File Number:** ZTA 2016-01

#### Staff Information

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

### Applicable Ordinances

§101-1-7: Definitions  
 §102-1: General Provisions  
 §104-27: Natural Hazards Overlay Districts  
 §106-1-8: Final plat requirements and approval procedure  
 §108-7: Supplementary and Qualifying Regulations  
 §108-14: Hillside Development Review Procedures and Standards

### 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.

### Summary and Background

Weber County has many various natural hazards. The natural hazards overlay ordinance<sup>1</sup> was created decades ago in an attempt to address mitigation measures for building on potentially hazardous sites. Hazard study areas are identified based on the best hazards mapping

<sup>1</sup> See LUC §104-27.

information available for a given site.<sup>2</sup> These maps give a point of reference for the County to gauge whether additional studies are needed prior to permitting new development. After site evaluation, geologists and other experts can determine the breadth of hazards (if any), and help the County determine mitigation measures necessary to minimize impacts on the resulting occupants, surrounding property owners, and public infrastructure. Under current ordinances, if a site is in a study area it is required that the land owner has an expert review for such hazards, and offer the results and recommendations to the County's Land Use Authority for consideration during development review.<sup>3</sup>

Staff has become aware that the current Natural Hazards Overlay Zone specifies that only the Planning Commission is the Land Use Authority for development that is located within a natural hazard study area. While this provision may make sense for certain types of more complicated applications, it does not lend to an efficient or expedient review of simple applications, like single family dwelling building permits.

Additionally, this requirement conflicts with other provisions in the Land Use Code. Those provisions designate other entities, such as the Planning Director or the County Commission, as the Land Use Authority for some types of applications.<sup>4</sup>

We are now emerging into a busy building season. Without the proposed modifications there will be a significant delay for building permit applications while they wait for a Planning Commission review of natural hazards. There is significant urgency to get the proposal adopted to replace the existing code. For this reason, this proposal has been expedited for Planning Commission review without the typical work session deliberation. It is critical to the current building season to get the changes completed as soon as possible.

Despite the expedited nature of this proposal, staff took considerable time and effort carefully reviewing and modifying the ordinance. Review and modification has been a cross collaboration between the Planning Division, Engineering Division, Attorney's Office, and outside expert legal counsel. We have also reached out to a private geologist for comments.

Through this careful evaluation it became apparent that there is significant work needed on this ordinance, including the need for clarifying provisions, and in some places, reconstruction. This proposal makes a best effort to initiate the effort, but only provides an intermediary solution to resolve the Land Use Authority problem, and a few other simple clarifications.

The proposal provides better consideration for the designated Land Use Authority when considering natural hazards; it also helps clarify the role of the Planning Director in certain Land Use Authority decisions; and then, generally, it provides for clarity, removes redundancies, and includes process steps and appeal provisions for reviews of projects when natural hazards are present.

## Policy Analysis

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<sup>2</sup> LUC §104-27 was originally created with specific hazards maps; however, mapping of hazards throughout Weber County has evolved since then. The Utah Geological Survey currently has several relevant mapping resources, including an online map service.

<sup>3</sup> See LUC §104-7-4.

<sup>4</sup> For example, LUC §102-1-2 sets up certain land use authority permissions for the planning director.

**How to review the proposal.** The complete proposal is presented in the attached exhibits in track changes. The exhibits provide a more specific analysis of the changes in the text-balloons in the margins.

The proposal is lengthy. To ease in the Planning Commission's review, consider the following. Exhibit B is the complete text of the proposed changes, which is in the same format that the proposal will be presented to the County's codifiers. However, because the natural hazards code is being removed from §104-27 and added into §108-22, this exhibit does not emphasize in track-change all of the changes being made between the two. Rather, it only shows that §104-27 was deleted and §108-22 was added. For this reason staff offers Exhibit D, which is a document that emphasizes in track-changes what changes are occurring between the current §104-27 to the proposed §108-22. Staff recommends that the Planning Commission starts their review with Exhibit D. Some members of the Planning Commission have previously requested clean copies with the track-change copies, thus Exhibit C is being provided as well. It is the same thing as Exhibit B, but without track-changes.

A brief synopsis of the changes is provided below.

**Policy considerations.** It can be noted that throughout the proposal the term "planning commission" has been replaced with "land use authority." This is because the code designates different land use authorities for different types of permits. For example, the Planning Director is the land use authority for approving alternative lot access, the Planning Commission is the land use authority for approving conditional use permits, and the County Commission is the land use authority for approving road dedications. By changing Planning Commission to Land Use Authority the proposal points the reader back to whomever is the Land Use Authority for a given permit type, as otherwise designated elsewhere in the code.

The current code could be more clear for what types of permits, and under what circumstances, the Planning Director is the land use authority. This proposal addresses that.

This proposal also addresses the fact that current ordinances are made unnecessarily complicated by requiring natural hazards to be administered through a hillside review process rather than by a typical natural hazards review process. There is unnecessary overlap between the ordinances. This proposal separates the hillside review process from the natural hazards review process, and establishes better procedural guidelines for natural hazards review.

This proposal moves the natural hazards ordinance from Title 104 – Zones, to Title 108 – Standards. There are a couple of reasons for doing this. The first, natural hazards really are not zones. A zone has legislatively created boundaries intended to organize land uses based on the public will of the community. The existence of natural hazards is not subject to the will of the legislative body, and their boundaries cannot be changed by community desire. Natural hazards are more akin to hillside development or source protection areas than they are zones. It is better to create standards for development on them rather than try to govern them by a zone. Second, the natural hazards ordinance provides for a method of changing the natural hazards maps when it can be proven that the suspected hazard is not actually present. If the natural hazards ordinance is considered a "zone" and mapped as a "zoning overlay" any of these changes would be subject to the typical rezone process, which is an unnecessary complication for such a highly technical consideration.

This proposal brings the appeal process for geologic hazards into compliance with the governing state statutes.

### Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. There are not specific recommendations regarding this proposal in either of the County's plans, however, it can be determined by the Planning Commission that the proposal is not in conflict with the general plan's guidance.

### Past Action on this Item

No action has occurred on this item.

### 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 are necessary to reduce conflicting provisions in the Land Use Code.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes comply with the intent of the Land Use Code.
5. The changes are not detrimental to the effect of the general plan.
6. 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] – Natural Hazards Code.
- C. Code Change [Clean] – Natural Hazards Code. [Omitted from paper packet due to length. See Miradi project file for complete packet: <https://miradi.co.weber.ut.us/projects/view/2339>].
- D. Comparison of only the current and proposed Natural Hazards ordinances.
- E. Land Use Code Revision Process Flowchart.

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

The following code changes are being proposed to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 102-1: General provisions

§ 104-27: Natural hazards overlay districts

§ 108-7: Supplementary and qualifying regulations

§ 108-14: Hillside development review procedures and standards

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

1 Title 101 - GENERAL PROVISIONS

2 ...

3 Sec. 101-1-7. - Definitions.

4 ...

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

9 ...

10 Geologic and Geotechnical terms.

11 Active fault. The term "active fault" means a seismic (earthquake) fault displaying evidence of  
12 greater than four inches of surface displacement along one or more of its traces during Holocene  
13 time (approximately 10,000 years ago to the present).

14 Active landslide. The term "active landslide" means a landslide which is known to have moved  
15 or deformed and which has not been proven to be stable by a geotechnical investigation.

16 Aquifer. The term "aquifer" means a geological unit in which porous and permeable conditions  
17 exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

18 Aquifer recharge. The term "aquifer recharge" area means an area that has soils and geological  
19 features that are conducive to allowing significant amounts of surface water to percolate into  
20 groundwater.

21 Area of deformation. See "zone of deformation."

22 Critical acceleration. The term "critical acceleration" means the minimum amount of ground  
23 acceleration during seismically induced ground movement required to induce liquefaction or other  
24 forms of ground disruption.

25 Critical facilities. The term "critical facilities" means:

26 (1) Lifelines such as major communication, utility and transportation facilities and their  
27 connection to emergency facilities;

28 (2) Essential facilities, such as:

29 a. Hospitals and other medical facilities having surgery and emergency treatment areas;

30 b. Fire and police stations;

31 c. Tanks or other structures containing, housing, or supporting water or other fire-  
32 suppression materials or equipment required for the protection of essential or  
33 hazardous facilities, or special occupancy structures;

34 d. Emergency vehicle shelters and garages;

35 e. Structures and equipment in emergency-preparedness centers;

36 f. Standby power generating equipment for essential facilities;

37 g. Structures and equipment in government communication centers and other facilities  
38 required for emergency response;

**Comment [c1]:** Currently, there is only this definition explaining what a building parcel designation is, but not any statutes allowing it. A statute has been added in 108-7-33 (herein) that uses this stricken language, and provides additional standards based on the County's historic and routine procedure.

**Comment [c2]:** All of the definitions in the natural hazards ordinance were removed and added here. Some of these definitions were supplemented with the definitions found in the natural hazards codes. Some have been re-worked or updated for clarity or best management practices. All definitions have been cross referenced for their use in other chapters to verify consistency.

39 (3) Hazardous facilities such as structures housing, supporting or containing sufficient  
40 quantities of toxic or explosive substances to be dangerous to the safety of the general  
41 public if released; or

42 (4) Special occupancy structures, such as:

43 a. Covered structures whose primary occupancy is public assembly (capacity greater  
44 than 300 persons);

45 b. Buildings for schools through secondary or day care centers (capacity greater than 50  
46 students);

47 c. Buildings for colleges or adult education schools (capacity greater than 50 students);

48 d. Medical facilities with 50 or more resident incapacitated patients, but not included  
49 above;

50 e. Jails and detention facilities;

51 f. All structures with occupancy greater than 5,000 persons;

52 g. Structures and equipment in power-generating stations and other public utility facilities  
53 not included above, and required for continued operation;

54 h. Unique or large structures whose failure might be catastrophic, such as dams holding  
55 over ten acre feet of water, lifelines, such as major communication, utility and  
56 transportation facilities and their connection to emergency facilities, unique or large  
57 structures whose failure might be catastrophic, such as dams or buildings where  
58 explosive, toxic or radioactive materials are stored or handled, high occupancy  
59 buildings such as schools, hotels, offices, emergency facilities, such as police and fire  
60 stations, hospitals, communication centers and disaster response facilities.

61 Debris flow. The term "debris flow" means a mass of rock fragments, soil, and mud which, when  
62 wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if  
63 present on an alluvial/debris fan surface.

64 Engineering geologist. The term "engineering geologist" means a geologist who, through  
65 education, training and experience, is able to assure that geologic factors affecting engineering  
66 works are recognized, adequately interpreted and presented for use in engineering practice and for  
67 the protection of the public. This person shall have:

68 (1) At least a four-year degree in geology, engineering geology, or a related field from an  
69 accredited university; and

70 (2) At least three full years of experience in a responsible position in the field of engineering  
71 geology.

72 (3) A Utah State Professional Geologist's license.

73 Engineering geology. The term "engineering geology" means the application of geological data  
74 and principles to engineering problems dealing with naturally occurring rock and soil for the purposes  
75 of assuring that geological factors are recognized and adequately interpreted in engineering practice.

76 Fault. The term "fault" means a fracture in the earth's crust forming a boundary between rock or  
77 soil masses that have moved relative to each other (also see "active fault").

78 Fault scarp. The term "fault scarp" means a steep slope or cliff formed directly by movement  
79 along a fault.

80 Fault trace. The term "fault trace" means the intersection of the fault plane with the ground  
81 surface.

82 Fault zone. The term "fault zone" means a corridor of variable width along one or more fault  
83 traces.

Comment [c3]: New standard.

84 | Geotechnical report. The term "geotechnical report" means a technical report or study prepared  
85 | by a geotechnical professional who is qualified in the field of expertise examined and analyzed in  
86 | such a report. A person shall be considered "qualified" upon presentation of credentials providing  
87 | recognition in the professional field, an academic degree from an accredited college or university in  
88 | geology, geotechnics and/or geotechnical engineering.

89 | Landslide. The term "landslide" means a general term for the down slope movement of a mass  
90 | of soil, surficial deposits or bedrock.

91 | Liquefaction. The term "liquefaction" means a process by which certain water saturated soils  
92 | lose bearing strength because of ground shaking and increase of groundwater pore pressure.  
93 | Liquefaction potential categories depend on the probability of having an earthquake within a 100-  
94 | year period that will be strong enough to cause liquefaction in those zones. High liquefaction  
95 | potential means that there is a 50% probability of having an earthquake within a 100-year period that  
96 | will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and  
97 | 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

98 | Natural hazard. The term "natural hazard" means any hazard listed in Section 108-22-2,  
99 | including, but not limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic  
100 | subsidence, landslide and other hazards.

101 | Natural hazard map. The term "natural hazard map" means any map that has been published  
102 | by a qualified professional or applicable governmental agency, which contains the best available  
103 | information, as determined by the County Engineer, and which delineates a potential natural hazard.

104 | Natural hazard study area. The term "natural hazard study area" means any area identified on  
105 | any natural hazard map or within any natural hazard studies or reports as having potential for being  
106 | a natural hazard. In addition, the County Engineer has discretion to identify a natural hazard study  
107 | area as a new hazard or potential hazard becomes known.

108 | Rock fall. The term "rock fall" means the gravity-induced drop of a newly detached segment of  
109 | bedrock or perched rock of any size from a cliff or steep slope.

110 | Structure designed for human occupancy. The term "structure designed for human occupancy"  
111 | means any residential dwelling or any other structure used or intended for supporting or sheltering  
112 | any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours  
113 | per year.

114 | Zone of deformation. The term "zone of deformation" means the zone along a fault in which  
115 | natural soil and rock materials are disturbed as a result of movement along the fault.

116 | ...

117 | Title 102 - ADMINISTRATION

118 | CHAPTER 1. - GENERAL PROVISIONS

119 | Sec. 102-1-1. - Purpose and intent.

120 | The purpose of this section is to establish regulations and procedures for the processing and  
121 | consideration of applications allowed by this Land Use Code.

122 | Sec. 102-1-2. - Administrative Planning director authority.

123 | (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an  
124 | application for an administrative approval. Administrative approval can be given for the following  
125 | applications:

126 | (1) Site plan approval, when required by this Land Use Code, for which the Land Use Authority is not  
127 | otherwise specified by this Land Use Code;

**Comment [c4]:** The changes in this section are intended to clarify the role of the Planning Director when acting as the Land Use Authority.

128 ~~(2) site plans~~ Design review for ~~with~~ buildings under 10,000 square feet ~~located on a parcel less than~~  
129 ~~one-acre in size, and~~ which impact an area of less than one acre, as provided in Section 108-1-2;

130 (3) ~~Home occupations with or without visiting clientele,~~ as provided in Section 108-13-2;

131 (4) ~~Building parcel designation,~~ as provided in Section 108-7-33;

132 (5) ~~combining of lots within an approved subdivision which meet ordinance requirements, minor~~  
133 ~~Small subdivisions as defined by the subdivision definition,~~ as provided in Section 106-1-8(f) of this  
134 Land Use Code; and

135 (6) ~~Flag~~ lots, access to a lot/parcel using a private right-of-way or access easement, and access to  
136 a lot/parcel at a location other than across the front lot line ~~,~~ as provided in Title 108, Chapter 7 of  
137 this Land Use Code.

138 (b) The planning director may deny an application for an administrative approval if the use fails to  
139 comply with specific standards set forth in this ~~chapter~~ Land Use Code or if any of the required  
140 findings are not supported by evidence in the record as determined by the director. At the discretion  
141 of the planning director, the planning commission can hear the request for an administrative  
142 approval.

143 (b~~c~~) The ~~administrative planning director~~ approval process includes public notice and comment from  
144 adjacent property owners, ~~when~~as required by ~~this Land Use Code or state code.~~

145 ...

146 Sec. 102-1-4. - Notice of decision.

147 After ~~hearing reviewing~~ the evidence and considering the application, the ~~approving authority~~  
148 ~~(planning commission, planning director or his designee, board of adjustment, and county commission on~~  
149 ~~land use applications)~~ Land Use Authority, as designated by this Land Use Code, shall make its findings  
150 and decision. It shall then ~~send~~ ~~have them entered in the minutes.~~ Upon a decision by the approving  
151 authority, a notice of decision ~~shall be mailed~~ to the applicant at the address or e-mail address given in  
152 the application. A notice of decision can be a ~~new~~ written notice of decision, a copy of the ~~written~~  
153 administrative approval ~~form~~ signed by the planning director or designee, or a copy of the approved  
154 minutes. A decision by the ~~approving authority~~ Land Use Authority is final at the time the notice of decision  
155 is ~~issued~~ sent. If a notice of decision is not sent, ~~and the decision was made in a meeting where minutes~~  
156 ~~are kept,~~ the decision shall be final on the date the minutes from the meeting are approved by the  
157 ~~approving authority~~ Land Use Authority. The planning division shall also mail notice of any decisions to  
158 any person or agency who, in writing, requested such notification before the decision was rendered.  
159 ~~Unless the Land Use Authority's final decision specifies otherwise, the Land Use Authority's decisions~~  
160 ~~is~~are subject to requirements and conditions stated in the staff report and, ~~if applicable,~~ listed in the  
161 meeting minutes.

162 ...

163 Title 104 - ZONES

164 ...

165 CHAPTER 27. - RESERVED NATURAL HAZARDS OVERLAY DISTRICTS

166 Sec. 104-27-1. -- Purpose and intent.

167 (a) ~~—The purpose and intent of this chapter is to coordinate the application of natural hazards~~  
168 ~~guidelines and standards, in order to protect the health, welfare and safety of the citizens of the county,~~  
169 ~~and to minimize potential effects of natural and manmade hazards by identifying known hazardous~~

Comment [c5]: Here is part of the new statute of for "building parcel designation." See the rest in 108-7-33.

Comment [c6]: This land use code no longer references "minor subdivisions." Only "small subdivisions."

Comment [c7]: Changes to this section clarify the role of the land use authority when offering a final decision and when notifying the applicant of the decision.

Field Code Changed

Comment [c8]: This whole section has been moved in its modified form to section 108-22. This removes it from the zoning chapter and places it in the standards chapter where it belongs.

170 areas. This portion of the chapter specifies the areas for which an environmental analysis shall be  
171 performed prior to development, the content of the analysis and the procedure by which development  
172 applications requiring the analysis are reviewed and processed.

173 (b) — The county recognizes individual property rights and shall make every effort to balance the right  
174 of the individual property owner with the health, welfare, safety and the common good of the general  
175 public.

176 ~~Sec. 104-27-2— Potential hazards.~~

177 The following potential hazards have been identified:

178 (1) — Surface fault ruptures.

179 a. — Surface faulting has been identified as a potential hazard in the county. Maps have been  
180 produced delineating the known area where a hazard may exist from surface fault ruptures. Broad  
181 subsidence of the valleys accompanying surface faulting may affect areas several miles away from the  
182 fault. These effects are not considered here, but are covered in subsection b of this section.

183 b. — Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which  
184 produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This  
185 offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that  
186 begin to ravel and erode back to the material's angle of repose (33-35 degrees) soon after formation.  
187 Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but  
188 sometimes as much as several feet. The zone between these two faults may be complexly faulted and  
189 tilted with offset along minor faults of several inches or more.

190 c. — Based upon this data, it is difficult, both technically and economically, to design a structure to  
191 withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the  
192 fault is the principal risk reduction technique that can be reasonably taken.

193 d. — No critical facility or structure for human occupancy shall be built astride an active fault. In some  
194 areas adjacent to the main trace but still within the zone of deformation, avoidance may not be  
195 necessary. Less damaging (smaller) offsets of less than four inches, and tilting may occur and structural  
196 measures may be taken to reduce casualties and damage. However, structural damage may still be  
197 great, and buildings in the zone of deformation may not be safe for occupants following a large  
198 earthquake.

199 e. — Due to the scale used to map these zones, there is not enough detail to delineate all fault traces  
200 and zones of deformation at a particular location, therefore, site-specific plans and studies shall be  
201 required for development in or adjacent to the delineated areas.

