



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

PLANNING WORK SESSION AGENDA

July 5, 2011
5:00 p.m.

Agenda Items:

- W1. Discussion: Proposed Amendment of the Weber County Zoning Ordinance by adding certain ancillary uses, under the overall term of "Agri-tourism" to the list of Conditional Uses found in Chapter 5B; Agricultural Valley-3 (AV-3) Zone
- W2. Discussion: Amendment to Chapter 01 of the Weber County Subdivision Ordinance

Adjournment

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



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



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning_commission
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

July 5, 2011

To: Ogden Valley Township Planning Commission

From: Weber County Planning Division

Re: Work-session, scheduled for July 5, 2011, to discuss the proposed agri-tourism ordinance.

Dear Commissioner,

Enclosed you will find a draft copy of the new agri-tourism ordinance. The last time that we discussed this ordinance we were successful in identifying and addressing several policy questions which resulted in this current draft.

The work-session discussion, scheduled for July 5, 2011 will give the Planning Staff an opportunity to briefly present this draft and ask for further direction.

Overall, we will try to complete the following:

1. Review and summary of comments received at the previous work-session held May 3, 2011.
2. Presentation of recent updates to the current draft of the agri-tourism ordinance.
3. Ask and receive direction on recently identified policy questions.

We look forward to meeting with you to discuss agri-tourism and its possible future role as an agricultural/open space preservation tool in Weber County.

Sincerely,

Scott Mendoza
Weber County Planning Division

Enc.

CHAPTER 46

<h2 style="margin: 0;">AGRI-TOURISM</h2> <p style="margin: 0;">Consumer-Direct Sales, Education, Recreation, and Entertainment</p>
--

- 46-1 Definitions *(To be moved to Chapter 1)*
- 46-2 Purpose and Intent
- 46-3 General Development Standards
- 46-4 Agricultural Operation Designation
- 46-5 Permitted Uses/Activities Table
- 46-6 Use/Activity Standards and Limitations
- 46-7 Sign Regulations *(To be moved to Chapter 32B)*

46-1. Definitions *(To be moved to Chapter 1 – General Provisions)*

Note: The symbol (~) indicates an existing definition.

Accessory Dwelling Unit (ADU): An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. They may privately serve as a guest house or be rented/leased separately; however, an ADU may not, by any means, be sold separately. The right to construct an ADU does not constitute a Transferable Development Right. See also Carriage House.

Acreage, Productive Agri-tourism: Agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active “tourism” attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.)

~Agriculture: Use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, ~~fur~~ farms, animal hospitals or similar uses.

Agri-Tourism: An agricultural use that can provide a means of diversifying a farm’s offerings and add value to products that are already produced on a farm. Agri-tourism businesses operate during more than six (6) (consecutive or inconsecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities, that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes. Educational and recreational agri-tourism activities/uses may include but not be limited to, educational activities nightly accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours, farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and family reunions, special events including harvest festivals and musical events, U-pick operations, agriculturally related competitions, and other similar events). Consumer-direct sales of farm products may include but not be limited to, open-air or farmers markets, on-farm produce stands, and on-farm product processing and retail sales facilities.