202 f. — Upon submittal, review and planning commission approval of site specific plans and studies with  
203 recommendations, produced by a qualified engineering geologist, setbacks shall be a minimum of 50

204 feet from an active fault trace. A reduction in the setback will be considered if the report presents  
205 evidence to justify a reduction acceptable to the planning commission.

206 (2) ——— Landslide/tectonic subsidence.

207 a. ——— Landslide. Landslides, historically, have been one of the most damaging geologic processes  
208 occurring in Weber County. Most active landslides, and most older slides, have been mapped and are  
209 shown on the Sensitive Lands Overlay District maps. These designations serve as an indication of  
210 unstable ground. The maps designate areas of landslides and slopes which are potentially unstable  
211 under static (non earthquake) conditions, and are especially vulnerable under conditions of high to  
212 abnormally high precipitation. Landslides can damage structures, roads, railroads and power lines.  
213 Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add  
214 water to the slide plane and promote further movement. Flooding may also be caused.

215 b. ——— Many methods have been developed for reducing landslide hazards. Proper planning and  
216 avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning  
217 and development process. Care in site grading with proper compaction of fills and engineering of cut  
218 slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various  
219 engineering techniques are available to stabilize slopes, including de-watering (draining), retaining  
220 structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage  
221 diversion. Since every landslide and unstable slope has differing characteristics, any development  
222 proposed within a designated landslide hazard area, as delineated on the Sensitive Lands Overlay  
223 District maps, shall require the submittal, review and approval by the planning commission, of specific  
224 site studies, including grading plans, cut/fill, and plans produced by a qualified engineering geologist and  
225 a Utah-licensed geotechnical engineer. The site-specific study shall address slope stability (including  
226 natural or proposed cut slopes), evaluate slope failure potential, effects of development and  
227 recommendations for mitigative measures. Slope stability analysis shall include potential for movement  
228 under static, development-induced and earthquake-induced conditions as well as likely groundwater  
229 conditions.

230 c. ——— Tectonic subsidence. Tectonic subsidence, also called seismic tilting, is the warping, lowering  
231 and tilting of a valley floor that accompanies surface faulting earthquakes on normal (dip slip) faults  
232 such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of  
233 water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures  
234 which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and  
235 sewer lines may be adversely affected.

236 d. ——— Because subsidence may occur over large areas (tens of square miles), it is generally not  
237 practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake  
238 shoreline flooding. For gravity flow structures such as wastewater treatment facilities that are within  
239 areas of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes  
240 in gradient. Some structures may have to be leveled after a large magnitude earthquake. Critical

241 facilities which contain dangerous substances should have safety features to protect the structure, its  
242 occupants and the environment from both tilting and flooding.

243 e. ——— Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
244 techniques such as raising structures above expected flood levels and dikes can be built. Development  
245 adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake  
246 levels to protect against natural rises from wet periods, storm waves and earthquake induced seiching,  
247 as well as hazards associated with tectonic subsidence.

248 f. ——— Rises in the water table accompanying tectonic subsidence may cause water to pond, flood  
249 basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the  
250 down-dropped side.

251 g. ——— The principal application of the identified tectonic subsidence areas is to make the public aware  
252 of the hazard and to indicate those areas where further study may be necessary. Site specific tectonic  
253 subsidence studies are recommended only for critical facilities in areas of potential lake margin and  
254 ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost  
255 wastewater treatment plants and hazardous waste facilities should also consider potential tilting.

256 (3) ——— Rock fall.

257 a. ——— Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As  
258 development advances higher onto the bench areas and into the canyons the risk from falling rocks  
259 becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop  
260 discontinuities. Rock falls present a hazard because of the potential damage a large rock mass, traveling  
261 at a relatively high velocity, could cause to structures and personal safety. Buildings shall be located so  
262 that structures are not positioned in an area susceptible to rock falls. When new developments cannot  
263 be designed around a rock fall path, and hazard reduction measures must be considered, a site specific  
264 plan and hazard study, with recommendations for mitigation, shall be produced by a qualified  
265 engineering geologist, submitted for review and approval by the planning commission. Mitigation may  
266 require design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques  
267 such as bolting, cable lashing, burying, and grouting discontinuities, removal or break up of potential  
268 rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least slow  
269 down falling rocks. Strengthening a structure to withstand impact is an example of modifying what is at  
270 risk. Mitigation problems can arise when rock source areas are located on land not owned by the  
271 developer.

272 b. ——— In areas where the rock fall hazard is present but very low, disclosures of potential hazards to  
273 land owners and residents with an acknowledgment of risk and willingness to accept liability may be an  
274 acceptable alternative to avoidance or mitigation for single family residences.

275 (4) ——— Debris flows.

276 a. ~~Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by~~  
277 ~~weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges or~~  
278 ~~pulses, due to gravity. They generally remain confined to stream channels in mountainous areas, but~~  
279 ~~may reach and deposit debris over large areas on alluvial fans at and beyond canyon mouths.~~

280 b. ~~The county debris flow hazard maps were constructed from the boundaries of active alluvial~~  
281 ~~fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as~~  
282 ~~debris flow hazard areas shall be evaluated prior to approval of the proposed development.~~

283 1. ~~A study shall be prepared by an engineering geologist for any development proposed in or~~  
284 ~~adjacent to a debris flow hazard area and shall include:~~

285 (i) ~~An analysis of the past history of debris flow at the site based on subsurface exploration to~~  
286 ~~determine the nature and thickness of debris flow and related alluvial fan deposits.~~

287 (ii) ~~An analysis of the drainage basin's potential to produce debris flows based on the presence of~~  
288 ~~debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes~~  
289 ~~likely to be produced during a single event.~~

290 (iii) ~~An analysis of the stream channel to determine if the channel will supply additional debris,~~  
291 ~~impede flow, or contain debris flows in the area of the proposed development.~~

292 (iv) ~~An analysis of manmade structures upstream that may divert or deflect debris flows.~~

293 (v) ~~Recommendations concerning any channel improvements, flow modifications and catchment~~  
294 ~~structures, direct protection structures or floodproofing measures, if necessary, in order to protect the~~  
295 ~~development.~~

296 (vi) ~~Upon approval of the county engineer, the report shall be presented to the planning~~  
297 ~~commission along with review comments for recommendation of approval by the county commission.~~

298 (5) ~~Liquefaction areas.~~

299 a. ~~Earthquake ground shaking causes a variety of phenomena which can damage structures and~~  
300 ~~threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pressure in~~  
301 ~~the pore water between soil grains, which decreases the stresses between the grains. The loss of~~  
302 ~~intergranular stress can cause the strength of some soils to decrease nearly to zero. When this occurs,~~  
303 ~~the soil behaves like a liquid. When liquefaction occurs, foundations may crack, buildings may tip,~~  
304 ~~buoyant buried structures such as septic tanks and storage tanks may rise, and even gentle slopes may~~  
305 ~~fail as liquefied soils and overlying materials move down slope.~~

306 b. ~~Areas of potential liquefaction have been delineated and the following regulations and~~  
307 ~~mitigation measures have been adopted in order to reduce the hazard and consequences. Areas of~~  
308 ~~moderate to high liquefaction potential need not be avoided. Structural measures and site modification~~  
309 ~~techniques are available to reduce hazards. A site specific liquefaction study shall be required to be~~

- 310 prepared, and shall be prepared by an engineering geologist and/or a state-licensed geotechnical  
311 engineer.
- 312 (i) Standard soil foundation study, for the proposed development, shall include liquefaction  
313 potential evaluation based upon depth to groundwater, soil types and ground failure hazard.
- 314 (ii) If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be  
315 required to determine critical accelerations needed to induce liquefaction.
- 316 (iii) Report shall include accurate maps of the area showing any proposed development, the location  
317 of bore holes and/or test pits, the site geology, and location and depths of any liquefiable soils noted,  
318 along with the probability of critical accelerations needed to induce liquefaction in these soils being  
319 exceeded for appropriate time periods.
- 320 (iv) The report shall include recommendations for hazard reduction techniques.
- 321 (v) The county engineer shall concur with the scope of the report, techniques and methodology to  
322 be used in the preparation of the report and shall have input as to the specific types of information to be  
323 included in the report.
- 324 (vi) Upon approval of the county engineer, the report shall be presented to the planning  
325 commission along with review comments for recommendation of approval by the county commission.
- 326 (6) Flood. The floodplain standards are written to minimize the loss of life and property when floods  
327 do occur, not to ban development outright from the floodplain. The Federal Emergency Management  
328 Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for  
329 major drainages in Weber County. FEMA recommends that no new development be permitted in the  
330 100-year floodplain unless:
- 331 a. Detailed engineering studies, prepared by a state-licensed engineer, show that the proposed  
332 development will not increase the flood hazard to other property in the area. Recommendations shall be  
333 made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site  
334 investigations for proposed development in lake flooding areas near Great Salt Lake need only indicate  
335 the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed  
336 with respect to lake flooding potential and compatibility of proposed use.)
- 337 b. The proposed development is elevated above the 100-year flood base elevation.
- 338 c. For federally insured loans, flood insurance is purchased from a company participating with the  
339 Federal Insurance Administration or a like private carrier.
- 340 d. Upon approval of the county engineer, the report shall be presented to the planning  
341 commission along with review comments for recommendation of approval by the county commission.

342 ~~1. Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all~~  
343 ~~active alluvial fans designated on the debris flow hazard maps. The hazard from such flooding shall be~~  
344 ~~addressed and appropriate hazard reduction measures taken.~~

345 ~~2. Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of~~  
346 ~~sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction~~  
347 ~~measures taken.~~

348 ~~(7) Other hazardous areas:~~

349 ~~a. As in many counties in the Western United States, development in the county is constrained by~~  
350 ~~the presence of natural and manmade hazards. These hazards include avalanche, slope movement, soils~~  
351 ~~categorized as having severe building limitations and slopes exceeding 30 percent.~~

352 ~~b. Not all hazardous sites and conditions have been identified in the county; however,~~  
353 ~~development on those identified sites shall be permitted when projects are studied and designed by a~~  
354 ~~qualified engineering geologist and a state licensed civil engineer, architect and/or an engineering~~  
355 ~~geologist and certified to withstand the potential hazard for which it is designed, and that the site is~~  
356 ~~buildable and that the site is safe. This allows development on hazardous sites with the full~~  
357 ~~acknowledgment of the property owner. The use of hazardous sites for open space is encouraged.~~

358 ~~Sec. 104-27-3. -- Supplementary hazards definitions.~~

359 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to~~  
360 ~~them in this section, except where the context clearly indicates a different meaning:~~

361 ~~Active fault means a fault displaying evidence of greater than four inches of displacement along one or~~  
362 ~~more of its traces during Holocene time (about 11,000 years ago to the present).~~

363 ~~Area of deformation means the zone along a fault in which natural soil and rock materials are disturbed~~  
364 ~~as a result of movement along the fault. (Also Zone of Deformation.)~~

365 ~~Critical acceleration means the minimum amount of ground acceleration during seismically induced~~  
366 ~~ground movement required to induce liquefaction or other forms of ground disruption.~~

367 ~~Critical facilities means:~~

368 ~~(1) Lifelines such as major communication, utility and transportation facilities and their connection~~  
369 ~~to emergency facilities;~~

370 ~~(2) Essential facilities, such as:~~

371 ~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

372 ~~b. Fire and police stations;~~

- 373 ~~e. Tanks or other structures containing housing or supporting water or other fire suppression~~  
374 ~~materials or equipment required for the protection of essential or hazardous facilities, or special~~  
375 ~~occupancy structures;~~
- 376 ~~d. Emergency vehicle shelters and garages;~~
- 377 ~~e. Structures and equipment in emergency-preparedness centers;~~
- 378 ~~f. Standby power-generating equipment for essential facilities;~~
- 379 ~~g. Structures and equipment in government communication centers and other facilities required~~  
380 ~~for emergency response;~~
- 381 ~~(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of~~  
382 ~~toxic or explosive substances to be dangerous to the safety of the general public if released; or~~
- 383 ~~(4) Special occupancy structures, such as:~~
- 384 ~~a. Covered structures whose primary occupancy is public assembly (capacity greater than 300~~  
385 ~~persons);~~
- 386 ~~b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);~~
- 387 ~~c. Buildings for colleges or adult education schools (capacity greater than 50 students);~~
- 388 ~~d. Medical facilities with 50 or more resident incapacitated patients, but not included above;~~
- 389 ~~e. Jails and detention facilities;~~
- 390 ~~f. All structures with occupancy greater than 5,000 persons;~~
- 391 ~~g. Structures and equipment in power-generating stations and other public utility facilities not~~  
392 ~~included above, and required for continued operation;~~
- 393 ~~h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten~~  
394 ~~acre feet of water.~~
- 395 ~~Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like~~  
396 ~~fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris~~  
397 ~~fan surface.~~
- 398 ~~Engineering geologist means a geologist who, through education, training and experience, is able to~~  
399 ~~assure that geologic factors affecting engineering works are recognized, adequately interpreted and~~  
400 ~~presented for use in engineering practice and for the protection of the public. This person shall have at~~  
401 ~~least a four-year degree in geology, engineering geology, or a related field from an accredited university~~  
402 ~~and at least three full years of experience in a responsible position in the field of engineering geology.~~

403 Engineering geology means the application of geological data and principles to engineering problems  
404 dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are  
405 recognized and adequately interpreted in engineering practice.

406 Fault means a fracture in the earth's crust forming a boundary between rock and soil masses that have  
407 moved relative to each other (See Active fault).

408 Fault scarp means a steep slope or cliff formed directly by movement along a fault.

409 Fault trace means the intersection of a fault plane with the ground surface.

410 Fault zone means a corridor of variable width along one or more fault traces.

411 Landslide means a general term for the downslope movement of a mass of soil, surficial deposits or  
412 bedrock.

413 Liquefaction means a process by which certain water saturated soils lose bearing strength because of  
414 ground shaking and increase of groundwater pore pressure.

415 Natural hazard means avalanche, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic  
416 subsidence and/or landslide.

417 Natural hazard maps means the overlay maps, which delineate hazards, such as avalanche, liquefaction,  
418 surface fault rupture, rock fall and/or landslide areas.

419 Rock fall means the gravity induced drop of a newly detached segment of bedrock or perched rock of  
420 any size from a cliff or steep slope.

421 Structure designed for human occupancy means any residential dwelling or any other structure used or  
422 intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate of  
423 more than 2,000 person-hours per year.

424 **Sec. 104-27-4. Studies and reports required.**

425 (a) — Requirement for report. Any applicant requesting development on a parcel of land within a  
426 natural hazards study area, as shown on the natural hazards maps, shall submit to the planning  
427 commission six copies of site specific natural hazard studies and reports, where required for such  
428 development according to the following chart:

429 (1) — The natural hazards report and studies shall be prepared by an engineering geologist. In the case  
430 of a snow avalanche hazard, the report shall be prepared by an experienced avalanche expert. The  
431 report shall be signed by the preparer and shall also include the qualifications of the preparer.

432 (2) — The report shall be site specific and identify all known or suspected potential natural hazards  
433 originating on-site or off-site affecting the particular property.

434 (3) — The report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing  
 435 the location of the hazard with delineation of the recommended setback distances from the hazard and  
 436 the recommended location for structures.

437 (4) — The report shall address the potential effects of the hazard on the proposed development and  
 438 occupants thereof in terms of risk and potential damage.

439 (5) — The report shall contain recommendations for avoidance or mitigation of the effects of the  
 440 hazard consistent with the purposes set forth in section 104-27-1 of this chapter. The evidence on which  
 441 recommendations and conclusions are based shall be clearly stated in the report.

442 (6) — Trench logs (scale: one inch equals five feet or larger), aerial photographs, references with  
 443 citations, and other supporting information as applicable, shall also be included in the report.

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Special Study Area	Surface Fault Rupture Special Study Area
Critical facilities	Yes	Yes	Yes
Industrial or commercial >2 stories/>5,000 sq. ft.	Yes	Yes	Yes
Multifamily (4 or more units) and all other industrial or commercial	Yes	Yes	Yes
Residential subdivisions	No**	Yes	Yes
Residential, single lots/multifamily (less than 4 units/acre)	No**	Yes	Yes
**Although no special study is required, disclosure is required as described in section 104-27-7.			

444 -  
 445 (b) — Review of report. In order to fulfill the purposes of this chapter, the planning commission (for  
 446 conditional uses, site plan review, design review and subdivisions) shall review any proposed  
 447 development which requires preparation of a natural hazards report under this chapter to determine  
 448 the possible risks to the safety of persons or property from natural hazards.

449 (1) — Prior to consideration by the planning commission of any such development, the planning  
 450 director shall submit the report to the Utah Geological and Mineral Survey, the U.S. Forest Service,

451 and/or any other experts for review and recommendation. Any cost for the review shall be paid by the  
452 applicant prior to any planning commission action.

453 (2) — Whenever the planning commission determines that an area is subject to natural hazards which  
454 present an unreasonable risk to the safety of persons or property, including public streets, such area  
455 shall not be approved for development unless the applicant can demonstrate that such a risk can be  
456 reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural  
457 environment.

458 (3) — The planning commission may set requirements necessary to reduce the risks from natural  
459 hazards as a condition to the approval of any development which requires preparation of a natural  
460 hazards report.

461 (c) — Active fault consideration. No critical facility (excluding transportation lines or utilities which by  
462 their nature may cross active faults) or structures designed for human occupancy shall be built astride  
463 an active fault. If a fault is discovered in the excavation for such a structure, a special study and report,  
464 as described in subsection (a) of this section, shall be performed to determine if the fault is active, and if  
465 the fault is determined to be active, the procedures set forth in subsection (b) of this section, shall be  
466 followed. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks  
467 from a fault scarp shall meet the requirements of chapter 29 of the Uniform Building Code. The planning  
468 commission may increase footing setback requirements where information from a geotechnical report  
469 indicates slope conditions warrant a greater setback distance.

470 **Sec. 104-27-5. — Disclosure required.**

471 (a) — When a natural hazard report shows that a hazard exists which affects a particular parcel, a copy  
472 of the report shall be kept for public inspection in the county planning commission office. The natural  
473 hazard report denoting the type and severity of the hazard, the professional who prepared the report,  
474 the fact that the report is available to the public at the county planning department, and any restrictions  
475 on the use of the parcel required within the natural hazards report shall be recorded as a deed covenant  
476 running with the land, in the office of the county recorder, in addition to the following:

477 (1) — Notice that the parcel is located within a natural hazards special study area as shown on the  
478 natural hazards map.

479 (2) — Notice of the existence and availability of the natural hazards report for public inspection in the  
480 county planning commission office.

481 (3) — An agreement by the owner of the parcel and any successor in interest to comply with any  
482 conditions set by the planning commission to minimize adverse effects of the natural hazard.

483 (4) — When a natural hazard report is not required, but where the parcel is located within a mapped  
484 hazardous area, as shown on one of the natural hazards overlay maps, notice that the parcel is located

485 within such an area shall be recorded as a deed covenant running with the land in the county recorder's  
486 office and shall be written in a form satisfactory to the county engineer and attorney.

487 (5) — The natural hazards ordinance codified in this chapter and natural hazards maps represent only  
488 these hazardous areas known to the county, and shall not be construed to include all possible potential  
489 hazard areas. The natural hazards listed in this chapter and associated maps may be amended as new  
490 information becomes available. The provisions of this chapter do not in any way assure or imply that  
491 areas outside its boundaries will be free from the possible adverse effects of natural hazards. This  
492 chapter shall not create liability on the part of the county, any officer or employee thereof for any  
493 damages from natural hazards that result from reliance on this chapter or any administrative  
494 requirement or decision lawfully made thereunder.

495 **Sec. 104-27-6. — Exemptions from filling natural hazard report.**

496 Proposed development not occupied by humans shall not be required to provide a natural hazard  
497 report, except critical facilities which shall be required to provide a report.

498 **Sec. 104-27-7. — Costs to be the responsibility of the developer/applicant.**

499 Any of the above described technical reports and/or studies shall be performed by the required qualified  
500 professional on behalf of the county through a third party contract where all fees, costs and expenses  
501 are the responsibility of the applicant. Any other costs incurred in providing technical reports or  
502 testimony by expert witnesses shall be solely the responsibility of the applicant and not the county.

503 **Sec. 104-27-8. — Change of use.**

504 No change in use which results in the conversion of a building or structure from one not used for human  
505 occupancy to one that is so used shall not be permitted unless the building or structure complies with  
506 the provisions of this chapter.

507 **Sec. 104-27-9. — Variances.**

508 (a) — Ability to grant. The county board of adjustment, when deciding appeals for variances of  
509 distance or area within the Natural Hazards Overlay Zone shall follow both the standards of title 102,  
510 chapter 3 of the Weber County Land Use Code and the standards stated below.

511 (b) — Items to consider. In deciding whether to grant a variance and what conditions to attach to its  
512 approval, the board of adjustment shall consider:

513 (1) — The likelihood during a significant seismic or other geologic event that materials may be moved  
514 onto adjacent land areas causing injury to persons or property;

515 (2) — The degree of susceptibility to damage by seismic or other geologic activity for the building  
516 design or use proposed;

- 517 ~~(3) — The importance of the services of the proposed facility to the community and the need for the~~  
518 ~~facility to be functional following a significant event of geologic activity;~~
- 519 ~~(4) — The necessity of the facility to be in the proposed location or proposed design;~~
- 520 ~~(5) — Considering alternate locations and designs available;~~
- 521 ~~(6) — The ability of the community to provide emergency services to the facility in the event of a~~  
522 ~~catastrophe;~~
- 523 ~~(7) — The degree of benefit received from the variance relative to the hazards posed to the facility's~~  
524 ~~neighbors, visitors, and owners.~~
- 525 ~~(c) — Presumption relative to approval. Generally, the standards of this chapter shall not be varied~~  
526 ~~unless an equally safe method of use and construction can be approved.~~
- 527 ~~(1) — The amount of variance approved shall be only the minimum amount required to provide relief.~~
- 528 ~~(2) — A variance shall be granted only if it will not result in a threat to public safety, cause~~  
529 ~~extraordinary public expense, or create a nuisance.~~
- 530 ~~(3) — A variance shall be granted only if it will not result in a threat to public safety, cause~~  
531 ~~extraordinary public expense, or create a nuisance.~~
- 532 ~~(4) — In a continuum beginning with hay barns and agricultural structures and going to high rise~~  
533 ~~apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures~~  
534 ~~with a high percentage of time when the structure is utilized by humans or is occupied by a large~~  
535 ~~number of people.~~
- 536 ~~Sec. 104-27-10. — Disputes, boundaries or mapped hazards.~~
- 537 ~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be~~  
538 ~~determined by use of the scale appearing on the map. Where there is a conflict between the boundary~~  
539 ~~lines illustrated on the map and actual field conditions, or where detailed investigations show that the~~  
540 ~~mapped hazards are not present within a particular area, the dispute shall be settled as follows:~~
- 541 ~~(1) — The person disputing the hazard study area boundary or the mapped hazards present within a~~  
542 ~~particular area shall submit technical and geologic evidence to support such claim to the planning~~  
543 ~~commission in the form of a site specific natural hazards report.~~
- 544 ~~(2) — The planning commission may request the Utah Geological Survey, the U.S. Forest Service,~~  
545 ~~and/or other experts to review the evidence prior to making a decision concerning the dispute.~~
- 546 ~~(3) — The cost of the review shall be paid by the person disputing the map.~~

547 ~~(4) — The planning commission may allow deviations from the mapped boundary line only if the~~  
548 ~~evidence clearly and conclusively establishes that the natural hazard study area boundary location is~~  
549 ~~incorrect, or that the mapped hazards are not present within a particular area.~~

550 ~~(5) — Any decision of the planning commission may be appealed to the board of county~~  
551 ~~commissioners by filing an appeal within 15 days of the planning commission's decision.~~

552 ...

553 Title 106 - SUBDIVISIONS

554 ...

555 CHAPTER 1. - GENERAL PROVISIONS

556 ...

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

558 ...

559 (g) Additional documents provisions. The Land Use Authority may impose conditions of approval as may  
560 be necessary to assure compliance with this Land Use Code. Unusual site specific conditions of  
561 ~~development or other~~ restrictions applied to the ~~use~~ development of a lot or lots resulting  
562 ~~attributed from to~~ topography, geologic or environmental conditions or potential hazards, location, ~~or~~  
563 ~~zoning or other site specific regulations~~ conditions or restrictions authorized by this Land Use Code,  
564 ~~etc.~~ shall be identified in the actual location of the condition or restriction on the subdivision drawing.  
565 A notice of the unusual site specific condition or restriction, and shall be recorded as a protective  
566 covenant attached to run with the lot or lots affected.

Comment [c9]: This subsection of the Subdivision code is being modified to remove the requirement for a "covenant." It is also being modified for general clarity.

567 ...

568 Title 108 - STANDARDS

569 ...

570 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

571 ...

572 Sec. 108-7-33. - Building parcel designation

Comment [c10]: Here is the new statute for a building parcel designation.

573 (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes  
574 without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

575 (b) A building parcel designation shall be approved provided that:

576 (1) An application shall be submitted on a form approved by the Planning Director;

577 (2) The application shall include a copy of the subdivision plat;

578 (3) All lots proposed to be combined shall be under the same ownership;

579 (4) No additional lot shall be created; and

580 | (5) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or  
581 | PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision  
582 | plat.

583 | ...

584 | **CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS**

585 | **Sec. 108-14-1. - Purpose and intent.**

586 | (a) It is recognized that the general provisions, definitions, procedures, improvements and design  
587 | requirements, standards and principles set out in the Land Use Code of Weber County require  
588 | supplementation to protect and preserve the public health, safety, and welfare in regard to hillside  
589 | terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive  
590 | areas, such features as special soil ~~and geologic~~ conditions, steep terrain, highly combustible native  
591 | vegetation, and other conditions may pose serious potential consequences such as increased fire,  
592 | flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage  
593 | from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic  
594 | beauty and unsightly developments. Such consequences may be avoided if special consideration is  
595 | given to areas where one or more such conditions exist.

596 | (b) In the administration of the provisions of this chapter, the hillside development review board shall  
597 | strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging  
598 | and requiring, where necessary, the following:

- 599 | (1) A minimum amount of grading which preserves the natural contours of the land.
- 600 | (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard  
601 | results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the  
602 | natural scenic beauty.
- 603 | (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills  
604 | and avoid permanent scarring of hillsides.
- 605 | (4) Placement of building sites in such a manner as to permit ample room for adequate defensible  
606 | area as defined by the fire code, landscaping and drainage between and around the buildings.
- 607 | (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with  
608 | respect to building sites and to road cross-sections.
- 609 | (6) Lot and structure designs and location which will be appropriate in order to reduce ~~geologic and~~  
610 | ~~environmental hazards, as required in of title 104, chapter 27, Natural Hazards Overlay District,~~  
611 | ~~as well as~~ grading and natural topographic disturbance.
- 612 | (7) Cluster type development or other new concepts and techniques, where appropriate, in order to  
613 | eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- 614 | (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain  
615 | necessary cut and fill slopes in order to stabilize them with plant roots or other materials,  
616 | thereby preventing erosion and to conceal the raw soil from view.

617 | ...

618 | **Sec. 108-14-3. - Applicability.**

619 | (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or  
620 | exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an  
621 | application request for land use and building permits. Hillside Review is required as part of the  
622 | preliminary subdivision review. This requirement may be waived by the ~~P~~lanning ~~D~~irector and the  
623 | ~~C~~ounty ~~E~~ngineer on a case-by-case basis.

**Comment [c11]:** Changes to this whole chapter are intended to separate hillside review process from the natural hazards review process. More changes to this chapter can be anticipated in the future.

624 (b) The planning division shall not issue any land use permits, and the building official shall not issue  
625 any building permits until detailed plans and engineered drawings have been submitted to, and  
626 approved by the hillside development review board. Any condition attached to such approval by said  
627 board shall be a condition required with the issuance of land use permit. All parcels, subdivisions,  
628 lots, roads and accesses may come under consideration of the review board if requested by the  
629 owner, developer, or review agency. Other circumstances may warrant a review as found in the Title  
630 108 Chapter 22 – Natural Hazard Areas. "Natural Hazards Overlay Districts" of title 104, chapter 27.

631

632 **Sec. 108-14-4. - Procedure.**

633 Application plans and applications of the proposed development and any relevant information  
634 regarding building and excavation of the site are to be submitted to the planning division. Information shall  
635 include, but not be limited to the following:

- 636 (1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- 637 (2) Site plan with contours.
- 638 (3) Cross sections of improvements.
- 639 (4) Retaining wall designs with engineers stamp (if applicable).
- 640 (5) Geotechnical report (site specific for structures) and, if applicable, an outside review of the  
641 geological report if deemed necessary, verification of compliance with the requirements of Title  
642 108, Chapter 22 - Natural Hazard Areas.
- 643 (6) Other studies and/or information deemed necessary by the members of the board.
- 644 (7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution  
645 prevention plan (SWPPP) shall be required at the time of application. Erosion control  
646 landscaping on cuts, fills and other locations, considered necessary by the review board, shall  
647 be provided in order to prevent erosion.
- 648 (8) A landscape plan as per ~~section~~Section 108-14-10.

649 ...

650 **Sec. 108-14-9. -- Reserved. ~~Geologic and other environmental considerations.~~**

651 ~~(a) Geologic and other environmental constraints shall be considered by the review board when~~  
652 ~~reviewing any developments on restricted lots or parcels of land. Mitigation measures shall be~~  
653 ~~required as stated in title 104, chapter 27 the Natural Hazards Overlay District of the Weber County~~  
654 ~~Land Use Code.~~

655 ~~(b) An outside review of the geological report may be done by an independent firm, at the discretion of~~  
656 ~~the county engineer if he deems it necessary; the independent firm will be selected from a list,~~  
657 ~~provided by the county, with all costs associated with the review paid by the applicant. The hillside~~  
658 ~~development review board shall consider the findings, recommendations, and requirements of the~~  
659 ~~report. If the applicant disagrees with the finding and reconditions and requirements of the~~  
660 ~~independent firm, they may appeal to the board of adjustment.~~

661

662 ...

663 **Sec. 108-14-11. - Appeals.**

664 (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the  
665 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
666 Adjustment, of this Land Use Code.

**Comment [c12]:** This whole section is intended to clarify the appeal process, and bring the ordinance into compliance with state statute.

667 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
668 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
669 the sole purpose of determining those technical aspects<sup>1</sup>.

670 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
671 related to:

672 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
673 types of information presented in a study or report;

674 b. the review and recommendation of an acceptable study or report for the Land Use  
675 Authority's consideration; or

676 c. the interpretation or application of any technical provisions of a study or report that is  
677 required by this chapter.

678 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
679 this subsection, the County shall assemble the panel consisting of:

680 a. one qualified professional designated by the County;

681 b. one qualified professional designated by the applicant; and

682 c. one qualified professional chosen jointly by the County's designated qualified professional  
683 and the applicant's designated qualified professional.

684 (3) A member of the panel may not be associated with the application that is the subject of the  
685 appeal.

686 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

687 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
688 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

689 ~~An appeal of the Hillside Development Review Board's decision shall be submitted to the county~~  
690 ~~planning division:~~

691 ~~(1) The applicant, a board or officer of the county, or any person adversely affected by the Hillside~~  
692 ~~Development Review Board's decision administering or interpreting Hillside Development~~  
693 ~~Review procedures and standards ordinance may, within the time period provided by ordinance,~~  
694 ~~appeal that decision to the appeal authority by alleging that there is error in any order,~~  
695 ~~requirement, decision, or determination made by the Hillside Development Review Board in the~~  
696 ~~administration or interpretation of the hillside development review procedures and standards~~  
697 ~~ordinance.~~

698 ~~(2) An applicant who has appealed a decision of the land use authority administering or interpreting~~  
699 ~~the county's geologic hazard ordinance may request the county to assemble a panel of qualified~~  
700 ~~experts to serve as the appeal authority for purposes of determining the technical aspects of the~~  
701 ~~appeal.~~

702 ~~(3) If an applicant makes a request under subsection (1) of this section, the county shall~~  
703 ~~assemble the panel described in subsection (4) of this section consisting of, unless~~  
704 ~~otherwise agreed by the applicant and county:~~

705 a. ~~One expert designated by the county;~~

706 b. ~~One expert designed by the applicant; and~~

707 e. ~~One expert chosen jointly by the county's designated expert and the applicant's~~  
708 ~~designated expert from a pre-approved list that the engineering division has~~  
709 ~~assembled.~~

<sup>1</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

- 710 ~~(4) A member of the panel assembled by the county under subsection (3) of this section may~~  
711 ~~not be associated with the application that is the subject of the appeal.~~
- 712 ~~(5) The applicant shall pay one-half of the cost of the panel and the county's published appeal~~  
713 ~~fee.~~

714 ...

715 **CHAPTER 22. - NATURAL HAZARD AREAS**

716 **Sec. 108-22-1. - Purpose and intent.**

717 (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines  
718 and standards, in order to protect the health, welfare and safety of the citizens of the County, and to  
719 minimize potential effects of natural and manmade hazards by identifying known hazardous areas.  
720 This portion of the chapter specifies the areas for which an environmental analysis shall be  
721 performed prior to development, the content of the analysis and the procedure by which  
722 development applications requiring the analysis are reviewed and processed.

723 (b) The County recognizes individual property rights and shall make every effort to balance the right of  
724 the individual property owner with the health, welfare, safety and the common good of the general  
725 public.

726 **Sec. 108-22-2. - Potential hazards.**

727 The following potential hazards have been identified:

728 (1) Surface-fault ruptures.

729 a. Surface faulting has been identified as a potential hazard in the County. Maps have been  
730 produced delineating the known area where a hazard may exist from surface fault ruptures.  
731 Broad subsidence of the valleys accompanying surface faulting may affect areas several  
732 miles away from the fault. These effects are not considered here, but are covered in  
733 subsection 3 of this section.

734 b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake  
735 which produces surface faulting, offsets of six feet or more may occur on the main trace of  
736 the fault zone. This offset will result in formation of a near-vertical scarp, generally in  
737 unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle  
738 of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may  
739 also form, generally exhibiting a lesser amount of offset, but sometimes as much as  
740 several feet. The zone between these two faults may be complexly faulted and tilted with  
741 offset along minor faults of several inches or more.

742 c. Based upon this data, it is difficult, both technically and economically, to design a structure  
743 to withstand six feet or more of offset through its foundation. Thus, avoidance of the main  
744 traces of the fault is the principal risk reduction technique that can be reasonably taken.

745 d. No critical facility (excluding transportation lines or utilities which by their nature may cross  
746 active faults) or structure designed for human occupancy shall be built astride an active  
747 fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study  
748 and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some  
749 areas adjacent to the main trace but still within the zone of deformation, avoidance may not  
750 be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may  
751 occur and structural measures may be taken to reduce casualties and damage. However,  
752 structural damage may still be great, and buildings in the zone of deformation may not be  
753 safe for occupants following a large earthquake.

754 e. Due to the scale used to map these zones, there is not enough detail to delineate all fault  
755 traces and zones of deformation at a particular location, therefore, site specific plans,

**Comment [c13]:** All of the changes from Section 104-27 have been moved here in their modified form. See the comparison in Exhibit D to review the changes between them.

756 studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use  
757 Code, for development in or adjacent to the delineated areas.

- 758 f. Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in  
759 the setback may be considered if the report presents evidence to justify a reduction  
760 acceptable to the Land Use Authority, after recommendation from the County Engineer.

761 (2) Landslide.

762 a. Landslides, historically, have been one of the most damaging geologic processes occurring  
763 in Weber County. Most active landslides, and most older slides, have been mapped. The  
764 maps identify areas of landslides and slopes which are potentially unstable under static  
765 (non-earthquake) conditions, and are especially vulnerable under conditions of high to  
766 abnormally high precipitation, heavy snowmelt, or excessive water application due to  
767 irrigation or septic system discharge. Landslides can damage structures, roads, railroads  
768 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and  
769 water mains, all of which can add water to the slide plane and promote further movement.  
770 Flooding may also be caused.

771 b. Many methods have been developed for reducing a landslide hazard. Proper planning and  
772 avoidance is the least expensive measure, if landslide-prone areas are identified early in  
773 the planning and development process. Care in site grading with proper compaction of fills  
774 and engineering of cut slopes is a necessary follow-up to good land use planning. Where  
775 avoidance is not feasible, various engineering techniques are available to stabilize slopes,  
776 including de-watering (draining), retaining structures, piles, bridging, weighting or  
777 buttressing slopes with compacted earth fills and drainage diversion. Since every landslide  
778 and unstable slope has differing characteristics, any development proposed within an  
779 identified landslide hazard area shall require the submittal and review of a study and  
780 report, as provided in Section 108-22-3. The study and report shall address slope stability  
781 (including natural or proposed cut slopes), evaluate slope-failure potential, effects of  
782 development and recommendations for mitigative measures. Slope stability analysis shall  
783 include potential for movement under static, development-induced and earthquake-induced  
784 conditions as well as likely groundwater conditions.

785 (3) Tectonic subsidence.

786 a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a  
787 valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such  
788 as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the  
789 ponding of water in areas with a shallow water table may be caused by tectonic  
790 subsidence. Certain structures which require gentle gradients or horizontal floors,  
791 particularly wastewater treatment facilities and sewer lines may be adversely affected.

792 b. Because subsidence may occur over large areas (tens of square miles), it is generally not  
793 practical to avoid the use of potentially affected land except in narrow areas of hazard due  
794 to lake shoreline flooding. For gravity-flow structures such as wastewater treatment  
795 facilities that are within areas of possible subsidence, it is advisable to consider the  
796 tolerance of such structures to slight changes in gradient. Some structures may have to be  
797 releveled after a large-magnitude earthquake. Critical facilities which contain dangerous  
798 substances should have safety features to protect the structure, its occupants and the  
799 environment from both tilting and flooding.

800 c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
801 techniques such as raising structures above expected flood levels and dikes can be built.  
802 Development adjacent to lakes or reservoirs shall be prohibited within three feet of  
803 elevation above projected lake levels to protect against natural rises from wet periods,  
804 storm waves and earthquake induced seiching, as well as hazards associated with tectonic  
805 subsidence.

- 806 d. Rises in the water table accompanying tectonic subsidence may cause water to pond,  
807 flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to  
808 the fault on the down dropped side.
- 809 e. The principal application of the identified tectonic subsidence areas is to make the public  
810 aware of the hazard and to indicate those areas where further study may be necessary.  
811 Site specific tectonic subsidence reports and studies are recommended only for critical  
812 facilities in areas of potential lake-margin and ponded shallow groundwater flooding.  
813 However, certain vulnerable facilities such as high cost wastewater treatment plants and  
814 hazardous waste facilities should also consider potential tilting.

815 (4) Rock fall.

- 816 a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County.  
817 As development advances higher onto the bench areas and into the canyons the risk from  
818 falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is  
819 water in outcrop discontinuities. Rock falls present a hazard because of the potential  
820 damage a large rock mass, traveling at a relatively high velocity, could cause to structures  
821 and personal safety. When new developments cannot be designed around a rock fall path,  
822 and hazard reduction measures must be considered, a study and report as provided in  
823 Section 108-22-3, is required. Mitigation shall require design by a Utah licensed  
824 geotechnical engineer, and may include rock stabilization techniques such as bolting, cable  
825 lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts,  
826 as well as deflection berms, slope benches, and rock catch fences to stop or at least slow  
827 down falling rocks. Strengthening a structure to withstand impact is an example of  
828 modifying what is at risk. Mitigation problems can arise when rock source areas are located  
829 on land not owned by the developer.
- 830 b. In areas where the rock fall hazard is present but very low, disclosure of a potential hazard  
831 to land owners and residents with an acknowledgment of risk and willingness to accept  
832 liability may be an acceptable alternative to avoidance or mitigation for single-family  
833 residences.