Carriage House: An accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The Carriage House may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. They may privately serve as a guest house or be rented/leased separately; however, a Carriage House may not, by any means, be sold separately. The right to construct a Carriage House does not constitute a Transferable Development Right. See also Accessory Dwelling Unit.

~~~~~**Conference/Education Center:** A facility which has been planned, developed and constructed designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. of a company's, corporations, or governmental agency's employees, for example, by scheduling A conference/education center may provide office facilities and schedule a range of uses business related and/or leisure activities such as (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and be used for offer day use only and/or may be planned with overnight lodging facilities not exceeding twenty (20) guest rooms.

**Wellness Retreat:** A facility designed for the purpose of providing proactive health and wellness education and/or treatment regimens that improve one's quality of life through enhancing physical, mental, and spiritual health in a rural or natural and spa-like environment. Education and treatment opportunities may consist of, but are not limited to, general and specialized exercise, wellness, and nutritional classes/consultations; organic cooking classes/workshops; yoga; meditation; cranial sacral, reiki, massage, and diet therapy. Such a facility may serve meals, when consisting of ingredients produced on the premises, and offer day use and/or overnight lodging facilities not exceeding twelve (12) guest rooms.

**Product, Agricultural:** Any raw product which is derived from agriculture, including fruits, vegetables, crops, floriculture, herbs, forestry, animal husbandry, livestock, aquaculture products, water plants, horticultural specialties, and other similar products that can be broadly classified as a food, fiber, fuel, or a raw material group. Specific foods include cereals, fruits, vegetables, and meat. Fibers include cotton, wool, hemp, silk and flax. Raw materials may include lumber and other plant products.

**Product, Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which attracts customers and promotes the sale of agricultural products. Such items may include, but are not limited to, all agricultural products, baked goods, cheese, ice cream and ice cream based desserts and beverages, jams, honey, and other food stuffs or products containing ingredients produced on a specific farm, approved for agri-tourism, or other farm located within Weber County. Additional agriculturally related products may consist of, but are not limited to, gift items, clothing and other items that directly promote the specific farm and/or the agriculture industry in Weber County.

**Product, Non-Agriculturally Related:** Any item that is sold at a specific farm, approved for agri-tourism, which is not connected to farming nor derived from the specific farm's operation. Such items may include, but are not limited to, novelty t-shirts or other clothing, crafts and/or knick-knacks imported from other counties, states or countries.

**Use/Activity, Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings and is primarily tied to that farm operation's agricultural products, buildings and/or equipment. Such uses/activities may include, but are not limited to, petting farm/zoos, corn mazes, pumpkin patches, barn dances, sleigh/hay rides, and educational activities, such as farm tours, food preparation or ecological classes.

**Use/Activity, Non-Agriculturally Related:** A use or activity that is part of a specific agri-tourism operation's total offerings but is not tied to farming or that farm operation's agricultural products, buildings and/or equipment. Such non-agriculturally related uses/activities may include, but are not limited to, amusement rides/play area, bakery featuring farm products, café featuring farm products, gift shops, restaurants featuring farm products, concerts, non-agriculturally related festivals and sporting events, residences and all other overnight accommodations.

**Mini-Market:** An agri-tourism use/activity that provides the opportunity for customers to purchase a wide variety of farm products at one farm location. A mini-market, offers for sale, agricultural products derived from the farm on which the mini-market is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.

**U-Pick Operation:** An agri-tourism use/activity that provides the opportunity for customers to pick or harvest ~~their own~~ fruits and vegetables directly from the plant grown on a farm location.

**Play Area, Agri-tourism:** A land area within an agri-tourism operation that is dedicated to open and informal play. The play area may include but not be limited to, conventional playground equipment (e.g., slides, swings, climbing wall, etc.) and unconventional playground equipment (e.g., inflatable play area, sand/corn kernel box, tractor tires, and straw bale mountain).

**Sign, Seasonal Farm:** kldfjajfljlaskjflksdjf

**Farm Stay:** A general agri-tourism use/activity category that is comprised of a variety of overnight accommodations made available at a working farm that is approved for an agri-tourism operation. A farm stay may be an interactive activity that offers agri-tourists, including children, opportunities to participate in feeding animals, collecting eggs, and/or learning how a farm functions through practical experience. A farm stay may also offer peaceful retreats for individuals and/or couples. For accommodations, guests generally pay rates similar to area bed & breakfasts or vacation rentals, although pricing may vary considerably. The term "farm stay" can also be described as a work exchange agreement, where the guest works a set number of hours per day/week in exchange for free or discounted accommodations.

**Farm Tour:** An agri-tourism use/activity that offers opportunities for the "non-farm" public to learn how a farm functions and where/how food, fiber, fuel, and other agricultural products are produced and/or packaged. Farm tours frequently highlight the history of the subject farm and in general, foster a broader understanding of the importance of agriculture and educate the public as to current agricultural practices and technology.