834 (5) Debris flows.

- 835 a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by  
836 weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in  
837 surges or pulses, due to gravity. They generally remain confined to stream channels in  
838 mountainous areas, but may reach and deposit debris over large areas on alluvial fans at  
839 and beyond canyon mouths.
- 840 b. The County debris flow hazard maps were constructed from the boundaries of active  
841 alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in  
842 areas identified as debris flow hazard areas shall be evaluated prior to approval of the  
843 proposed development. A study and report, as provided in Section 108-22-3, shall be  
844 prepared by an engineering geologist for any development proposed in or adjacent to a  
845 debris flow hazard area and shall include:
- 846 1. An analysis of the history of debris flow at the site based on subsurface exploration to  
847 determine the nature and thickness of debris flow and related alluvial fan deposits. If,  
848 in the engineering geologist's professional opinion, geologic conditions have changed  
849 enough to render a debris flow inactive, the analysis may estimate the nature and  
850 approximate thickness of the debris flow and related alluvial fan deposits in lieu of  
851 subsurface exploration.
  - 852 2. An analysis of the drainage basin's potential to produce debris flows based on the  
853 presence of debris slides and colluvium-filled slope concavities, and an estimate of  
854 the largest probable volumes likely to be produced during a single event.

- 855 3. An analysis of the stream channel to determine if the channel will supply additional  
856 debris, impede flow, or contain debris flows in the area of the proposed development.
- 857 4. An analysis of manmade structures upstream that may divert or deflect debris flows.
- 858 5. Recommendations concerning any channel improvements, flow modifications and  
859 catchment structures, direct protection structures or floodproofing measures, if  
860 necessary, in order to protect the development.

861 (6) Liquefaction areas.

- 862 a. Earthquake ground shaking causes a variety of phenomena which can damage structures  
863 and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to  
864 increase the pressure in the pore water between soil grains, which decreases the stresses  
865 between the grains. The loss of intergranular stress can cause the strength of some soils  
866 to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When  
867 liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures  
868 such as septic tanks and storage tanks may rise, and even gentle slopes may fail as  
869 liquefied soils and overlying materials move down slope.
- 870 b. Areas of potential liquefaction have been delineated and the following regulations and  
871 mitigation measures have been adopted in order to reduce the hazard and consequences.  
872 Areas of moderate to high liquefaction potential need not be avoided. Structural measures  
873 and site modification techniques are available to reduce a hazard. A site specific  
874 liquefaction study and report shall be required pursuant to Section 108-22-3, and shall be  
875 prepared by an engineering geologist and/or a state licensed geotechnical engineer and  
876 shall comply with the following:
- 877 1. Standard soil foundation study, for the proposed development, shall include  
878 liquefaction potential evaluation based upon depth to groundwater, soil types and  
879 ground failure hazard.
- 880 2. If liquefiable soils are present, standard penetration tests and/or cone penetration  
881 tests shall be required to determine critical accelerations needed to induce  
882 liquefaction.
- 883 3. The study and report shall include an accurate map of the area showing any proposed  
884 development, the location of bore holes and/or test pits, the site geology, and location  
885 and depths of any liquefiable soils noted, along with the probability of critical  
886 accelerations needed to induce liquefaction in these soils being exceeded for  
887 appropriate time periods.
- 888 4. The report shall include recommendations for hazard reduction techniques.

889 (7) Flood.

- 890 a. The floodplain standards are written to minimize the loss of life and property when floods  
891 do occur, not to ban development outright from the floodplain. In the event the following  
892 provisions conflict with those in Title 22 of the Weber County Code, the most restrictive  
893 shall apply. The Federal Emergency Management Agency (FEMA) has produced official  
894 floodplain maps, depicting areas of potential stream flooding for major drainages in Weber  
895 County.
- 896 b. FEMA recommends that no new development be permitted in the 100-year floodplain  
897 unless:
- 898 1. Detailed engineering study and reports, as required by Section 108-22-3, prepared by  
899 a state-licensed engineer, show that the proposed development will not increase the  
900 flood hazard to other property in the area. Recommendations shall be made for  
901 floodproofing or other mitigation techniques for development within flood hazard  
902 areas. (Site investigations for proposed development in lake-flooding areas near  
903 Great Salt Lake need only indicate the site elevation. Development proposals in areas

904 with elevations less than 4,218 feet will be reviewed with respect to lake-flooding  
905 potential and compatibility of proposed use.)

906 2. The proposed development is elevated above the 100-year flood base elevation.

907 3. For federally-insured loans, flood insurance is purchased from a company  
908 participating with the Federal Insurance Administration or a like private carrier.

909 c. The study and report, as may be required by Section 108-22-3, shall consider the  
910 following:

911 (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a  
912 hazard on all active alluvial fans identified on debris flow hazard maps. The  
913 hazard from such flooding shall be addressed and appropriate hazard reduction  
914 measures taken.

915 (ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped  
916 as areas of sheet flow flooding. The hazard from such flooding shall be addressed  
917 and appropriate hazard reduction measures taken.

918 (8) Other hazards.

919 a. As in many counties in the Western United States, development in the County is  
920 constrained by the presence of natural and manmade hazards. These hazards include, but  
921 are not limited to, avalanche, slope movement, soils categorized as having severe building  
922 limitations and slopes exceeding 30 percent.

923 b. Not all hazardous sites and conditions have been identified in the County. As a hazard or  
924 potential hazard becomes known, the County has discretion to require any study and  
925 report that is necessary to understand how the hazard or potential hazard may impact  
926 development. The study or report shall provide appropriate hazard mitigation measures.

927 Sec. 108-22-3. - Studies and reports required.

928 (a) Requirement for a study and report. Unless waived by the Planning Director or County Engineer  
929 for unique circumstances, or otherwise exempted in Section 108-22-5, any application for  
930 development on a parcel of land within a natural hazard study area shall be submitted to the  
931 planning division with two hard copies and one electronic (pdf) copy of a site-specific natural  
932 hazard study and report, where required for such development according to the following chart:

933

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Study Area	Surface Fault Rupture Study Area	Tectonic Subsidence Study Area	Flood Study Area	Other Hazardous Areas
Critical facilities	Yes	Yes	Yes	Recommended	Yes	As determined by the County Engineer
Industrial, commercial, or multifamily (4 or more units)	Yes	Yes	Yes	No	Yes	As determined by the County Engineer
Residential subdivisions	No**	Yes, unless otherwise provided by Section 108-22- 2(4)b.	Yes	No	Yes	As determined by the County Engineer
Residential, single lots/multifamily (less than 4 units)	No**	Yes, unless otherwise provided by Section 108-22- 2(4)b.	Yes	No	Yes	As determined by the County Engineer
**Although no study and report is required, disclosure is required as described in Section 108-22-4.						

- 934 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case  
 935 of a snow avalanche hazard, the study and report shall be prepared by an experienced  
 936 avalanche expert. The study and report shall be signed by the preparer and shall also include  
 937 the qualifications of the preparer.
- 938 (2) Each natural hazard study and report shall be site-specific and identify, to the extent  
 939 practicable, all known or suspected potential natural hazard(s) originating on-site or off-site  
 940 which present a reasonable likelihood of adversely affecting the particular property.
- 941 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals  
 942 200 feet or larger), showing the location and type of hazard with delineation of the  
 943 recommended setback distances from the hazard and the recommended location for structures.
- 944 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard  
 945 on the proposed development and occupants thereof in terms of the reasonable likelihood of  
 946 potential damage.
- 947 (5) Each natural hazard study and report shall contain recommendations for avoidance or  
 948 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

949 Section 108-22-1 of this chapter. The evidence on which recommendations and conclusions are  
950 based shall be clearly stated in the report.

951 (6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs,  
952 references with citations, and other supporting information, as applicable, shall also be included  
953 in each natural hazard study and report.

954 (b) Review of the study and report. In order to fulfill the purposes of this chapter, the Land Use Authority  
955 shall review any proposed development which requires preparation of a natural hazard study and  
956 report under this chapter to determine the possible risks to the safety of persons or property from a  
957 natural hazard.

958 (1) Prior to consideration by the Land Use Authority of any such development, the County Engineer  
959 may submit the study and report, and, if applicable, site specific plan, to outsourced qualified  
960 professionals for review and recommendation. Any cost for the review shall be paid by the  
961 applicant prior to any Land Use Authority action.

962 (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,  
963 or specific types of information presented in the study and report if industry standards of care  
964 were not used. All conclusions of the study and report shall be supported by adequate data.

965 (3) The County Engineer shall prepare a final review and recommendation of an acceptable study  
966 and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

967 (4) Whenever the Land Use Authority determines that an area is subject to a natural hazard which  
968 present an unreasonable risk to the safety of persons or property, including public streets, such  
969 area shall not be approved for development unless the applicant can demonstrate that such a  
970 risk can be reduced to a reasonable and acceptable level in a manner which has a minimum  
971 effect on the natural environment.

972 (5) The Land Use Authority may set requirements or conditions necessary to reduce the risks from  
973 a natural hazard as a condition to the approval of any development which requires preparation  
974 of a natural hazard study and report.

975 (c) Study and report verification. The project engineering geologist shall submit with the study a signed  
976 and sealed verification letter stating that the study was conducted in accordance with industry  
977 standards of care, and that it complies with this Land Use Code and all other applicable laws. Written  
978 verification shall be provided from the issuer of professional errors and omissions liability insurance,  
979 in the amount of one million dollars (\$1,000,000.00), which covers the engineering geologist, and  
980 which is in effect on the date of preparation of all required studies and reports.

981 (d) Development design verification. Whenever possible, avoidance of development in an area with an  
982 identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,  
983 development in an area with an identified natural hazard shall be permitted when it is designed to  
984 mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not  
985 be accepted by the County unless:

986 (1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County  
987 with a signed and sealed verification letter stating that, pursuant to the considerations, findings,  
988 recommendations, and conclusions of the development's engineering geologist's study and  
989 report, the development has been designed to mitigate, and is reasonably safe from, the  
990 identified hazard.

991 (2) The development's engineering geologist submits a signed and sealed verification letter stating  
992 that the final design of the development adequately provides for the considerations, findings,  
993 recommendations, and conclusions of the study and report, and is reasonably safe from the  
994 identified hazard.

995 (3) Written verification is provided from the issuer(s) of professional errors and omissions liability  
996 insurance, in the amount of one million dollars (\$1,000,000.00), which covers the engineering

**Comment [c14]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

**Comment [c15]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

**Comment [c16]:** This word, and its use in throughout this subsection, has been changed from previous versions.

997 geologist and state licensed engineer(s), and which is in effect on the date of preparation of all  
998 required reports and certifications.

999 **Sec. 108-22-4. - Disclosure required.**

1000 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:

1001 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

1002 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision  
1003 plat shall be required, which provide:

1004 a. Notice that the parcel is located within a natural hazard study area;

1005 b. Notice that a natural hazard study and report is available for public inspection in the  
1006 County Planning Division Office;

1007 c. Notice that a hazard has been identified on the parcel and the type and severity of the  
1008 hazard;

1009 d. The professional who prepared the report, with his or her contact information; and

1010 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the  
1011 Land Use Authority.

1012 (b) When a natural hazard report is not required, but where the parcel is located within a natural hazard  
1013 study area, notice that the parcel is located within such an area shall be recorded running with the  
1014 land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the  
1015 County Engineer and County Attorney.

1016 (c) The natural hazard ordinance codified in this chapter and natural hazard map represent only those  
1017 potentially hazardous areas known to the County, and shall not be construed to include all possible  
1018 potential hazard areas. The natural hazards listed in this chapter may be amended as new  
1019 information becomes available. The provisions of this chapter do not in any way assure or imply that  
1020 areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This  
1021 chapter shall not create liability on the part of the County, any officer or employee thereof for any  
1022 damages from a natural hazard that result from reliance on this chapter or any administrative  
1023 requirement or decision lawfully made thereunder.

1024 **Sec. 108-22-5. - Exemptions from natural hazard study and report.**

1025 A proposed structure that is not a structure designed for human occupancy shall not be required to  
1026 provide a natural hazard report, except a report shall be provided for a critical facility if required by  
1027 Section 108-22-3.

1028 **Sec. 108-22-6. - Costs to be the responsibility of the developer/applicant.**

1029 Any of the above described technical reports and/or studies shall be performed by qualified  
1030 professionals on behalf of the applicant. The cost of outsourced qualified professionals used by the  
1031 County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other  
1032 costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses  
1033 shall be solely the responsibility of the applicant and not the County.

1034 **Sec. 108-22-7. - Change of use.**

1035 No change in use which results in the conversion of a building or structure not designed for human  
1036 occupancy to one designed for human occupancy shall be permitted unless the building or structure  
1037 complies with the provisions of this chapter.

1038 **Sec. 108-22-8. - Conflict between boundaries of study area or identified hazard.**

**Comment [c17]:** This section is being changed to remove the word "covenant." A covenant has a very specific legal meaning. The point of this section is to provide notice, not a covenant. On a related amendment herein, see §106-1-8(g).

**Comment [c18]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

1039 Where there is a conflict between the boundaries of an identified natural hazard study area and  
1040 actual field conditions, or where detailed investigations show that the identified hazard is not present  
1041 within a particular area, the conflict shall be settled as follows:

1042 (1) The person disputing the natural hazard study area boundary shall submit technical and  
1043 geologic evidence to support such claim to the County Engineer in the form of a site-specific  
1044 natural hazard report.

1045 (2) The County Engineer may request outsourced qualified professionals to review the evidence  
1046 and make a recommendation prior to making a final written decision concerning the dispute.  
1047 The cost of the outsourced qualified professional's review shall be paid by the person disputing  
1048 the boundary.

1049 (3) The County Engineer may allow modifications to the boundary only if the evidence clearly and  
1050 conclusively establishes that the natural hazard study area boundary location is incorrect, or  
1051 that the identified hazard is not present within a particular area.

1052

1053 **Sec. 108-22-9. - Appeals.**

1054 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the  
1055 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
1056 Adjustment, of this Land Use Code.

1057 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
1058 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
1059 the sole purpose of determining those technical aspects<sup>2</sup>.

1060 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
1061 related to:

1062 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
1063 types of information presented in a study or report;

1064 b. the review and recommendation of an acceptable study or report for the Land Use  
1065 Authority's consideration;

1066 c. the interpretation or application of any technical provisions of a study or report that is  
1067 required by this chapter; or

1068 d. the modification of a natural hazard study area boundary.

1069 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
1070 this subsection, the County shall assemble the panel consisting of:

1071 a. one qualified professional designated by the County;

1072 b. one qualified professional designated by the applicant; and

1073 c. one qualified professional chosen jointly by the County's designated qualified professional  
1074 and the applicant's designated qualified professional.

1075 (3) A member of the panel may not be associated with the application that is the subject of the  
1076 appeal.

1077 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

1078 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
1079 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

<sup>2</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

1 **Title 101 - GENERAL PROVISIONS**

2 ...

3 **Sec. 101-1-7. - Definitions.**

4 ...

5 Building parcel designation. The term "building parcel designation" means two or more lots within an  
6 approved subdivision are recognized as one lot for building purposes.

7 ...

8 Geologic and Geotechnical terms.

9 Active fault. The term "active fault" means a seismic (earthquake) fault displaying evidence of  
10 greater than four inches of surface displacement along one or more of its traces during Holocene  
11 time (approximately 10,000 years ago to the present).

12 Active landslide. The term "active landslide" means a landslide which is known to have moved  
13 or deformed and which has not been proven to be stable by a geotechnical investigation.

14 Aquifer. The term "aquifer" means a geological unit in which porous and permeable conditions  
15 exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

16 Aquifer recharge. The term "aquifer recharge" area means an area that has soils and geological  
17 features that are conducive to allowing significant amounts of surface water to percolate into  
18 groundwater.

19 Area of deformation. See "zone of deformation."

20 Critical acceleration. The term "critical acceleration" means the minimum amount of ground  
21 acceleration during seismically induced ground movement required to induce liquefaction or other  
22 forms of ground disruption.

23 Critical facilities. The term "critical facilities" means:

24 (1) Lifelines such as major communication, utility and transportation facilities and their  
25 connection to emergency facilities;

26 (2) Essential facilities, such as:

27 a. Hospitals and other medical facilities having surgery and emergency treatment areas;

28 b. Fire and police stations;

29 c. Tanks or other structures containing, housing, or supporting water or other fire-  
30 suppression materials or equipment required for the protection of essential or  
31 hazardous facilities, or special occupancy structures;

32 d. Emergency vehicle shelters and garages;

33 e. Structures and equipment in emergency-preparedness centers;

34 f. Standby power generating equipment for essential facilities;

35 g. Structures and equipment in government communication centers and other facilities  
36 required for emergency response;

37 (3) Hazardous facilities such as structures housing, supporting or containing sufficient  
38 quantities of toxic or explosive substances to be dangerous to the safety of the general  
39 public if released; or

- 40 (4) Special occupancy structures, such as:
- 41 a. Covered structures whose primary occupancy is public assembly (capacity greater
- 42 than 300 persons);
- 43 b. Buildings for schools through secondary or day care centers (capacity greater than 50
- 44 students);
- 45 c. Buildings for colleges or adult education schools (capacity greater than 50 students);
- 46 d. Medical facilities with 50 or more resident incapacitated patients, but not included
- 47 above;
- 48 e. Jails and detention facilities;
- 49 f. All structures with occupancy greater than 5,000 persons;
- 50 g. Structures and equipment in power-generating stations and other public utility facilities
- 51 not included above, and required for continued operation;
- 52 h. Unique or large structures whose failure might be catastrophic, such as dams holding
- 53 over ten acre feet of water.

54 Debris flow. The term "debris flow" means a mass of rock fragments, soil, and mud which, when

55 wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if

56 present on an alluvial/debris fan surface.

57 Engineering geologist. The term "engineering geologist" means a geologist who, through

58 education, training and experience, is able to assure that geologic factors affecting engineering

59 works are recognized, adequately interpreted and presented for use in engineering practice and for

60 the protection of the public. This person shall have:

- 61 (1) At least a four-year degree in geology, engineering geology, or a related field from an
- 62 accredited university; and
- 63 (2) At least three full years of experience in a responsible position in the field of engineering
- 64 geology.
- 65 (3) A Utah State Professional Geologist's license.

66 Engineering geology. The term "engineering geology" means the application of geological data

67 and principles to engineering problems dealing with naturally occurring rock and soil for the purposes

68 of assuring that geological factors are recognized and adequately interpreted in engineering practice.

69 Fault. The term "fault" means a fracture in the earth's crust forming a boundary between rock or

70 soil masses that have moved relative to each other (also see "active fault").

71 Fault scarp. The term "fault scarp" means a steep slope or cliff formed directly by movement

72 along a fault.

73 Fault trace. The term "fault trace" means the intersection of the fault plane with the ground

74 surface.

75 Fault zone. The term "fault zone" means a corridor of variable width along one or more fault

76 traces.

77 Geotechnical report. The term "geotechnical report" means a technical report or study prepared

78 by a geotechnical professional who is qualified in the field of expertise examined and analyzed in

79 such a report. A person shall be considered "qualified" upon presentation of credentials providing

80 recognition in the professional field, an academic degree from an accredited college or university in

81 geology, geotechnics and/or geotechnical engineering.

82 Landslide. The term "landslide" means a general term for the down slope movement of a mass

83 of soil, surficial deposits or bedrock.

84 Liquefaction. The term "liquefaction" means a process by which certain water saturated soils  
85 lose bearing strength because of ground shaking and increase of groundwater pore pressure.  
86 Liquefaction potential categories depend on the probability of having an earthquake within a 100-  
87 year period that will be strong enough to cause liquefaction in those zones. High liquefaction  
88 potential means that there is a 50% probability of having an earthquake within a 100-year period that  
89 will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and  
90 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

91 Natural hazard. The term "natural hazard" means any hazard listed in Section 108-22-2,  
92 including, but not limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic  
93 subsidence, landslide and other hazards.

94 Natural hazard map. The term "natural hazard map" means any map that has been published  
95 by a qualified professional or applicable governmental agency, which contains the best available  
96 information, as determined by the County Engineer, and which delineates a potential natural hazard.

97 Natural hazard study area. The term "natural hazard study area" means any area identified on  
98 any natural hazard map or within any natural hazard studies or reports as having potential for being  
99 a natural hazard. In addition, the County Engineer has discretion to identify a natural hazard study  
100 area as a new hazard or potential hazard becomes known.

101 Rock fall. The term "rock fall" means the gravity-induced drop of a newly detached segment of  
102 bedrock or perched rock of any size from a cliff or steep slope.

103 Structure designed for human occupancy. The term "structure designed for human occupancy"  
104 means any residential dwelling or any other structure used or intended for supporting or sheltering  
105 any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours  
106 per year.

107 Zone of deformation. The term "zone of deformation" means the zone along a fault in which  
108 natural soil and rock materials are disturbed as a result of movement along the fault.

109 ...

## 110 Title 102 - ADMINISTRATION

### 111 CHAPTER 1. - GENERAL PROVISIONS

#### 112 Sec. 102-1-1. - Purpose and intent.

113 The purpose of this section is to establish regulations and procedures for the processing and  
114 consideration of applications allowed by this Land Use Code.

#### 115 Sec. 102-1-2. - Planning director authority.

116 (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an  
117 application for an administrative approval. Administrative approval can be given for the following  
118 applications:

119 (1) Site plan approval, when required by this Land Use Code, for which the Land Use Authority is not  
120 otherwise specified by this Land Use Code;

121 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one  
122 acre, as provided in Section 108-1-2;

123 (3) Home occupation, as provided in Section 108-13-2;

124 (4) Building parcel designation, as provided in Section 108-7-33;

125 (5) Small subdivisions, as provided in Section 106-1-8(f) of this Land Use Code; and

126 (6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a  
127 lot/parcel at a location other than across the front lot line, as provided in Title 108, Chapter 7 of this  
128 Land Use Code.

129 (b) The planning director may deny an application for an administrative approval if the use fails to  
130 comply with specific standards set forth in this Land Use Code or if any of the required findings are  
131 not supported by evidence in the record as determined by the director. At the discretion of the  
132 planning director, the planning commission can hear the request for an administrative approval.

133 (c) The planning director approval process includes public notice and comment from adjacent property  
134 owners, when required by this Land Use Code or state code.

135 ...

136 **Sec. 102-1-4. - Notice of decision.**

137 After reviewing the evidence and considering the application, the Land Use Authority, as designated  
138 by this Land Use Code, shall make its findings and decision. It shall then send a notice of decision to the  
139 applicant at the address or e-mail address given in the application. A notice of decision can be a written  
140 notice of decision, a copy of the written administrative approval signed by the planning director or  
141 designee, or a copy of the approved minutes. A decision by the Land Use Authority is final at the time the  
142 notice of decision is sent. If a notice of decision is not sent, and the decision was made in a meeting  
143 where minutes are kept, the decision shall be final on the date the minutes from the meeting are  
144 approved by the Land Use Authority. The planning division shall also mail notice of any decisions to any  
145 person or agency who, in writing, requested such notification before the decision was rendered. Unless  
146 the Land Use Authority's final decision specifies otherwise, the Land Use Authority's decision is subject to  
147 requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes.

148 ...

149 **Title 104 - ZONES**

150 ...

151 **CHAPTER 27. - RESERVED**

152 ...

153 **Title 106 - SUBDIVISIONS**

154 ...

155 **CHAPTER 1. - GENERAL PROVISIONS**

156 ...

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

158 ... (g) *Additional provisions.* The Land Use Authority may impose conditions of approval as may be  
159 necessary to assure compliance with this Land Use Code. Unusual site specific conditions or  
160 restrictions applied to the development of a lot or lots attributed to topography, geologic or  
161 environmental conditions or potential hazards, location, or other site specific conditions or restrictions  
162 authorized by this Land Use Code shall be identified in the actual location of the condition or  
163 restriction on the subdivision drawing. A notice of the unusual site specific condition or restriction  
164 shall be recorded to run with the lot or lots affected.

165 ...

166 **Title 108 - STANDARDS**

167 ...

168 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

169 ...

170 **Sec. 108-7-33. - Building parcel designation**

171 (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes  
172 without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

173 (b) A building parcel designation shall be approved provided that:

174 (1) An application shall be submitted on a form approved by the Planning Director;

175 (2) The application shall include a copy of the subdivision plat;

176 (3) All lots proposed to be combined shall be under the same ownership;

177 (4) No additional lot shall be created; and

178 (5) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or  
179 PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision  
180 plat.

181 ...

182 **CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS**

183 **Sec. 108-14-1. - Purpose and intent.**

184 (a) It is recognized that the general provisions, definitions, procedures, improvements and design  
185 requirements, standards and principles set out in the Land Use Code of Weber County require  
186 supplementation to protect and preserve the public health, safety, and welfare in regard to hillside  
187 terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive  
188 areas, such features as special soil conditions, steep terrain, highly combustible native vegetation,  
189 and other conditions may pose serious potential consequences such as increased fire, flood or  
190 erosion hazards, traffic circulation problems, sewage disposal problems, property damage from  
191 extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic  
192 beauty and unsightly developments. Such consequences may be avoided if special consideration is  
193 given to areas where one or more such conditions exist.

194 (b) In the administration of the provisions of this chapter, the hillside development review board shall  
195 strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging  
196 and requiring, where necessary, the following:

197 (1) A minimum amount of grading which preserves the natural contours of the land.

198 (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard  
199 results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the  
200 natural scenic beauty.

201 (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills  
202 and avoid permanent scarring of hillsides.

203 (4) Placement of building sites in such a manner as to permit ample room for adequate defensible  
204 area as defined by the fire code, landscaping and drainage between and around the buildings.

- 205 (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with  
206 respect to building sites and to road cross-sections.
- 207 (6) Lot and structure designs and location which will be appropriate in order to reduce grading and  
208 natural topographic disturbance.
- 209 (7) Cluster type development or other new concepts and techniques, where appropriate, in order to  
210 eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- 211 (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain  
212 necessary cut and fill slopes in order to stabilize them with plant roots or other materials,  
213 thereby preventing erosion and to conceal the raw soil from view.

214 ...

215 **Sec. 108-14-3. - Applicability.**

- 216 (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or  
217 exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an  
218 application request for land use and building permits. Hillside Review is required as part of the  
219 preliminary subdivision review. This requirement may be waived by the Planning Director and the  
220 County Engineer on a case-by-case basis.
- 221 (b) The planning division shall not issue any land use permits, and the building official shall not issue  
222 any building permits until detailed plans and engineered drawings have been submitted to, and  
223 approved by the hillside development review board. Any condition attached to such approval by said  
224 board shall be a condition required with the issuance of land use permit. All parcels, subdivisions,  
225 lots, roads and accesses may come under consideration of the review board if requested by the  
226 owner, developer, or review agency. Other circumstances may warrant a review as found in the Title  
227 108 Chapter 22 – Natural Hazard Areas.

228 **Sec. 108-14-4. - Procedure.**

229 Application plans and applications of the proposed development and any relevant information  
230 regarding building and excavation of the site are to be submitted to the planning division. Information shall  
231 include, but not be limited to the following:

- 232 (1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- 233 (2) Site plan with contours.
- 234 (3) Cross sections of improvements.
- 235 (4) Retaining wall designs with engineers stamp (if applicable).
- 236 (5) Geotechnical report (site specific for structures) and, if applicable, verification of compliance  
237 with the requirements of Title 108, Chapter 22 - Natural Hazard Areas.
- 238 (6) Other studies and/or information deemed necessary by the members of the board.
- 239 (7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution  
240 prevention plan (SWPPP) shall be required at the time of application. Erosion control  
241 landscaping on cuts, fills and other locations, considered necessary by the review board, shall  
242 be provided in order to prevent erosion.
- 243 (8) A landscape plan as per Section 108-14-10.

244 ...

245 **Sec. 108-14-9. – Reserved.**

246 ...

247 **Sec. 108-14-11. - Appeals.**

- 248 (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the  
249 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
250 Adjustment, of this Land Use Code.
- 251 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
252 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
253 the sole purpose of determining those technical aspects<sup>1</sup>.
- 254 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
255 related to:
- 256 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
257 types of information presented in a study or report;
  - 258 b. the review and recommendation of an acceptable study or report for the Land Use  
259 Authority's consideration; or
  - 260 c. the interpretation or application of any technical provisions of a study or report that is  
261 required by this chapter.
- 262 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
263 this subsection, the County shall assemble the panel consisting of:
- 264 a. one qualified professional designated by the County;
  - 265 b. one qualified professional designated by the applicant; and
  - 266 c. one qualified professional chosen jointly by the County's designated qualified professional  
267 and the applicant's designated qualified professional.
- 268 (3) A member of the panel may not be associated with the application that is the subject of the  
269 appeal.
- 270 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.
- 271 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
272 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

273 ...

274 **CHAPTER 22. – NATURAL HAZARD AREAS**

275 **Sec. 108-22-1. - Purpose and intent.**

- 276 (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines  
277 and standards, in order to protect the health, welfare and safety of the citizens of the County, and to  
278 minimize potential effects of natural and manmade hazards by identifying known hazardous areas.  
279 This portion of the chapter specifies the areas for which an environmental analysis shall be  
280 performed prior to development, the content of the analysis and the procedure by which  
281 development applications requiring the analysis are reviewed and processed.
- 282 (b) The County recognizes individual property rights and shall make every effort to balance the right of  
283 the individual property owner with the health, welfare, safety and the common good of the general  
284 public.

285 **Sec. 108-22-2. - Potential hazards.**

286 The following potential hazards have been identified:

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<sup>1</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

287 (1) Surface-fault ruptures.

- 288 a. Surface faulting has been identified as a potential hazard in the County. Maps have been  
289 produced delineating the known area where a hazard may exist from surface fault ruptures.  
290 Broad subsidence of the valleys accompanying surface faulting may affect areas several  
291 miles away from the fault. These effects are not considered here, but are covered in  
292 subsection 3 of this section.
- 293 b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake  
294 which produces surface faulting, offsets of six feet or more may occur on the main trace of  
295 the fault zone. This offset will result in formation of a near-vertical scarp, generally in  
296 unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle  
297 of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may  
298 also form, generally exhibiting a lesser amount of offset, but sometimes as much as  
299 several feet. The zone between these two faults may be complexly faulted and tilted with  
300 offset along minor faults of several inches or more.
- 301 c. Based upon this data, it is difficult, both technically and economically, to design a structure  
302 to withstand six feet or more of offset through its foundation. Thus, avoidance of the main  
303 traces of the fault is the principal risk reduction technique that can be reasonably taken.
- 304 d. No critical facility (excluding transportation lines or utilities which by their nature may cross  
305 active faults) or structure designed for human occupancy shall be built astride an active  
306 fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study  
307 and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some  
308 areas adjacent to the main trace but still within the zone of deformation, avoidance may not  
309 be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may  
310 occur and structural measures may be taken to reduce casualties and damage. However,  
311 structural damage may still be great, and buildings in the zone of deformation may not be  
312 safe for occupants following a large earthquake.
- 313 e. Due to the scale used to map these zones, there is not enough detail to delineate all fault  
314 traces and zones of deformation at a particular location, therefore, site specific plans,  
315 studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use  
316 Code, for development in or adjacent to the delineated areas.
- 317 f. Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in  
318 the setback may be considered if the report presents evidence to justify a reduction  
319 acceptable to the Land Use Authority, after recommendation from the County Engineer.

320 (2) Landslide.

- 321 a. Landslides, historically, have been one of the most damaging geologic processes occurring  
322 in Weber County. Most active landslides, and most older slides, have been mapped. The  
323 maps identify areas of landslides and slopes which are potentially unstable under static  
324 (non-earthquake) conditions, and are especially vulnerable under conditions of high to  
325 abnormally high precipitation, heavy snowmelt, or excessive water application due to  
326 irrigation or septic system discharge. Landslides can damage structures, roads, railroads  
327 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and  
328 water mains, all of which can add water to the slide plane and promote further movement.  
329 Flooding may also be caused.
- 330 b. Many methods have been developed for reducing a landslide hazard. Proper planning and  
331 avoidance is the least expensive measure, if landslide-prone areas are identified early in  
332 the planning and development process. Care in site grading with proper compaction of fills  
333 and engineering of cut slopes is a necessary follow-up to good land use planning. Where  
334 avoidance is not feasible, various engineering techniques are available to stabilize slopes,  
335 including de-watering (draining), retaining structures, piles, bridging, weighting or  
336 buttressing slopes with compacted earth fills and drainage diversion. Since every landslide  
337 and unstable slope has differing characteristics, any development proposed within an

338 identified landslide hazard area shall require the submittal and review of a study and  
339 report, as provided in Section 108-22-3. The study and report shall address slope stability  
340 (including natural or proposed cut slopes), evaluate slope-failure potential, effects of  
341 development and recommendations for mitigative measures. Slope stability analysis shall  
342 include potential for movement under static, development-induced and earthquake-induced  
343 conditions as well as likely groundwater conditions.

344 (3) Tectonic subsidence.

- 345 a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a  
346 valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such  
347 as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the  
348 ponding of water in areas with a shallow water table may be caused by tectonic  
349 subsidence. Certain structures which require gentle gradients or horizontal floors,  
350 particularly wastewater treatment facilities and sewer lines may be adversely affected.
- 351 b. Because subsidence may occur over large areas (tens of square miles), it is generally not  
352 practical to avoid the use of potentially affected land except in narrow areas of hazard due  
353 to lake shoreline flooding. For gravity-flow structures such as wastewater treatment  
354 facilities that are within areas of possible subsidence, it is advisable to consider the  
355 tolerance of such structures to slight changes in gradient. Some structures may have to be  
356 releveled after a large-magnitude earthquake. Critical facilities which contain dangerous  
357 substances should have safety features to protect the structure, its occupants and the  
358 environment from both tilting and flooding.
- 359 c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
360 techniques such as raising structures above expected flood levels and dikes can be built.  
361 Development adjacent to lakes or reservoirs shall be prohibited within three feet of  
362 elevation above projected lake levels to protect against natural rises from wet periods,  
363 storm waves and earthquake induced seiching, as well as hazards associated with tectonic  
364 subsidence.
- 365 d. Rises in the water table accompanying tectonic subsidence may cause water to pond,  
366 flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to  
367 the fault on the down dropped side.
- 368 e. The principal application of the identified tectonic subsidence areas is to make the public  
369 aware of the hazard and to indicate those areas where further study may be necessary.  
370 Site specific tectonic subsidence reports and studies are recommended only for critical  
371 facilities in areas of potential lake-margin and ponded shallow groundwater flooding.  
372 However, certain vulnerable facilities such as high cost wastewater treatment plants and  
373 hazardous waste facilities should also consider potential tilting.

374 (4) Rock fall.

- 375 a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County.  
376 As development advances higher onto the bench areas and into the canyons the risk from  
377 falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is  
378 water in outcrop discontinuities. Rock falls present a hazard because of the potential  
379 damage a large rock mass, traveling at a relatively high velocity, could cause to structures  
380 and personal safety. When new developments cannot be designed around a rock fall path,  
381 and hazard reduction measures must be considered, a study and report as provided in  
382 Section 108-22-3, is required. Mitigation shall require design by a Utah licensed  
383 geotechnical engineer, and may include rock stabilization techniques such as bolting, cable  
384 lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts,  
385 as well as deflection berms, slope benches, and rock catch fences to stop or at least slow  
386 down falling rocks. Strengthening a structure to withstand impact is an example of  
387 modifying what is at risk. Mitigation problems can arise when rock source areas are located  
388 on land not owned by the developer.

389 b. In areas where the rock fall hazard is present but very low, disclosure of a potential hazard  
390 to land owners and residents with an acknowledgment of risk and willingness to accept  
391 liability may be an acceptable alternative to avoidance or mitigation for single-family  
392 residences.

393 (5) Debris flows.

394 a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by  
395 weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in  
396 surges or pulses, due to gravity. They generally remain confined to stream channels in  
397 mountainous areas, but may reach and deposit debris over large areas on alluvial fans at  
398 and beyond canyon mouths.

399 b. The County debris flow hazard maps were constructed from the boundaries of active  
400 alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in  
401 areas identified as debris flow hazard areas shall be evaluated prior to approval of the  
402 proposed development. A study and report, as provided in Section 108-22-3, shall be  
403 prepared by an engineering geologist for any development proposed in or adjacent to a  
404 debris flow hazard area and shall include:

405 1. An analysis of the history of debris flow at the site based on subsurface exploration to  
406 determine the nature and thickness of debris flow and related alluvial fan deposits. If,  
407 in the engineering geologist's professional opinion, geologic conditions have changed  
408 enough to render a debris flow inactive, the analysis may estimate the nature and  
409 approximate thickness of the debris flow and related alluvial fan deposits in lieu of  
410 subsurface exploration.

411 2. An analysis of the drainage basin's potential to produce debris flows based on the  
412 presence of debris slides and colluvium-filled slope concavities, and an estimate of  
413 the largest probable volumes likely to be produced during a single event.

414 3. An analysis of the stream channel to determine if the channel will supply additional  
415 debris, impede flow, or contain debris flows in the area of the proposed development.

416 4. An analysis of manmade structures upstream that may divert or deflect debris flows.

417 5. Recommendations concerning any channel improvements, flow modifications and  
418 catchment structures, direct protection structures or floodproofing measures, if  
419 necessary, in order to protect the development.

420 (6) Liquefaction areas.

421 a. Earthquake ground shaking causes a variety of phenomena which can damage structures  
422 and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to  
423 increase the pressure in the pore water between soil grains, which decreases the stresses  
424 between the grains. The loss of intergranular stress can cause the strength of some soils  
425 to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When  
426 liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures  
427 such as septic tanks and storage tanks may rise, and even gentle slopes may fail as  
428 liquefied soils and overlying materials move down slope.

429 b. Areas of potential liquefaction have been delineated and the following regulations and  
430 mitigation measures have been adopted in order to reduce the hazard and consequences.  
431 Areas of moderate to high liquefaction potential need not be avoided. Structural measures  
432 and site modification techniques are available to reduce a hazard. A site specific  
433 liquefaction study and report shall be required pursuant to Section 108-22-3, and shall be  
434 prepared by an engineering geologist and/or a state licensed geotechnical engineer and  
435 shall comply with the following:

- 436 1. Standard soil foundation study, for the proposed development, shall include  
437 liquefaction potential evaluation based upon depth to groundwater, soil types and  
438 ground failure hazard.
- 439 2. If liquefiable soils are present, standard penetration tests and/or cone penetration  
440 tests shall be required to determine critical accelerations needed to induce  
441 liquefaction.
- 442 3. The study and report shall include an accurate map of the area showing any proposed  
443 development, the location of bore holes and/or test pits, the site geology, and location  
444 and depths of any liquefiable soils noted, along with the probability of critical  
445 accelerations needed to induce liquefaction in these soils being exceeded for  
446 appropriate time periods.
- 447 4. The report shall include recommendations for hazard reduction techniques.

448 (7) Flood.

- 449 a. The floodplain standards are written to minimize the loss of life and property when floods  
450 do occur, not to ban development outright from the floodplain. In the event the following  
451 provisions conflict with those in Title 22 of the Weber County Code, the most restrictive  
452 shall apply. The Federal Emergency Management Agency (FEMA) has produced official  
453 floodplain maps, depicting areas of potential stream flooding for major drainages in Weber  
454 County.
- 455 b. FEMA recommends that no new development be permitted in the 100-year floodplain  
456 unless:
- 457 1. Detailed engineering study and reports, as required by Section 108-22-3, prepared by  
458 a state-licensed engineer, show that the proposed development will not increase the  
459 flood hazard to other property in the area. Recommendations shall be made for  
460 floodproofing or other mitigation techniques for development within flood hazard  
461 areas. (Site investigations for proposed development in lake-flooding areas near  
462 Great Salt Lake need only indicate the site elevation. Development proposals in areas  
463 with elevations less than 4,218 feet will be reviewed with respect to lake-flooding  
464 potential and compatibility of proposed use.)
- 465 2. The proposed development is elevated above the 100-year flood base elevation.
- 466 3. For federally-insured loans, flood insurance is purchased from a company  
467 participating with the Federal Insurance Administration or a like private carrier.
- 468 c.. The study and report, as may be required by Section 108-22-3, shall consider the  
469 following:
- 470 (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a  
471 hazard on all active alluvial fans identified on debris flow hazard maps. The  
472 hazard from such flooding shall be addressed and appropriate hazard reduction  
473 measures taken.
- 474 (ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped  
475 as areas of sheet flow flooding. The hazard from such flooding shall be addressed  
476 and appropriate hazard reduction measures taken.