**Fee Fishing:** An agri-tourism use/activity, approved by the appropriate state and/or federal agency, that provides the opportunity for anglers to pay a fee for the right to fish on a farm. Fee fishing is a "non-agriculturally related" use unless provided as an accessory to a bona fide aquaculture operation.

**Hunting Preserve:** An agri-tourism use/activity, approved by the appropriate state and/or federal agency, that provides the opportunity for an individual or group to pay a fee for the right to hunt on a farm. A hunting preserve is a "non-agriculturally related" use unless provided as an accessory to a bona fide agricultural operation.

**Special Occasion, Agri-tourism:** An agri-tourism use/activity including, but not limited to, birthdays, weddings, family reunions, small scale fundraisers, and corporate picnics/outings that do not constitute a Special Event as defined by Title 20 – Weber County Special Events Ordinance.

#### 46-2 Purpose and Intent

The purpose of this Chapter is to provide support and economically feasible land use alternatives to local and enterprising farm owners who are devoted to their land and are committed to providing authentic, agriculturally related products and experiences to the public. Agriculture is a very important contributor to Utah's economy and observably, an integral and indispensable part of Weber County's rich cultural heritage; therefore, it is the County's desire to create an environment in which agriculture is not only encouraged but can thrive. It is intended to benefit farm owners and the residents of Weber County through its ability to generate supplementary farm income while promoting the preservation of agricultural open space and significantly enhancing leisure, recreational, educational, and gastronomic opportunities for those in pursuit of such experiences in a rural farmland setting.

---

#### 46-3 General Development Standards

The requirements imposed by this Chapter do not alter, supersede or nullify any requirements contained in other codes, ordinances, statutes, or applicable standards which may also regulate these same uses/activities. The following standards shall apply to all agri-tourism applications/operations:

1. **Applicability:** Agri-tourism operations are subject to Chapter 22C of the Weber County Zoning Ordinance which regulates the Conditional Use Permit application and review process. This process may include, but is not limited to, a review by the Weber County Planning Division, Building Inspection Department, Engineering Department, and Sheriff's Office. Other review agencies may include the Weber-Morgan Health Department, Weber Fire District, and/or miscellaneous state and/or federal agencies. Agri-tourism events that operate outside of "normal day-to-day" hours and/or involve spectators in a number equal to or greater than that which can be served by existing facilities shall be subject to Title 20 of the Weber County Ordinance-Code (Special Events Ordinance). Other ordinances, codes and/or regulations may apply; therefore, it shall be the responsibility of the applicant to know and understand all applicable agency requirements.
2. **Primary Use:** Agriculture is the preferred use in agricultural zones; therefore, all agri-tourism uses/activities shall be complimentary and accessory to the primary agricultural use.
3. **Narrative:** In addition to the requirements listed in Chapter 22C-*Conditional Uses*, all agri-tourism applications shall be accompanied by a concise narrative describing the farm and the overall vision of the proposed agri-tourism operation. The narrative shall include farm history and proposals for the following:
  - a. Offerings for agriculturally related and non-agriculturally related products and uses/activities.
  - b. Agriculturally related and non-agriculturally related types of facilities and equipment.
  - c. Time(s) of "normal day-to-day" operation as referenced in Title 20 – Weber County Special Events Ordinance; 20-1-2(C).
  - d. Anticipated number of daily patrons and employees.
  - e. Parking needs.
4. **General Design and Layout:** An agri-tourism operation shall have a general design and layout that concentrates all "tourism" uses and activities into a distinct activity center(s). The area within a developed activity center or any combination of activity centers, excluding Productive Agri-tourism Acreage and a half (1/2) acre for a farm house and any uses confined thereto (e.g., home office, B&B, etc.), may consist of a total area that does not exceed twenty (20%) percent of a farm's overall Gross Acreage. The remaining acreage shall be maintained in a manner that is consistent with the farm's main agriculturally productive use(s). Newly constructed buildings, intended for agri-tourism purposes, shall reflect an architectural vernacular that is consistent with the area's rural character.

5. **Ownership:** An agri-tourism operation may consist of multiple properties; however, all properties shall have identical and common ownership.
  6. **Production:** An agri-tourism operation shall, with exception of the winter season, actively and continuously produce an agricultural product for sale and purchase. To ensure viability, it shall be demonstrated that the product(s) have been successfully grown and/or raised for a period of not less than one (1) year prior to making application for an agri-tourism operation. In the event that the agri-tourism operation's main, agriculturally productive, use ceases or becomes improperly maintained, as determined by the Planning Commission, the right to operate an agri-tourism business under a Conditional Use Permit may be revoked.
  7. **Uses/Activities and Products:** One-half (1/2) Seventy-five (75%) percent of all uses/activities and products, made available at an agri-tourism operation, shall be agriculturally related as defined in Chapter 1 – General Provisions, of the Weber County Zoning Ordinance. One-half (1/2) of all agriculturally related products shall be raised/cultivated and/or produced by the farm on which the agri-tourism business is operated. Activities shall be measured on a one-to-one basis. The method by which products will be measured shall be in units of volume, rounded to the nearest cubic foot, based on simple measurements of a products public display area.
  8. **Hours of Operation:** Agri-tourism uses/activities, not including: residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00am and 10:00pm. The Planning Commission may consider a variation to this standard upon finding that a proposed use/activity is reliant on and/or based on making observations that can only occur during hours otherwise not permitted.
- 

#### 46-4 Agricultural Operation Designation

The following establishes a categorical designation for agricultural operations based on acreage:

1. **Market Garden:** includes an agriculturally productive property consisting of three (3) acres or more; however, less than five (5) acres.
  2. **Family Farm:** includes an agriculturally productive property consisting of five (5) acres or more; however, less than ten (10) acres.
  3. **Small Farm:** includes an agriculturally productive property consisting of ten (10) acres or more; however, less than twenty (20) acres.
  4. **Medium Farm:** includes an agriculturally productive property consisting of twenty (20) acres or more; however, less than forty (40) acres.
  5. **Large Farm:** includes an agriculturally productive property consisting of forty (40) acres or more; however, less than eighty (80) acres.
  6. **Ranch:** includes an agriculturally productive property consisting of eighty (80) acres or more.
- 

#### 46-5 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this Chapter; therefore, is shall not be construed in any manner that this Chapter alters, supersedes or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those

uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See Section 46-6 for specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

| Uses/Activities                                                             | Farm Designations             |                              |                              |                               |                              |                      |
|-----------------------------------------------------------------------------|-------------------------------|------------------------------|------------------------------|-------------------------------|------------------------------|----------------------|
|                                                                             | Market Garden<br>(3-<5 acres) | Family Farm<br>(5-<10 acres) | Small Farm<br>(10-<20 acres) | Medium Farm<br>(20-<40 acres) | Large Farm<br>(40-<80 acres) | Ranch<br>(≥80 acres) |
| <b>Farm Stay (Residential and Overnight Accommodation) Uses/Activities</b>  |                               |                              |                              |                               |                              |                      |
| B&B Dwelling (2 Room)*                                                      |                               |                              | •                            | •                             | •                            | •                    |
| B&B Hotel (20 Room)*                                                        |                               |                              |                              |                               | •                            | •                    |
| B&B Inn (7 Room)*                                                           |                               |                              |                              | •                             | •                            | •                    |
| Campground*                                                                 |                               |                              |                              |                               | •                            | •                    |
| Carriage House*                                                             |                               |                              |                              |                               | •                            | •                    |
| Conference/Education Center*                                                |                               |                              |                              |                               | •                            | •                    |
| PRUD (Residential Farm Community)*                                          |                               |                              |                              |                               | •                            | •                    |
| Single Family Dwelling; aka Farm House                                      | •                             | •                            | •                            | •                             | •                            | •                    |
| Wellness Retreat*                                                           |                               |                              |                              | •                             | •                            | •                    |
| <b>Agriculturally Related Uses/Activities</b>                               |                               |                              |                              |                               |                              |                      |
| Barn Dance                                                                  |                               | •                            | •                            | •                             | •                            | •                    |
| Community Garden/Rent-A-Row                                                 |                               |                              | •                            | •                             | •                            | •                    |
| Community Supported Agriculture                                             | •                             | •                            | •                            | •                             | •                            | •                    |
| Corn Maze                                                                   |                               |                              |                              | •                             | •                            | •                    |
| Educational Classes                                                         | •                             | •                            | •                            | •                             | •                            | •                    |