477 (8) Other hazards.

- 478 a. As in many counties in the Western United States, development in the County is  
479 constrained by the presence of natural and manmade hazards. These hazards include, but  
480 are not limited to, avalanche, slope movement, soils categorized as having severe building  
481 limitations and slopes exceeding 30 percent.
- 482 b. Not all hazardous sites and conditions have been identified in the County. As a hazard or  
483 potential hazard becomes known, the County has discretion to require any study and

484 report that is necessary to understand how the hazard or potential hazard may impact  
485 development. The study or report shall provide appropriate hazard mitigation measures.

486 **Sec. 108-22-3. - Studies and reports required.**

487 (a) *Requirement for a study and report.* Unless otherwise exempted in Section 108-22-5, any  
488 application for development on a parcel of land within a natural hazard study area shall be  
489 submitted to the planning division with two hard copies and one electronic (pdf) copy of a site-  
490 specific natural hazard study and report, where required for such development according to the  
491 following chart:

492

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Study Area	Surface Fault Rupture Study Area	Tectonic Subsidence Study Area	Flood Study Area	Other Hazardous Areas
Critical facilities	Yes	Yes	Yes	Recommended	Yes	As determined by the County Engineer
Industrial, commercial, or multifamily (4 or more units)	Yes	Yes	Yes	No	Yes	As determined by the County Engineer
Residential subdivisions	No**	Yes, unless otherwise provided by Section 108-22- 2(4)b.	Yes	No	Yes	As determined by the County Engineer
Residential, single lots/multifamily (less than 4 units)	No**	Yes, unless otherwise provided by Section 108-22- 2(4)b.	Yes	No	Yes	As determined by the County Engineer
**Although no study and report is required, disclosure is required as described in Section 108-22-4.						

- 493 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case  
 494 of a snow avalanche hazard, the study and report shall be prepared by an experienced  
 495 avalanche expert. The study and report shall be signed by the preparer and shall also include  
 496 the qualifications of the preparer.
- 497 (2) Each natural hazard study and report shall be site-specific and identify, to the extent  
 498 practicable, all known or suspected potential natural hazard(s) originating on-site or off-site  
 499 which present a reasonable likelihood of adversely affecting the particular property.
- 500 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals  
 501 200 feet or larger), showing the location and type of hazard with delineation of the  
 502 recommended setback distances from the hazard and the recommended location for structures.
- 503 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard  
 504 on the proposed development and occupants thereof in terms of the reasonable likelihood of  
 505 potential damage.
- 506 (5) Each natural hazard study and report shall contain recommendations for avoidance or  
 507 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

- 508 Section 108-22-1 of this chapter. The evidence on which recommendations and conclusions are  
509 based shall be clearly stated in the report.
- 510 (6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs,  
511 references with citations, and other supporting information, as applicable, shall also be included  
512 in each natural hazard study and report.
- 513 (b) *Review of the study and report.* In order to fulfill the purposes of this chapter, the Land Use Authority  
514 shall review any proposed development which requires preparation of a natural hazard study and  
515 report under this chapter to determine the possible risks to the safety of persons or property from a  
516 natural hazard.
- 517 (1) Prior to consideration by the Land Use Authority of any such development, the County Engineer  
518 may submit the study and report, and, if applicable, site specific plan, to outsourced qualified  
519 professionals for review and recommendation. Any cost for the review shall be paid by the  
520 applicant prior to any Land Use Authority action.
- 521 (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,  
522 or specific types of information presented in the study and report if industry standards of care  
523 were not used. All conclusions of the study and report shall be supported by adequate data.
- 524 (3) The County Engineer shall prepare a final review and recommendation of an acceptable study  
525 and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.
- 526 (4) Whenever the Land Use Authority determines that an area is subject to a natural hazard which  
527 present an unreasonable risk to the safety of persons or property, including public streets, such  
528 area shall not be approved for development unless the applicant can demonstrate that such a  
529 risk can be reduced to a reasonable and acceptable level in a manner which has a minimum  
530 effect on the natural environment.
- 531 (5) The Land Use Authority may set requirements or conditions necessary to reduce the risks from  
532 a natural hazard as a condition to the approval of any development which requires preparation  
533 of a natural hazard study and report.
- 534 (c) *Study and report verification.* The project engineering geologist shall submit with the study a signed  
535 and sealed verification letter stating that the study was conducted in accordance with industry  
536 standards of care, and that it complies with this Land Use Code and all other applicable laws. Written  
537 verification shall be provided from the issuer of professional errors and omissions liability insurance,  
538 in the amount of one million dollars (\$1,000,000.00), which covers the engineering geologist, and  
539 which is in effect on the date of preparation of all required studies and reports.
- 540 (d) *Development design verification.* Whenever possible, avoidance of development in an area with an  
541 identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,  
542 development in an area with an identified natural hazard shall be permitted when it is designed to  
543 mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not  
544 be accepted by the County unless:
- 545 (1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County  
546 with a signed and sealed verification letter stating that, pursuant to the considerations, findings,  
547 recommendations, and conclusions of the development's engineering geologist's study and  
548 report, the development has been designed to mitigate, and is reasonably safe from, the  
549 identified hazard.
- 550 (2) The development's engineering geologist submits a signed and sealed verification letter stating  
551 that the final design of the development adequately provides for the considerations, findings,  
552 recommendations, and conclusions of the study and report, and is reasonably safe from the  
553 identified hazard.
- 554 (3) Written verification is provided from the issuer(s) of professional errors and omissions liability  
555 insurance, in the amount of one million dollars (\$1,000,000.00), which covers the engineering

556 geologist and state licensed engineer(s), and which is in effect on the date of preparation of all  
557 required reports and certifications.

558 **Sec. 108-22-4. - Disclosure required.**

559 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:

560 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

561 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision  
562 plat shall be required, which provide:

563 a. Notice that the parcel is located within a natural hazard study area;

564 b. Notice that a natural hazard study and report is available for public inspection in the  
565 County Planning Division Office;

566 c. Notice that a hazard has been identified on the parcel and the type and severity of the  
567 hazard;

568 d. The professional who prepared the report, with his or her contact information; and

569 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the  
570 Land Use Authority.

571 (b) When a natural hazard report is not required, but where the parcel is located within a natural hazard  
572 study area, notice that the parcel is located within such an area shall be recorded running with the  
573 land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the  
574 County Engineer and County Attorney.

575 (c) The natural hazard ordinance codified in this chapter and natural hazard map represent only those  
576 potentially hazardous areas known to the County, and shall not be construed to include all possible  
577 potential hazard areas. The natural hazards listed in this chapter may be amended as new  
578 information becomes available. The provisions of this chapter do not in any way assure or imply that  
579 areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This  
580 chapter shall not create liability on the part of the County, any officer or employee thereof for any  
581 damages from a natural hazard that result from reliance on this chapter or any administrative  
582 requirement or decision lawfully made thereunder.

583 **Sec. 108-22-5. - Exemptions from natural hazard study and report.**

584 A proposed structure that is not a structure designed for human occupancy shall not be required to  
585 provide a natural hazard report, except a report shall be provided for a critical facility if required by  
586 Section 108-22-3.

587 **Sec. 108-22-6. - Costs to be the responsibility of the developer/applicant.**

588 Any of the above described technical reports and/or studies shall be performed by qualified  
589 professionals on behalf of the applicant. The cost of outsourced qualified professionals used by the  
590 County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other  
591 costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses  
592 shall be solely the responsibility of the applicant and not the County.

593 **Sec. 108-22-7. - Change of use.**

594 No change in use which results in the conversion of a building or structure not designed for human  
595 occupancy to one designed for human occupancy shall be permitted unless the building or structure  
596 complies with the provisions of this chapter.

597 **Sec. 108-22-8. - Conflict between boundaries of study area or identified hazard.**

598 Where there is a conflict between the boundaries of an identified natural hazard study area and  
599 actual field conditions, or where detailed investigations show that the identified hazard is not present  
600 within a particular area, the conflict shall be settled as follows:

- 601 (1) The person disputing the natural hazard study area boundary shall submit technical and  
602 geologic evidence to support such claim to the County Engineer in the form of a site-specific  
603 natural hazard report.
- 604 (2) The County Engineer may request outsourced qualified professionals to review the evidence  
605 and make a recommendation prior to making a final written decision concerning the dispute.  
606 The cost of the outsourced qualified professional's review shall be paid by the person disputing  
607 the boundary.
- 608 (3) The County Engineer may allow modifications to the boundary only if the evidence clearly and  
609 conclusively establishes that the natural hazard study area boundary location is incorrect, or  
610 that the identified hazard is not present within a particular area.

611 .

612 **Sec. 108-22-9. - Appeals.**

- 613 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the  
614 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
615 Adjustment, of this Land Use Code.
- 616 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
617 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
618 the sole purpose of determining those technical aspects<sup>2</sup>.
- 619 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
620 related to:
- 621 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
622 types of information presented in a study or report;
- 623 b. the review and recommendation of an acceptable study or report for the Land Use  
624 Authority's consideration;
- 625 c. the interpretation or application of any technical provisions of a study or report that is  
626 required by this chapter; or
- 627 d. the modification of a natural hazard study area boundary.
- 628 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
629 this subsection, the County shall assemble the panel consisting of:
- 630 a. one qualified professional designated by the County;
- 631 b. one qualified professional designated by the applicant; and
- 632 c. one qualified professional chosen jointly by the County's designated qualified professional  
633 and the applicant's designated qualified professional.
- 634 (3) A member of the panel may not be associated with the application that is the subject of the  
635 appeal.
- 636 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.
- 637 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
638 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

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<sup>2</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

1 CHAPTER ~~27-22~~ - NATURAL HAZARDS OVERLAY DISTRICTS HAZARD AREAS

2 Sec. ~~104-27108-22-1~~ - Purpose and intent.

- 3 (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines  
4 and standards, in order to protect the health, welfare and safety of the citizens of the countyCounty,  
5 and to minimize potential effects of natural and manmade hazards by identifying known hazardous  
6 areas. This portion of the chapter specifies the areas for which an environmental analysis shall be  
7 performed prior to development, the content of the analysis and the procedure by which  
8 development applications requiring the analysis are reviewed and processed.
- 9 (b) The countyCounty recognizes individual property rights and shall make every effort to balance the  
10 right of the individual property owner with the health, welfare, safety and the common good of the  
11 general public.

12 Sec. ~~104-27108-22-2~~ - Potential hazards.

13 The following potential hazards have been identified:

14 (1) Surface-fault ruptures.

- 15 a. Surface faulting has been identified as a potential hazard in the countyCounty. Maps have  
16 been produced delineating the known area where a hazard may exist from surface fault  
17 ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas  
18 several miles away from the fault. These effects are not considered here, but are covered  
19 in subsection b3 of this section.
- 20 b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake  
21 which produces surface faulting, offsets of six feet or more may occur on the main trace of  
22 the fault zone. This offset will result in formation of a near-vertical scarp, generally in  
23 unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle  
24 of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may  
25 also form, generally exhibiting a lesser amount of offset, but sometimes as much as  
26 several feet. The zone between these two faults may be complexly faulted and tilted with  
27 offset along minor faults of several inches or more.
- 28 c. Based upon this data, it is difficult, both technically and economically, to design a structure  
29 to withstand six feet or more of offset through its foundation. Thus, avoidance of the main  
30 traces of the fault is the principal risk reduction technique that can be reasonably taken.
- 31 d. No critical facility (excluding transportation lines or utilities which by their nature may cross  
32 active faults) or structure designed for human occupancy shall be built astride an active  
33 fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study  
34 and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some  
35 areas adjacent to the main trace but still within the zone of deformation, avoidance may not  
36 be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may  
37 occur and structural measures may be taken to reduce casualties and damage. However,  
38 structural damage may still be great, and buildings in the zone of deformation may not be  
39 safe for occupants following a large earthquake.
- 40 e. Due to the scale used to map these zones, there is not enough detail to delineate all fault  
41 traces and zones of deformation at a particular location, therefore, site specific plans ~~and~~  
42 studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use  
43 Code, for development in or adjacent to the delineated areas.
- 44 f. ~~Upon submittal, review and planning commission approval of site specific plans and~~  
45 ~~studies with recommendations, produced by a qualified engineering geologist, Building~~  
46 setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the  
47 setback will~~may~~ be considered if the report presents evidence to justify a reduction

Comment [c1]: All of the changes from Section 104-27 have been moved into this new section (108-22) in their modified form.

Comment [c2]: Current code is inconsistent about this. This corrects the inconsistency.

Comment [c3]: Of specific concern, this ordinance suggests that only the planning commission has control over development approvals where natural hazards are a concern. This amendment fixes that (you see these changes throughout).

48 acceptable to the ~~planning commission~~ Land Use Authority, after recommendation from the  
49 County Engineer.

50 (2) Landslide/~~tectonic subsidence~~.

- 51 a. ~~Landslide~~—Landslides, historically, have been one of the most damaging geologic  
52 processes occurring in Weber County. Most active landslides, and most older slides, have  
53 been mapped ~~and are shown on the Sensitive Lands Overlay District maps. These~~  
54 ~~designations serve as an indication of unstable ground. The maps designate. The maps~~  
55 ~~identify~~ areas of landslides and slopes which are potentially unstable under static (non-  
56 earthquake) conditions, and are especially vulnerable under conditions of high to  
57 abnormally high precipitation, heavy snowmelt, or excessive water application due to  
58 irrigation or septic system discharge. Landslides can damage structures, roads, railroads  
59 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and  
60 water mains, all of which can add water to the slide plane and promote further movement.  
61 Flooding may also be caused.
- 62 b. Many methods have been developed for reducing ~~a landslide hazards~~ hazard. Proper  
63 planning and avoidance is the least expensive measure, if landslide-prone areas are  
64 identified early in the planning and development process. Care in site grading with proper  
65 compaction of fills and engineering of cut slopes is a necessary follow-up to good land use  
66 planning. Where avoidance is not feasible, various engineering techniques are available to  
67 stabilize slopes, including de-watering (draining), retaining structures, piles, bridging,  
68 weighting or buttressing slopes with compacted earth fills and drainage diversion. Since  
69 every landslide and unstable slope has differing characteristics, any development  
70 proposed within ~~a designated~~ an identified landslide hazard area, ~~as delineated on the~~  
71 ~~Sensitive Lands Overlay District maps,~~ shall require the submittal, and review and approval  
72 by the planning commission, ~~of specific site studies, including grading plans, cut/fill, a study~~  
73 ~~and plans produced by a qualified engineering geologist report, as provided in Section 108-~~  
74 ~~22-3. The study and a Utah licensed geotechnical engineer. The site specific study report~~  
75 shall address slope stability (including natural or proposed cut slopes), evaluate slope-  
76 failure potential, effects of development and recommendations for mitigative measures.  
77 Slope stability analysis shall include potential for movement under static, development-  
78 induced and earthquake-induced conditions as well as likely groundwater conditions.

79 ~~e.~~ (3) Tectonic subsidence.

- 80 a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a  
81 valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such  
82 as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the  
83 ponding of water in areas with a shallow water table may be caused by tectonic  
84 subsidence. Certain structures which require gentle gradients or horizontal floors,  
85 particularly wastewater treatment facilities and sewer lines may be adversely affected.
- 86 ~~db.~~ Because subsidence may occur over large areas (tens of square miles), it is generally not  
87 practical to avoid the use of potentially affected land except in narrow areas of hazard due  
88 to lake shoreline flooding. For gravity-flow structures such as wastewater treatment  
89 facilities that are within areas of possible subsidence, it is advisable to consider the  
90 tolerance of such structures to slight changes in gradient. Some structures may have to  
91 be leveled after a large-magnitude earthquake. Critical facilities which contain dangerous  
92 substances should have safety features to protect the structure, its occupants and the  
93 environment from both tilting and flooding.
- 94 ~~ec.~~ Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
95 techniques such as raising structures above expected flood levels and dikes can be built.  
96 Development adjacent to lakes or reservoirs shall be prohibited within three feet of  
97 elevation above projected lake levels to protect against natural rises from wet periods,  
98 storm waves and earthquake induced seiching, as well as hazards associated with tectonic  
99 subsidence.

Comment [c4]: Added language to be clear that precipitation is not the only problem.

100 | ~~f~~d. Rises in the water table accompanying tectonic subsidence may cause water to pond,  
101 | flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to  
102 | the fault on the down dropped side.

103 | ~~g~~e. The principal application of the identified tectonic subsidence areas is to make the public  
104 | aware of the hazard and to indicate those areas where further study may be necessary.  
105 | Site specific tectonic subsidence reports and studies are recommended only for critical  
106 | facilities in areas of potential lake-margin and ponded shallow groundwater flooding.  
107 | However, certain vulnerable facilities such as high cost wastewater treatment plants and  
108 | hazardous waste facilities should also consider potential tilting.

109 | (34) Rock fall.

110 | a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County.  
111 | As development advances higher onto the bench areas and into the canyons the risk from  
112 | falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is  
113 | water in outcrop discontinuities. Rock falls present a hazard because of the potential  
114 | damage a large rock mass, traveling at a relatively high velocity, could cause to structures  
115 | and personal safety. ~~Buildings shall be located so that structures are not positioned in an~~  
116 | ~~area susceptible to rock falls.~~ When new developments cannot be designed around a rock  
117 | fall path, and hazard reduction measures must be considered, ~~a site specific plan and~~  
118 | ~~hazard study, with recommendations for mitigation, shall be produced by a qualified~~  
119 | ~~engineering geologist, submitted for review and approval by the planning commission.~~  
120 | Mitigation may study and report as provided in Section 108-22-3, is required. Mitigation  
121 | shall require design by a Utah licensed geotechnical engineer, and may include rock  
122 | stabilization techniques such as bolting, cable lashing, burying, and grouting  
123 | discontinuities, removal or break-up of potential rock clasts, as well as deflection berms,  
124 | slope benches, and rock catch fences to stop or at least slow down falling rocks.  
125 | Strengthening a structure to withstand impact is an example of modifying what is at risk.  
126 | Mitigation problems can arise when rock source areas are located on land not owned by  
127 | the developer.

128 | b. In areas where the rock fall hazard is present but very low, ~~disclosures~~disclosure of a  
129 | potential ~~hazards~~hazard to land owners and residents with an acknowledgment of risk and  
130 | willingness to accept liability may be an acceptable alternative to avoidance or mitigation  
131 | for single-family residences.

132 | (45) Debris flows.

133 | a. Debris flows are mixtures of water, rock, soil and organic material (70-90 percent solids by  
134 | weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in  
135 | surges or pulses, due to gravity. They generally remain confined to stream channels in  
136 | mountainous areas, but may reach and deposit debris over large areas on alluvial fans at  
137 | and beyond canyon mouths.

138 | b. The ~~county~~County debris flow hazard maps were constructed from the boundaries of active  
139 | alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in  
140 | areas identified as debris flow hazard areas shall be evaluated prior to approval of the  
141 | proposed development.