| Farm Museum                                                                 |                               | •                            | •                            | •                             | •                            | •                    |
| Farm Product Processing and Packaging*                                      |                               | •                            | •                            | •                             | •                            | •                    |
| Farm Tour                                                                   | •                             | •                            | •                            | •                             | •                            | •                    |
| Fee Fishing                                                                 |                               | •                            | •                            | •                             | •                            | •                    |
| Mini-Market*                                                                | •                             | •                            | •                            | •                             | •                            | •                    |
| Multi-Farmer Open Air (Farmer's) Market*                                    |                               |                              |                              | •                             | •                            | •                    |
| Nursery (Plant Cultivation)                                                 | •                             | •                            | •                            | •                             | •                            | •                    |
| On-Farm Store/Retail Shop*<br>Define                                        |                               |                              |                              |                               | •                            | •                    |
| Petting Farm/Zoo                                                            |                               | •                            | •                            | •                             | •                            | •                    |
| Seasonal Product Stand* Define                                              |                               |                              | •                            | •                             | •                            | •                    |
| Sleigh/Hay Ride                                                             |                               |                              | •                            | •                             | •                            | •                    |
| Special Event; As Defined by Title 20-Weber County Special events Ordinance | •                             | •                            | •                            | •                             | •                            | •                    |
| Special Occasion, Agri-tourism                                              |                               |                              |                              | •                             | •                            | •                    |
| U-Pick Operation/Pumpkin Patch                                              | •                             | •                            | •                            | •                             | •                            | •                    |
| <b>Non-Agriculturally Related Uses/Activities</b>                           |                               |                              |                              |                               |                              |                      |
| Bakery Featuring Farm Products*                                             |                               |                              |                              | •                             | •                            | •                    |
| Café Featuring Farm Products*                                               |                               |                              |                              | •                             | •                            | •                    |
| Conference/Education Center*                                                |                               |                              |                              |                               | •                            | •                    |
| Fee Fishing                                                                 |                               | •                            | •                            | •                             | •                            | •                    |
| Food Concessions*                                                           | •                             | •                            | •                            | •                             | •                            | •                    |

|                                                                               |   |   |   |   |   |   |
|-------------------------------------------------------------------------------|---|---|---|---|---|---|
| Gift Shop (Retail)*                                                           |   |   |   |   | • | • |
| Haunted House/Hay Stack/Farm                                                  |   |   | • | • | • | • |
| Hunting Preserve*                                                             |   |   |   |   |   | • |
| Play Area, Agri-tourism                                                       |   | • | • | • | • | • |
| Restaurant Featuring Farm Products*                                           |   |   |   | • | • | • |
| Special Event; As Defined by Title 20 - Weber County Special Events Ordinance | • | • | • | • | • | • |
| Wellness Retreat*                                                             |   |   |   | • | • | • |
|                                                                               |   |   |   |   |   |   |

**46-6 Use/Activity Standards and Limitations**

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

**1. Farm Stay (Residential and Overnight Accommodation) Uses/Activities**

- a. B&B Dwelling (2 Guest Room)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Meals shall only be served to overnight guests.
  - iii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the B&B Dwelling is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
- b. B&B Hotel (20 Guest Room)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Meals shall only be served to overnight guests.
  - iii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the B&B Hotel is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - iv. The B&B Hotel shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
- c. B&B Inn (7 Guest Room)
  - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
  - ii. Meals shall only be served to overnight guests.
  - iii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the B&B Inn is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - iv. The B&B Inn shall in no case be located closer than three hundred (300ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
- d. Campground

- i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Campgrounds are subject to the Weber County Forest Campground Ordinance.
    - iii. Campgrounds shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
    - iv. Campgrounds shall be completely screened from street view or located no closer than five hundred (500ft.) feet to any existing property line.
  - e. Carriage House
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Carriage Houses shall be limited to a number that does not exceed the following calculation:
 
$$\begin{aligned} & \text{Adjusted Gross Acreage of the parcel upon which a Carriage House(s) is located} \\ & \div \text{Minimum area requirement set forth by the zone in which the parcel(s) is located} \\ & \times \text{Twenty (20\%) percent} \\ & = \text{Maximum number of Carriage Houses at an approved agri-tourism operation} \end{aligned}$$
    - iii. A Carriage House shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
  - f. Conference/Education Center
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. The Conference/Education Center shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
  - g. PRUD (Residential Farm Community)
    - i. PRUD's are subject to Chapter 22D – *Planned Residential Unit Development of the Weber County Zoning Ordinance and the Weber County Subdivision Ordinance.*
    - ii. PRUD's approved as part of an agri-tourism operation shall be limited to a number of units that does not exceed thirty (30%) percent of the number of units otherwise permitted by the zone in which the PRUD is located and the Weber County Subdivision Ordinance.
    - iii. Development Agreement? (Agreement Content: \*Under what circumstances should an Ag-tourism PRUD be allowed to re-develop without the main agricultural component?)
  - h. Wellness Retreat
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Meals shall consist of ingredients (agricultural products) derived from the farm on which the Wellness Retreat is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
    - iii. The wellness retreat shall in no case be located closer than five hundred (500ft.) feet to an existing single-family dwelling on an adjacent lot/parcel.
- 2. **Agriculturally Related Uses/Activities**
  - a. Farm Product Processing and Packaging (Define/"Value Added")
    - i. Processing and packaging shall be limited to agricultural products that have been raised/cultivated and/or produced by the farm on which the processing and packaging is taking place.
    - ii. Consumer direct (retail) sales of processed and packaged products shall be made from a farm designation that qualifies for a retail sales outlet.
  - b. Mini-Market

- i. The parcel on which the Mini Market is located shall have frontage and/or access directly off of a main road as indicated by colored, bold lines on the Ogden Valley Transportation Element Map or the Western Weber County Transportation Plan.
      - ii. Limited to agricultural products as defined in Chapter 1 – General Provisions, of the Weber County Zoning Ordinance.
      - iii. One-half (1/2) of all agricultural products shall be raised/cultivated and/or produced by the farm on which the Mini-Market is operated.
    - c. On-Farm Store/Retail Shop (Define)
      - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
      - ii. The parcel on which the On-Farm Store/Retail Shop is located shall have frontage and/or access directly off of a main road as indicated by colored, bold lines on the Ogden Valley Transportation Element Map or the Western Weber County Transportation Plan.
    - d. Seasonal Product Stand (Define)
      - i. Christmas trees, wreaths, corn stalks, pumpkins....
3. **Non-Agriculturally Related Uses/Activities**
- a. Bakery Featuring Farm Products
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Menu items shall consist of ingredients (agricultural products) derived from the farm on which the Bakery is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - b. Café Featuring Farm Products
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. Menu items shall consist of ingredients (agricultural products) derived from the farm on which the Café is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - c. Conference/Education Center
    - i. See Section 46-6-1(e) above.
  - d. Food Concessions
    - i. Limited as an accessory use to one or more main agri-tourism uses/activities.
  - e. Gift Shop (Retail)
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. A Gift Shop shall consist of not more than eight hundred (800 sq.ft.) square feet, as measured by its footprint.
  - f. Hunting Preserve
    - i. Limited to the Western Weber County Township.
    - ii. Limited to upland game and waterfowl hunting only.
    - iii. Subject to Utah Division of Wildlife Resource standards.
  - g. Restaurant Featuring Farm Products
    - i. A Farm Stay and Commercial Development Agreement, provided by Weber County, shall be recorded on all parcels utilized as part of an approved agri-tourism operation.
    - ii. The parcel on which the Restaurant is located shall have frontage and/or access directly off of a main road as indicated by colored, bold lines on the Ogden Valley Transportation Element Map or the Western Weber County Transportation Plan.
    - iii. Menu items shall consist of ingredients (agricultural products) derived from the farm on which the Restaurant is located as well as other commonly owned and/or independent or unaffiliated Weber County farms.
  - h. Wellness Retreat

- i. See Section 46-6-1(h) above.

---

46-7 Signs

---



## Weber County Planning Division

June 17, 2011

To: Ogden Valley Planning Commission