142 | ~~1.~~ A study and report, as provided in Section 108-22-3, shall be prepared by an engineering  
143 | geologist for any development proposed in or adjacent to a debris flow hazard area and  
144 | shall include:

145 | ~~(1)~~1. An analysis of the ~~past~~ history of debris flow at the site based on subsurface  
146 | exploration to determine the nature and thickness of debris flow and related alluvial  
147 | fan deposits. ~~If, in the engineering geologist's professional opinion, geologic~~  
148 | ~~conditions have changed enough to render a debris flow inactive, the analysis may~~  
149 | ~~estimate the nature and approximate thickness of the debris flow and related alluvial~~  
150 | ~~fan deposits in lieu of subsurface exploration.~~

**Comment [c5]:** Added language to facilitate common sense application of the law. This will help geologists still comply with the law while not conducting an expensive trench analysis when, in their opinion, it's obvious that subsurface exploration is not necessary.

- 151 | (ii)2. An analysis of the drainage basin's potential to produce debris flows based on the  
152 | presence of debris slides and colluvium-filled slope concavities, and an estimate of  
153 | the largest probable volumes likely to be produced during a single event.
- 154 | (iii)3. An analysis of the stream channel to determine if the channel will supply  
155 | additional debris, impede flow, or contain debris flows in the area of the proposed  
156 | development.
- 157 | (iv)4. An analysis of manmade structures upstream that may divert or deflect debris  
158 | flows.
- 159 | (v)5. Recommendations concerning any channel improvements, flow modifications and  
160 | catchment structures, direct protection structures or floodproofing measures, if  
161 | necessary, in order to protect the development.
- 162 | ~~(vi) Upon approval of the county engineer, the report shall be presented to the~~  
163 | ~~planning commission along with review comments for recommendation of~~  
164 | ~~approval by the county commission.~~
- 165 | (5) (6) Liquefaction areas.
- 166 | a. Earthquake ground shaking causes a variety of phenomena which can damage structures  
167 | and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to  
168 | increase the pressure in the pore water between soil grains, which decreases the stresses  
169 | between the grains. The loss of intergranular stress can cause the strength of some soils  
170 | to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When  
171 | liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures  
172 | such as septic tanks and storage tanks may rise, and even gentle slopes may fail as  
173 | liquefied soils and overlying materials move down slope.
- 174 | b. Areas of potential liquefaction have been delineated and the following regulations and  
175 | mitigation measures have been adopted in order to reduce the hazard and consequences.  
176 | Areas of moderate to high liquefaction potential need not be avoided. Structural measures  
177 | and site modification techniques are available to reduce ~~hazards~~ a hazard. A site specific  
178 | liquefaction study and report shall be required pursuant to ~~be prepared~~ Section 108-22-3,  
179 | and shall be prepared by an engineering geologist and/or a state licensed geotechnical  
180 | engineer ~~and shall comply with the following:~~
- 181 | (i)1. Standard soil foundation study, for the proposed development, shall include  
182 | liquefaction potential evaluation based upon depth to groundwater, soil types and  
183 | ground failure hazard.
- 184 | (ii)2. If liquefiable soils are present, standard penetration tests and/or cone penetration  
185 | tests shall be required to determine critical accelerations needed to induce  
186 | liquefaction.
- 187 | ~~(iii) Report~~3. The study and report shall include an accurate ~~maps~~map of the area  
188 | showing any proposed development, the location of bore holes and/or test pits, the  
189 | site geology, and location and depths of any liquefiable soils noted, along with the  
190 | probability of critical accelerations needed to induce liquefaction in these soils being  
191 | exceeded for appropriate time periods.
- 192 | (iv)4. The report shall include recommendations for hazard reduction techniques.
- 193 | ~~(v) The county engineer shall concur with the scope of the report, techniques and~~  
194 | ~~methodology to be used in the preparation of the report and shall have input as~~  
195 | ~~to the specific types of information to be included in the report.~~
- 196 | ~~(vi) Upon approval of the county engineer, the report shall be presented to the~~  
197 | ~~planning commission along with review comments for recommendation of~~  
198 | ~~approval by the county commission.~~

Comment [c6]: This language is removed from these subsections throughout and better consolidated into 108-22-3.

- 199 ~~(67)~~ Flood.
- 200 a. The floodplain standards are written to minimize the loss of life and property when floods  
201 do occur, not to ban development outright from the floodplain. In the event the following  
202 provisions conflict with those in Title 22 of the Weber County Code, the most restrictive  
203 shall apply. The Federal Emergency Management Agency (FEMA) has produced official  
204 floodplain maps, depicting areas of potential stream flooding for major drainages in Weber  
205 County. ~~FEMA recommends that no new development be permitted in the 100-year~~  
206 ~~floodplain unless:~~
- 207 ab. FEMA recommends that no new development be permitted in the 100-year floodplain  
208 unless:
- 209 1. Detailed engineering ~~studies~~study and reports, as required by Section 108-22-3,  
210 prepared by a state-licensed engineer, show that the proposed development will not  
211 increase the flood hazard to other property in the area. Recommendations shall be  
212 made for floodproofing or other mitigation techniques for development within flood  
213 hazard areas. (Site investigations for proposed development in lake-flooding areas  
214 near Great Salt Lake need only indicate the site elevation. Development proposals in  
215 areas with elevations less than 4,218 feet will be reviewed with respect to lake-  
216 flooding potential and compatibility of proposed use.)
- 217 b2. The proposed development is elevated above the 100-year flood base elevation.
- 218 e3. For federally-insured loans, flood insurance is purchased from a company  
219 participating with the Federal Insurance Administration or a like private carrier.
- 220 ~~d. Upon approval of the county engineer, the report shall be presented to the planning~~  
221 ~~commission along with review comments for recommendation of approval by the county~~  
222 ~~commission.~~
- 223 ~~1.c.~~ The study and report, as may be required by Section 108-22-3, shall consider the  
224 following:
- 225 (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a  
226 hazard on all active alluvial fans ~~designated~~identified on the debris flow hazard  
227 maps. The hazard from such flooding shall be addressed and appropriate hazard  
228 reduction measures taken.
- 229 2.(ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped  
230 as areas of sheet flow flooding. The hazard from such flooding shall be addressed  
231 and appropriate hazard reduction measures taken.
- 232 (78) Other ~~hazardous areas~~hazards.
- 233 a. As in many counties in the Western United States, development in the ~~county~~County is  
234 constrained by the presence of natural and manmade hazards. These hazards include, but  
235 are not limited to, avalanche, slope movement, soils categorized as having severe building  
236 limitations and slopes exceeding 30 percent.
- 237 b. Not all hazardous sites and conditions have been identified in the ~~county;~~ however,  
238 development on those identified sites shall be permitted when projects are studied and  
239 designed by County. As a qualified engineering geologist and a state-licensed civil  
240 engineer, architect and/hazard or an engineering geologist and certified to withstand the  
241 potential hazard for which it is designed, and becomes known, the County has discretion to  
242 require any study and report that is necessary to understand how the site is buildable and  
243 that the site is safe. This allows development on hazardous sites with the full  
244 acknowledgment of the property owner hazard or potential hazard may impact  
245 development. The use of hazardous sites for open space is encouraged study or report  
246 shall provide appropriate hazard mitigation measures.

247 ~~Sec. 104-27-3. Supplementary hazards definitions.~~

248 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings~~  
249 ~~ascribed to them in this section, except where the context clearly indicates a different meaning:~~

250 ~~Active fault means a fault displaying evidence of greater than four inches of displacement along one~~  
251 ~~or more of its traces during Holocene time (about 11,000 years ago to the present).~~

252 ~~Area of deformation means the zone along a fault in which natural soil and rock materials are~~  
253 ~~disturbed as a result of movement along the fault. (Also Zone of Deformation.)~~

254 ~~Critical acceleration means the minimum amount of ground acceleration during seismically induced~~  
255 ~~ground movement required to induce liquefaction or other forms of ground disruption.~~

256 ~~Critical facilities means:~~

257 ~~(1) Lifelines such as major communication, utility and transportation facilities and their connection~~  
258 ~~to emergency facilities;~~

259 ~~(2) Essential facilities, such as:~~

260 ~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

261 ~~b. Fire and police stations;~~

262 ~~c. Tanks or other structures containing housing or supporting water or other fire-suppression~~  
263 ~~materials or equipment required for the protection of essential or hazardous facilities, or~~  
264 ~~special occupancy structures;~~

265 ~~d. Emergency vehicle shelters and garages;~~

266 ~~e. Structures and equipment in emergency preparedness centers;~~

267 ~~f. Standby power-generating equipment for essential facilities;~~

268 ~~g. Structures and equipment in government communication centers and other facilities~~  
269 ~~required for emergency response;~~

270 ~~(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of~~  
271 ~~toxic or explosive substances to be dangerous to the safety of the general public if released; or~~

272 ~~(4) Special occupancy structures, such as:~~

273 ~~a. Covered structures whose primary occupancy is public assembly (capacity greater than~~  
274 ~~300 persons);~~

275 ~~b. Buildings for schools through secondary or day care centers (capacity greater than 50~~  
276 ~~students);~~

277 ~~c. Buildings for colleges or adult education schools (capacity greater than 50 students);~~

278 ~~d. Medical facilities with 50 or more resident incapacitated patients, but not included above;~~

279 ~~e. Jails and detention facilities;~~

280 ~~f. All structures with occupancy greater than 5,000 persons;~~

281 ~~g. Structures and equipment in power-generating stations and other public utility facilities not~~  
282 ~~included above, and required for continued operation;~~

283 ~~h. Unique or large structures whose failure might be catastrophic, such as dams holding over~~  
284 ~~ten-acre feet of water.~~

285 ~~Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like~~  
286 ~~fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris~~  
287 ~~fan surface.~~

**Comment [c7]:** This section is being deleted and all definitions are being moved into 101-1-7 (definitions). See Exhibit B to review changes to them.

288 Engineering geologist means a geologist who, through education, training and experience, is able to  
289 assure that geologic factors affecting engineering works are recognized, adequately interpreted and  
290 presented for use in engineering practice and for the protection of the public. This person shall have at  
291 least a four-year degree in geology, engineering geology, or a related field from an accredited university  
292 and at least three full years of experience in a responsible position in the field of engineering geology.

293 Engineering geology means the application of geological data and principles to engineering  
294 problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors  
295 are recognized and adequately interpreted in engineering practice.

296 Fault means a fracture in the earth's crust forming a boundary between rock and soil masses that  
297 have moved relative to each other (See Active fault).

298 Fault scarp means a steep slope or cliff formed directly by movement along a fault.

299 Fault trace means the intersection of a fault plane with the ground surface.

300 Fault zone means a corridor of variable width along one or more fault traces.

301 Landslide means a general term for the downslope movement of a mass of soil, surficial deposits or  
302 bedrock.

303 Liquefaction means a process by which certain water-saturated soils lose bearing strength because  
304 of ground shaking and increase of groundwater pore pressure.

305 Natural hazard means avalanche, liquefaction, surface fault rupture, rock fall, debris flow, flood,  
306 tectonic subsidence and/or landslide.

307 Natural hazard maps means the overlay maps, which delineate hazards, such as avalanche,  
308 liquefaction, surface fault rupture, rock fall and/or landslide areas.

309 Rock fall means the gravity-induced drop of a newly detached segment of bedrock or perched rock  
310 of any size from a cliff or steep slope.

311 Structure designed for human occupancy means any residential dwelling or any other structure used  
312 or intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate  
313 of more than 2,000 person-hours per year.

314 ~~Sec. 104-27-4. — Studies~~ Sec. 108-22-3. - Study and reports required.

315 (a) Requirement for a study and report. Any applicant requesting ~~Unless otherwise exempted in~~  
316 Section 108-22-5, any application for development on a parcel of land within a natural  
317 hazard study area, as shown on the natural hazards maps, shall submit ~~be submitted~~  
318 to the planning commission six ~~division with two hard~~ copies of and one electronic (pdf) copy of a  
319 site-specific natural hazard ~~studies~~ study and ~~reports~~ report, where required for such  
320 development according to the following chart.;

321

<u>Land Use</u> <u>(Type of Facility)</u>	<u>Liquefaction</u> <u>Potential</u> <u>High/Moderate</u>	<u>Landslide/Rock</u> <u>Fall/Debris Flow</u> <u>Study Area</u>	<u>Surface Fault</u> <u>Rupture</u> <u>Study Area</u>	<u>Tectonic</u> <u>Subsidence</u> <u>Study Area</u>	<u>Flood Study</u> <u>Area</u>	<u>Other</u> <u>Hazardous</u> <u>Areas</u>
<u>Critical facilities</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Recommended</u>	<u>Yes</u>	<u>As determined</u> <u>by the County</u> <u>Engineer</u>
<u>Industrial,</u> <u>commercial, or</u> <u>multifamily (4 or</u> <u>more units)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined</u> <u>by the County</u> <u>Engineer</u>
<u>Residential</u> <u>subdivisions</u>	<u>No**</u>	<u>Yes, unless</u> <u>otherwise</u> <u>provided by</u> <u>Section 108-22-</u> <u>2(4)b.</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined</u> <u>by the County</u> <u>Engineer</u>
<u>Residential,</u> <u>single</u> <u>lots/multifamily</u> <u>(less than 4</u> <u>units)</u>	<u>No**</u>	<u>Yes, unless</u> <u>otherwise</u> <u>provided by</u> <u>Section 108-22-</u> <u>2(4)b.</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined</u> <u>by the County</u> <u>Engineer</u>
<u>**Although no study and report is required, disclosure is required as described in Section 108-22-4.</u>						

**Comment [c8]:** This section has been expanded and modified to accommodate all hazards listed in 108-22-2. It has been moved here from further down for clarity purposes.

- 322 (1) ~~The~~Each natural ~~hazards hazard study and report and studies~~ shall be prepared by an  
 323 engineering geologist. In the case of a snow avalanche hazard, the study and report shall be  
 324 prepared by an experienced avalanche expert. The study and report shall be signed by the  
 325 preparer and shall also include the qualifications of the preparer.
- 326 (2) ~~The~~ Each natural hazard study and report shall be site-specific and identify, to the extent  
 327 practicable, all known or suspected potential natural ~~hazards~~hazard(s) originating on-site or off-  
 328 site which present a reasonable likelihood of adversely affecting the particular property.
- 329 (3) ~~The~~Each natural hazard study and report shall include a detailed site map (scale: one inch  
 330 equals 200 feet or larger), showing the location and type of ~~the~~ hazard with delineation of the  
 331 recommended setback distances from the hazard and the recommended location for structures.
- 332 (4) ~~The~~ Each natural hazard study and report shall address the potential adverse effects of the  
 333 hazard on the proposed development and occupants thereof in terms of ~~risk and the reasonable~~  
 334 likelihood of potential damage.
- 335 (5) ~~The~~Each natural hazard study and report shall contain recommendations for avoidance or  
 336 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

337 | ~~section 104-27~~Section 108-22-1 of this chapter. The evidence on which recommendations and  
 338 | conclusions are based shall be clearly stated in the report.

339 | (6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs,  
 340 | references with citations, and other supporting information, as applicable, shall also be included  
 341 | in ~~the~~each natural hazard study and report.

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Special Study Area	Surface Fault Rupture Special Study Area
Critical facilities	Yes	Yes	Yes
Industrial or commercial >2 stories/>5,000 sq. ft.	Yes	Yes	Yes
Multifamily (4 or more units) and all other industrial or commercial	Yes	Yes	Yes
Residential subdivisions	No**	Yes	Yes
Residential, single lots/multifamily (less than 4 units/acre)	No**	Yes	Yes
**Although no special study is required, disclosure is required as described in section 104-27-7.			

342 | -  
 343 | (b) Review of the study and report. In order to fulfill the purposes of this chapter, the ~~planning~~  
 344 | ~~commission (for conditional uses, site plan review, design review and subdivisions)~~Land Use  
 345 | Authority shall review any proposed development which requires preparation of a natural  
 346 | ~~hazard~~hazard study and report under this chapter to determine the possible risks to the safety of  
 347 | persons or property from a natural ~~hazard~~hazard.

348 | (1) Prior to consideration by the ~~planning commission~~Land Use Authority of any such development,  
 349 | ~~the planning director shall~~County Engineer may submit the study and report to the Utah  
 350 | Geological and Mineral Survey, the U.S. Forest Service, and/or any other experts, if applicable,  
 351 | site specific plan, to outsourced qualified professionals for review and recommendation. Any  
 352 | cost for the review shall be paid by the applicant prior to any ~~planning commission~~Land Use  
 353 | Authority action.

354 | (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,  
 355 | or specific types of information presented in the study and report if industry standards of care  
 356 | were not used. All conclusions of the study and report shall be supported by adequate data.

357 | (3) The County Engineer shall prepare a final review and recommendation of an acceptable study  
 358 | and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

**Comment [c9]:** County Engineer may, but is not required to, outsource the review. The County Engineer will outsource in the event that there are unique issues with geology or a geology report.

**Comment [c10]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

**Comment [c11]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

359 | (4) Whenever the ~~planning commission~~ Land Use Authority determines that an area is subject to a  
360 | natural ~~hazards~~ hazard which present an unreasonable risk to the safety of persons or property,  
361 | including public streets, such area shall not be approved for development unless the applicant  
362 | can demonstrate that such a risk can be reduced to a reasonable and acceptable level in a  
363 | manner which has a minimum effect on the natural environment.

364 | (35) The ~~planning commission~~ Land Use Authority may set requirements or conditions necessary to  
365 | reduce the risks from a natural ~~hazards~~ hazard as a condition to the approval of any  
366 | development which requires preparation of a natural hazards ~~study and~~ report.

367 | ~~(e) Active fault consideration. No critical facility (excluding transportation lines or utilities which by~~  
368 | ~~their nature may cross active faults) or structures designed for human occupancy shall be built~~  
369 | ~~astride an active fault. If a fault is discovered in the excavation for such a structure, a special~~  
370 | ~~study and report, as described in subsection (a) of this section, shall be performed to determine~~  
371 | ~~if the fault is active, and if the fault is determined to be active, the procedures set forth in~~  
372 | ~~subsection (b) of this section, shall be followed. No structure designed for human occupancy~~  
373 | ~~shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements~~  
374 | ~~of chapter 29 of the Uniform Building Code. The planning commission may increase footing~~  
375 | ~~setback requirements where information from a geotechnical report indicates slope conditions~~  
376 | ~~warrant a greater setback distance.~~

377 | (c) Study and report confirmation. The project engineering geologist shall submit with the study a signed  
378 | and sealed confirmation letter that the study was conducted in accordance with industry standards of  
379 | care, and that it complies with this Land Use Code and all other applicable laws. Written verification  
380 | shall be provided from the issuer of professional errors and omissions liability insurance, in the  
381 | amount of one million dollars (\$1,000,000.00), which covers the engineering geologist, and which is  
382 | in effect on the date of preparation of all required studies and reports.

383 | (d) Development design confirmation. Whenever possible, avoidance of development in an area with an  
384 | identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,  
385 | development in an area with an identified natural hazard shall be permitted when it is designed to  
386 | mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not  
387 | be accepted by the County unless:

388 | (1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County  
389 | with a signed and sealed confirmation letter stating that, pursuant to the considerations,  
390 | findings, recommendations, and conclusions of the development's engineering geologist's study  
391 | and report, the development has been designed to mitigate, and is reasonably safe from, the  
392 | identified hazard.

393 | (2) The development's engineering geologist submits a signed and sealed confirmation letter  
394 | stating that the final design of the development adequately provides for the considerations,  
395 | findings, recommendations, and conclusions of the study and report, and is reasonably safe  
396 | from the identified hazard.

397 | (3) Written verification is provided from the issuer(s) of professional errors and omissions liability  
398 | insurance, in the amount of one million dollars (\$1,000,000.00), which covers the engineering  
399 | geologist and state licensed engineer(s), and which is in effect on the date of preparation of all  
400 | required reports and certifications.

401 | Sec. ~~104-27-5~~ 108-22-4. - Disclosure required.

402 | (a) When a natural hazard report shows that a hazard exists which affects a particular parcel, ~~a copy of~~  
403 | ~~the report shall be kept for public inspection in the county planning commission office. The natural~~  
404 | ~~hazard report denoting the type and severity of the hazard, the professional who prepared the report,~~  
405 | ~~the fact that the report is available to the public at the county planning department, and any~~  
406 | ~~restrictions on the use of the parcel required within the natural hazards report shall be recorded as a~~  
407 | ~~deed covenant running with the land, in the office of the county recorder, in addition to the following:~~

408 | (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

Comment [c12]: This section does not belong here. It is incorporated into 108-22-2.