From: Jim Gentry

Subject: Weber County subdivision Ordinance Chapter 1 (General Provision – Filing preliminary and final plats) Amendments

Consistent with the Planning Division work program staff is proposing several amendments to the Weber County Subdivision Ordinance Chapter 1 (General Provision – Filing preliminary and final plats). This chapter deals with the requirements for submitting preliminary and final plats.

Over the past 6 to 8 months dubbed the Subdivision Summit meetings have been held with the Fire District, Engineering, Environmental Health, Surveyor/Recorder, and the Building Inspection Division. The purpose of these meetings was to get input from other users of the subdivision ordinance. The meetings were to bring the subdivision current with state code and to make administering the Subdivision Ordinance more efficient and productive. Policy questions were also identified as part of the review. The policy questions are as follows:

1. Shall subdivision improvement escrows be changed to allow escrows less than \$10,000 to be approved by the County Engineer and the escrows above \$10,000 approved by the County Commission?
2. Does the County Commission want to be involved in the administrative approval of subdivisions, if so to what level does the County commission want to be involved?
3. Time extensions: shall unlimited time extensions be granted as long as new subdivision fees are paid and there have been no changes to state codes or county ordinances?
4. Subdivisions are a permitted use under the Weber County Zoning Ordinance and are administrative type of decision. What type of notice should be given for standard subdivisions?

Policy question 1 would allow smaller escrows to be approved and accepted by the County Engineer. Staff is recommending an amount of \$10,000 or less.

Policy question 2, currently the Planning Division administratively approves 3 lots or less with having approval from the County Commission unless there is road dedication or a financial guarantee. From the stand point of efficiency and productive does the Weber County Commission want to be involved in the administrative approval of subdivisions? The signature block is an acknowledgment that the county ordinances have been complied with.

Policy question 3 would allow unlimited time extensions as long as no state codes or county ordinances have changed. This process would require all new subdivision fees and new or an updated will serve letter from utility providers such as water and sewer.

Policy question 4 addresses what type of notice should be given for standard subdivisions. Subdivisions are a permitted use and are administrative, which means if they meet all county and state codes, the application is approved. State code only requires notice for vacating or amending a subdivision unless all property owners have signed the petition. Shall notice for administrative subdivisions be required? Giving notice informs the public, but also gives a false impression that they can stop the development if they do not like the proposal. Cluster Subdivisions are different because of the discretionary authority the Planning Commission has on granting bonus density. Cluster Subdivisions will require notice to adjacent property owners.

The proposed changes to Chapter 1 of the subdivision ordinance are as follows:

26-1-1 Purpose and Intent section language was updated.

26-1-2: The original language for variances was combined under one section. The proposed change creates a new variance section. The County Commission is the appeal authority for the subdivision ordinance. Request for extension



## Weber County Planning Division

of time beyond what is allowed by this ordinance will heard by the County Commission. A recommendation from the Planning Division is required, which will be based on a narrative provided by the applicant explaining the exceptional conditions.

26-1-3: This section was called Scope of Ordinance and has been renamed Subdivision Required, since this section explains when a subdivision is required and what constitutes a subdivision.

26-1-4: The definition section was cleaned up by removing obsolete and unused terms. Terms that are defined in the zoning ordinance are referred to in order to have consistent definitions. Under the minor subdivision definition it lists the number of lots that can be approved administratively by the Planning Division. Staff is suggesting that the numbers are increased as follows:

### Minor Subdivision

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

26-1-5: The change to Subdivision Application Requirement section is to make it clearer on the type of electronic copy required. The Planning Division previously was asking for four types of electronic copies. With this change, only one type of electronic copy will be required (PDF). The number of required paper copies has been reduced from 12 to 5.

26-1-6: The Preliminary Plan/Plat Requirements and Approval Procedure section was amended and updated to be consistent with the information that is needed by the Planning, Engineering, Health, and Surveying Divisions when reviewing subdivision applications. Another change was to add a requirement for a preliminary title report. The reason for the title report is to reduce the hours spent by different department researching the six items listed below and a title report helps protect future buyers. The title report will have to address the following six items:

- a. All easements.
- b. Reference to all deeds in chain of title.
- c. All boundary line agreements.
- d. All rights of way.
- e. All current owners.
- f. All outstanding liens, taxes, etc..

26-1-7: The Agency Review and Public Notice section added additional review agencies that projects are sent to. The public notice requirements changes are required by state code. Since subdivision approvals are an administrative decision, notices to property owners are not required by state code.

26-1-8: Changes to Subdivision Time Limitations were made to give the planning director administrative authority to approve time extensions if they meet the requirements of the ordinance. If there are exceptional conditions, then they would be approved by the County Commission.

26-1-9: Final Plat Requirements and Approval Procedure there are a number of changes to this section. One change is to have the Planning Director sign the plat instead of the Planning Commission Chair. Another proposal was to have escrows under a certain amount not to have County Commission approval. Another change is to require an electronic copy of the improvement drawings.