Comment [c13]: Subsection c and d are an expansion of a "certification" requirement in current code. It has been modified and expanded to provide for the following:

1. It's been moved here to provide better visibility. It was previously tucked into §104-27-2, which is an inconsistent place for its meaning and application.
2. It has been modified to avoid the word "certify." In the geology and engineering world this word has a different meaning than the code anticipates.
3. It has been modified to put the general public and the private market on notice that the private market needs to be willing to accept full accountability for their work. This is an attempt to help shift "good development practices" from needing complete governmental control, and place it on the private market folks who are actually experts in their field.
4. It is an effort to keep the project geologist in the loop during development design – and to keep designs complying with the geologists recommendations. A reoccurring flaw in relying on the private market to provide optimal geologic hazards safety without significant governmental oversight is that there are not the appropriate checks and balances. Often times development designers do not completely consider the geologists recommendations and infrastructure failures can result. In lieu of significant governmental control over geology review, this section requires that the government check that the project geologist has checked the work and is satisfied.

409 (2) A covenant that runs with the land shall be recorded, and, if applicable, a note on the  
410 subdivision plat shall be required, which provide:

411 a. Notice that the parcel is located within a natural ~~hazards-special~~hazard study area ~~as~~  
412 ~~shown on the natural hazards map.~~

413 (2)b. Notice ~~of the existence and availability of the~~ that a natural ~~hazards-hazard~~ study and  
414 report ~~is available~~ for public inspection in the ~~county-planning commission office~~ County  
415 Planning Division Office;

416 (3)c. Notice that a hazard has been identified on the parcel and the type and severity of the  
417 hazard;

418 d. The professional who prepared the report, with his or her contact information;

419 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the  
420 Land Use Authority; and

421 f. An agreement by the owner of the parcel and any successor in interest to comply with  
422 any~~the~~ conditions set by the ~~planning commission~~Land Use Authority to minimize adverse  
423 effects of the natural hazard.

424 (4b) When a natural hazard report is not required, but where the parcel is located within a ~~mapped~~  
425 ~~hazardous area, as shown on one of the~~ natural ~~hazards-overlay maps~~hazard study area, notice  
426 that the parcel is located within such an area shall be recorded as a ~~deed~~ covenant running with the  
427 land ~~in the county recorder's office~~and noted on the subdivision plat (if applicable), and shall be  
428 written in a form satisfactory to the ~~county engineer~~County Engineer and ~~attorney~~County Attorney.

429 (5c) The natural ~~hazards~~hazard ordinance codified in this chapter and natural ~~hazards maps~~hazard map  
430 represent only those ~~potentially~~ hazardous areas known to the ~~county~~County, and shall not be  
431 construed to include all possible potential hazard areas. The natural hazards listed in this chapter  
432 ~~and associated maps~~ may be amended as new information becomes available. The provisions of  
433 this chapter do not in any way assure or imply that areas outside its boundaries will be free from the  
434 possible adverse effects of a natural ~~hazards~~hazard. This chapter shall not create liability on the part  
435 of the ~~county~~County, any officer or employee thereof for any damages from a natural ~~hazards~~hazard  
436 that result from reliance on this chapter or any administrative requirement or decision lawfully made  
437 thereunder.

438 Sec. ~~104-27-6~~108-22-5. - Exemptions from ~~filling~~ natural hazard study and report.

439 ~~Proposed development~~A proposed structure that is not ~~occupied by humans~~a structure designed for  
440 human occupancy shall not be required to provide a natural hazard report, except ~~critical facilities which~~a  
441 report shall be provided for a critical facility if required ~~to provide a report~~ by Section 108-22-3.

442 Sec. ~~104-27-7~~108-22-6. - Costs to be the responsibility of the developer/applicant.

443 Any of the above described technical reports and/or studies shall be performed by ~~the required~~  
444 qualified ~~professional~~professionals on behalf of the ~~county through a third-party contract where all fees,~~  
445 costs and expenses are applicant. The cost of outsourced qualified professionals used by the County to  
446 aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other costs  
447 incurred in providing technical reports or testimony by qualified professionals or expert witnesses shall be  
448 solely the responsibility of the applicant and not the ~~county~~County.

449 Sec. ~~104-27-8~~108-22-7. - Change of use.

450 No change in use which results in the conversion of a building or structure ~~from one~~ not  
451 used designed for human occupancy to one that is so used designed for human occupancy shall ~~not~~ be  
452 permitted unless the building or structure complies with the provisions of this chapter.

453 Sec. ~~104-27-9~~ - Variances.

Comment [c14]: One objective of this amendment is to make it clear that expert reviews will not always be required by the County Engineer, but when they are the applicant is responsible for the cost.

454 (a) ~~Ability to grant. The county board of adjustment, when deciding appeals for variances of distance or~~  
455 ~~area within the Natural Hazards Overlay Zone shall follow both the standards of title 102, chapter 3~~  
456 ~~of the Weber County Land Use Code and the standards stated below.~~

457 (b) ~~Items to consider. In deciding whether to grant a variance and what conditions to attach to its~~  
458 ~~approval, the board of adjustment shall consider:~~

459 (1) ~~The likelihood during a significant seismic or other geologic event that materials may be moved~~  
460 ~~onto adjacent land areas causing injury to persons or property;~~

461 (2) ~~The degree of susceptibility to damage by seismic or other geologic activity for the building~~  
462 ~~design or use proposed;~~

463 (3) ~~The importance of the services of the proposed facility to the community and the need for the~~  
464 ~~facility to be functional following a significant event of geologic activity;~~

465 (4) ~~The necessity of the facility to be in the proposed location or proposed design;~~

466 (5) ~~Considering alternate locations and designs available;~~

467 (6) ~~The ability of the community to provide emergency services to the facility in the event of a~~  
468 ~~catastrophe;~~

469 (7) ~~The degree of benefit received from the variance relative to the hazards posed to the facility's~~  
470 ~~neighbors, visitors, and owners.~~

471 (c) ~~Presumption relative to approval. Generally, the standards of this chapter shall not be varied unless~~  
472 ~~an equally safe method of use and construction can be approved.~~

473 (1) ~~The amount of variance approved shall be only the minimum amount required to provide relief.~~

474 (2) ~~A variance shall be granted only if it will not result in a threat to public safety, cause~~  
475 ~~extraordinary public expense, or create a nuisance.~~

476 (3) ~~A variance shall be granted only if it will not result in a threat to public safety, cause~~  
477 ~~extraordinary public expense, or create a nuisance.~~

478 (4) ~~In a continuum beginning with hay barns and agricultural structures and going to high rise~~  
479 ~~apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for~~  
480 ~~structures with a high percentage of time when the structure is utilized by humans or is~~  
481 ~~occupied by a large number of people.~~

482 ~~Sec. 104-27-10. Disputes; 108-22-8. - Conflict between boundaries of study area or identified hazard.~~  
483 ~~or mapped hazards.~~

484 ~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be~~  
485 ~~determined by use of the scale appearing on the map.~~

486 Where there is a conflict between the ~~boundary lines illustrated on the map~~ boundaries of an  
487 identified natural hazard study area and actual field conditions, or where detailed investigations show that  
488 the ~~mapped hazards are~~ identified hazard is not present within a particular area, the ~~dispute~~ conflict shall  
489 be settled as follows:

490 (1) The person disputing the ~~natural hazard study area boundary or the mapped hazards present~~  
491 ~~within a particular area~~ boundary shall submit technical and geologic evidence to support such  
492 claim to the ~~planning commission~~ County Engineer in the form of a site-specific natural  
493 ~~hazard~~ hazard report.

494 (2) The ~~planning commission~~ County Engineer may request the ~~Utah Geological Survey, the U.S.~~  
495 ~~Forest Service, and/or other experts~~ outsourced qualified professionals to review the evidence  
496 ~~and make a recommendation~~ prior to making a final written decision concerning the dispute.

497 ~~(3) The cost of the outsourced qualified professional's review shall be paid by the person disputing~~  
498 ~~the map boundary.~~

499 (4) The ~~planning commission~~ County Engineer may allow ~~deviations from~~ modifications to the  
500 ~~mapped boundary line~~ only if the evidence clearly and conclusively establishes that the natural  
501 hazard study area boundary location is incorrect, or that the ~~mapped hazards are~~ identified  
502 ~~hazard~~ is not present within a particular area.

503 ~~(5) Any.~~

504 Sec. 108-22-9. - Appeals.

505 (a) ~~Except as allowed in subsection (b) of this Section, an appeal of any written decision of~~ the  
506 ~~planning commission may~~ application of this chapter shall be appealed ~~to~~ in accordance with Title  
507 ~~102, Chapter 3 – Board of Adjustment, of this Land Use Code.~~

508 (b) ~~When a written decision provided under this chapter contains technical aspects, an applicant may~~  
509 ~~request the board of county commissioners by filing an appeal within 15 days of County to assemble~~  
510 ~~a panel of qualified professionals to serve as the planning commission's decision appeal authority~~  
511 ~~for the sole purpose of determining those technical aspects.~~

512 (1) ~~The technical aspects of the administration and interpretation of this chapter are decisions~~  
513 ~~related to:~~

514 a. ~~the acceptance or rejection of scope, techniques, methodology, conclusions or specific~~  
515 ~~types of information presented in a study or report;~~

516 b. ~~the review and recommendation of an acceptable study or report for the Land Use~~  
517 ~~Authority's consideration;~~

518 c. ~~the interpretation of any technical provisions of a study or report that is required by this~~  
519 ~~chapter; or~~

520 d. ~~the modification of a natural hazard study area boundary.~~

521 (2) ~~Unless otherwise agreed by the applicant and County, if an applicant makes a request under~~  
522 ~~this subsection, the County shall assemble the panel consisting of:~~

523 a. ~~one qualified professional designated by the County;~~

524 b. ~~one qualified professional designated by the applicant; and~~

525 c. ~~one qualified professional chosen jointly by the County's designated qualified professional~~  
526 ~~and the applicant's designated qualified professional.~~

527 (3) ~~A member of the panel may not be associated with the application that is the subject of the~~  
528 ~~appeal.~~

529 (4) ~~The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.~~

530 (5) ~~The panel shall be governed by the same appeal provisions of the Board of Adjustment~~  
531 ~~provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.~~

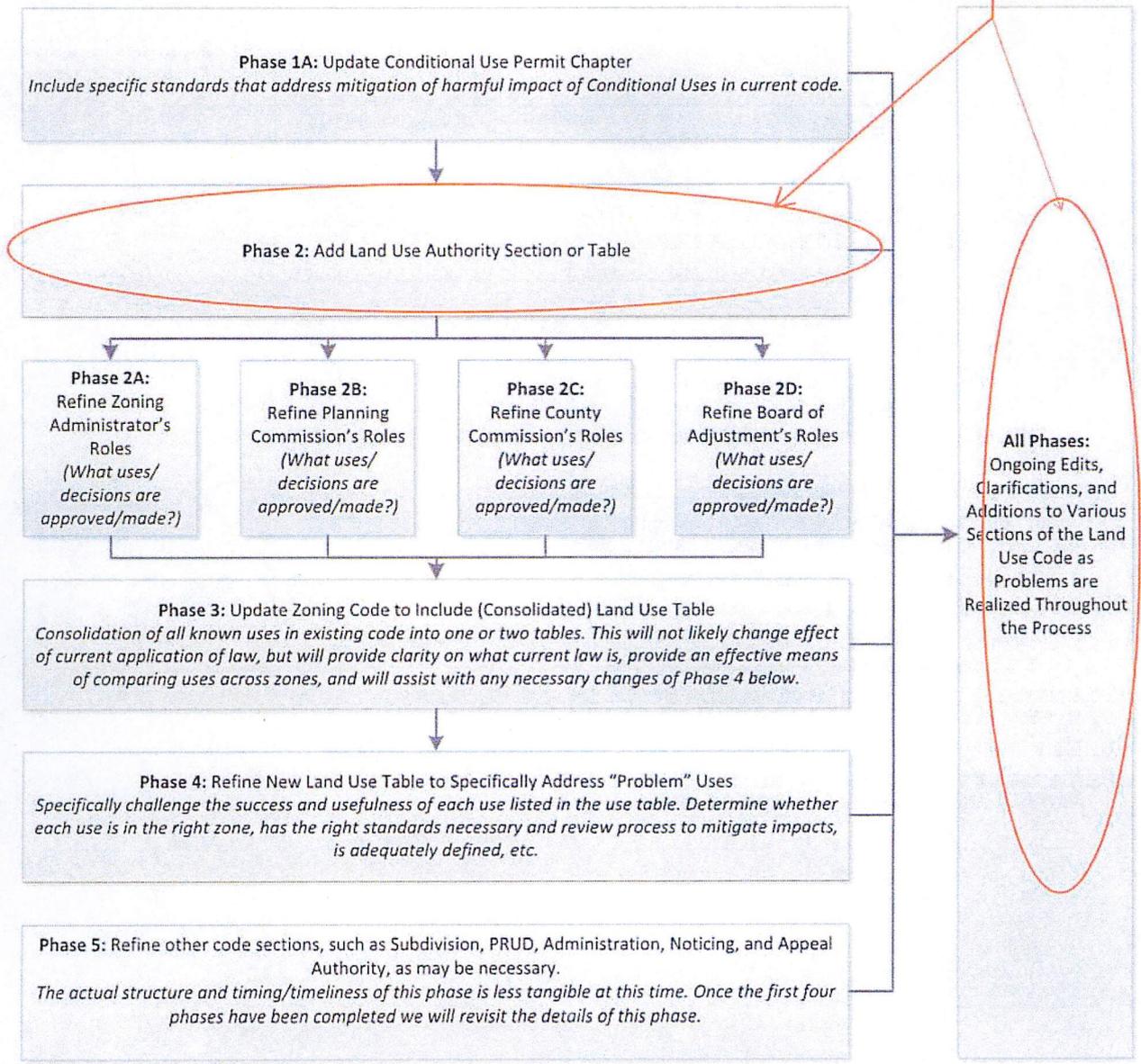
532

**Comment [c15]:** State code requires the county to allow appeals to be run this way. Our natural hazards code does not currently adequately provide for this.

## Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits are here.





## Weber County Planning Division

# MEMORANDUM

To: Western Weber and Ogden Valley Planning Commissions  
From: Charles Ewert, AICP  
Date: July 5, 2016  
Subject: Amendments to the site development standards for public utility stations and structures.

In work session we will briefly discuss forthcoming modifications to the site development standards for utility facilities. A draft of the proposed amendment is attached.

These amendments are intended to address the land demands of a public utility. Often, these facilities do not require the same acreage as the typical uses allowed in the zone. The current code allows a reduction to lot area. With the smaller lot area there is usually the need for smaller setbacks. The code currently only allows reduced setbacks for the rear of the lot, and only in certain zones.

This proposal considers the possibility of further reducing all setbacks for utility structures, provided that they are "unmanned" utility structures.

The biggest concern staff has regarding reduced setbacks is the need to maintain visual continuity and safety along public rights-of-way. The proposal addresses this.

1 **Sec. 101-1-7. - Definitions.**

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

4 ...

5 Quasi-public. The term "quasi-public" means the use of premises by a public utility, such as utility  
6 substations and transmission lines (see also "utility"); a permanently located building or structure, together  
7 with its accessory buildings and uses, commonly used for religious worship, such as churches and  
8 monasteries.

9 ...

10 Utility.<sup>(c1)</sup> The term "utility" means utility facilities, lines, and rights of way related to the provision,  
11 distribution, collection, transmission, transfer, storage, generation or disposal of culinary water, secondary  
12 water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information,  
13 telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also "quasi-  
14 public."

15 ...

16 **CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~AND OR~~ STRUCTURES**

17 **Sec. 108-10-1. - Location.**

18 The location and arrangement of public buildings and public utility substations ~~and or~~ structures will  
19 comply with requirements set forth in this chapter and will be in accordance with construction plans  
20 submitted to and approved by the planning commission.

21 **Sec. 108-10-2. - Site development standards for Ppublic utility substation or structures; ~~—Minimum lot~~**  
22 **~~area.~~**

23 ~~None.~~

24 The lot area, width, depth, setback, and street frontage regulations for unmanned culinary or  
25 secondary water system facility, storage tank, or well house; unmanned sanitary sewer system facility;  
26 unmanned oil or natural gas pipeline regulation station; unmanned telecommunication, television,  
27 telephone, fiber optic, electrical facility; or other unmanned utility service regeneration, transformation, or  
28 amplification facility are as follows:

29 1. Lot area and lot width. No minimum lot area or width, provided that the lot or parcel shall contain  
30 an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any  
31 necessary accessory use, any landscaping required by this land use code, and the required setbacks.

32 2. Front yard setback. Front yard setback requirement may be reduced to no less than ten feet (10')  
33 if findings can be made that the typical setback is not necessary to:

34 a. Maintain a clear view of intersecting streets, as provided for in Section 108-7-7;

35 b. Maintain vehicle and pedestrian safety along an adjacent right-of-way; and

36 c. Maintain visual continuity of building facades in the vicinity.

37 4. Side yard setback. The side yard setback requirement shall comply with the typical setback  
38 specified in the applicable zone regulating the property.

39 5. Rear yard setback. The rear yard setback requirement may be reduced to the following:

40 a. In a residential zone: five feet.

41 b. In an agricultural zone: ten feet.

42 c. In a forest zone: 20 feet

43 d. In a zone not specifically listed above: typical zone setback as provided for in the specific zone  
44 chapter.

45 6. Frontage. No frontage is required along a public right-of-way if clear and legal access exists from  
46 a public right of way to the site for the purpose of the utility use.

47  
48  
49 ~~Sec. 108-10-3. - Same—Minimum yards.~~

50 ~~Each public utility substation shall maintain the minimum yards required for a dwelling in the same~~  
51 ~~zone except that the rear yard may be reduced to the following:~~

52 ~~(1) In a residential zone: five feet.~~

53 ~~(2) In an Agricultural Zone: ten feet.~~

54 ~~(3) In a Forest Zone: 20 feet.~~

55 ~~Sec. 108-10-4. - Same—Street access.~~

56 ~~Each public utility substation shall be located on a lot, which has adequate access from a street,~~  
57 ~~alley, right-of-way, or easement.~~

58 **Sec. 108-10-5. - Public buildings—Minimum lot area.**

59 Each public building shall be located on a lot of not less than 20,000 square feet in all residential  
60 estate, agriculture, and forest zones.

61 **Sec. 108-10-6. - Same—Minimum yards.**

62 Each public building shall meet the minimum yard requirements for a public building in the zone in  
63 which it is located.

64 **Sec. 108-10-7. - Same—Width of lot.**

65 Each public building shall have a minimum width of lot of 100 feet.

66 **Sec. 108-10-8. - Same—Frontage.**

67 Each public building shall have frontage on a public street.

68 ...

69 **CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

70 ...

71 **Sec. 104-29-2. - Development standards.**

72 ...

73 (h) Site development standards.

(1)	Minimum lot area		
...			
	c.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <del>As required in Chapter 26, Public Utility</del>
...			
(2)	Minimum lot width		
...			
	c.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <del>As required in Chapter 26, Public Utility</del>
...			
(3)	Site setbacks. Setbacks shall apply for the following specific uses:		
	a.	Front yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <del>As required in Chapter 26, Public Utility</del>
...			
	b.	Side yard	
...			
	5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <del>As required in Chapter 26, Public Utility</del>

...		
c.	Rear yard	
...		
5.	Public utility substation	<u>As provided in Section 108-10-2: Site development standards for public utility substation or structure.</u> <del>As required in Chapter 26, Public Utility</del>
...		
(4)	Maximum building height	
...		
c.	Public utility substation	35 feet, unless otherwise <u>provided in Section 108-7-5: Exceptions to height limitations.</u> <del>exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations</del>

74 ...