The proposed ordinance also shows the sections that are being moved from Chapter 1 to Chapter 4 Subdivision Improvements Requirement.



## Weber County Planning Division

Please review these policy questions and ordinance amendments, and come prepared to discuss this proposal and any other changes that you feel need to be made or questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Jim Gentry". The signature is written in a cursive style.

Jim Gentry,  
Weber County Planning Division

## CHAPTER 1

# GENERAL PROVISIONS

## Filing of Preliminary and Final Plans

June 17, 2011

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

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

---

26-1-1 Purpose and Intent. ~~The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of the unincorporated territory area of Weber County in the matter of subdivision of land and related matters affected by such subdivision. Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and the neighborhood development of the area concerned and the subdivider shall present evidence to this effect when requested to do so by the Land Use Authority. This ordinance outlines the procedures for processing subdivisions and their approvals.~~

---

26-1-2 Variances. ~~The County Commission is the appeal board for the subdivision ordinance. The County Commission may vary the standards in cases where unusual topographical or other exceptional conditions exist, variations and exceptions from this Ordinance may be made by the County Commissioners. the appeal board for the subdivision ordinance, after a recommendation by the Planning Commission. The following are not considered exceptional conditions such as financial, economic, or self-imposed. The Planning Commission shall make a recommendation to the County Commission prior to the consideration of any variances.~~

---

26-1-2 3 ~~Scope of Ordinance. Subdivision Required.~~ No person shall subdivide any tract of land, ~~which is located wholly or in part in the County, outside of incorporated cities or towns except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the County Recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance. provided, that This Ordinance shall not apply to any lot or lot(s) forming a part of a subdivision created and recorded prior to the effective date of the subdivision regulations adopted in Weber County on January 11, 1952.~~

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

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

1. ~~1.~~ "Alley": A public thoroughfare less than twenty-six (26) feet wide.
1. "Average Percent of Slope": An expression of rise or fall in elevation along a line perpendicular to the contours of the slope connecting the highest point of a slope to the lowest point of the same slope within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred percent (100%) grade. The horizontal distance between any two measured points shall not exceed 50 feet.  
(Amd. Ord. #2-71, Feb. 25, 1971; #15-92, 12/16/92)
2. "Block": The land surrounded by streets and other rights-of-way ~~other than an alley~~, or land which is designated as a block on any recorded subdivision plat.
3. "Bonafide division or partition of agricultural land for agricultural purposes": shall mean the division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is the raising and grazing of animals or agriculture as ~~that use is~~ defined in the Weber County Zoning Ordinance and provided that:
  - a. No dedication of any streets shall be required to serve any ~~such lots or parcels of~~ agricultural land ~~so created~~.
  - b. ~~The division of land in the mountain areas (Forest Zones) of the County for investments, building development or summer cabin usage shall not be deemed to be a bona fide division or partition of agricultural land for agricultural purposes.~~
  - eb. The agricultural ~~lots or parcels so created~~ shall not thereafter be further divided into parcels of less than five acres without being subdivided in accordance with this ordinance ~~the Subdivision Regulations of Weber County.~~
  - dc. No dwellings shall be permitted unless all subdivision, zoning and health requirements ~~of the County~~ are met. (Amd. Ord. #20-72, #4-81)
- 5 4. "Buildable Area". As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance ~~"Building Area": A portion of a lot, parcel, or tract of land, which is to be utilized as the building site having an area of at least one hundred (100) feet by seventy five (75) feet with an average slope of less than twenty five percent (25%), such building area to be designated as the only area in which building may take place and outlined on the subdivision plat in which the lot is located. Easements and setbacks cannot be located within this area.~~  
(Amd. Ord. #2-71, 2/25/71, #2002-03, 3/05/02)
6. ~~"Building Parcel Designation": Building parcel designation recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow for the creation of additional lots, and the original lot lines as recorded do not change. The Planning Director can administratively approve Building Parcel Designation (Ord #2002-3, 3/05/02)~~
7. "County": Weber County, Utah.
8. "County Commissioners": The Board of Commissioners of Weber County, Utah.
9. "County Health Officer": ~~The Administrative and Executive Officer of the Weber County Health Department and Local registrar of Vital Statistics or his duly authorized representatives.~~
10. ~~"Holding Strip": A strip of land bordering both situated within a street right of way adjoining a boundary of a subdivision and a street within the subdivision for the purpose of~~

~~controlling the access of property owners abutting the subdivision to the street. Holding strips may not be placed at the terminus of a right of way. The Holding strip is to be one (1) foot in width, or as required by the County Commission.~~ (Ord. #2007-1, 1/09/07)

- ~~115.~~ "Easement": That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.
- ~~126.~~ "Land Use Authority" : A person, board, commission, agency, or other body designated by the Weber County Commission, through this ordinance, to act upon subdivision applications. (Ord. #2007-1, 1/09/07)
- ~~13.~~ "Land Use Ordinance": ~~The Land Use Ordinance is to be known as the Uniform Zoning Ordinance of Weber County as adopted by the Board of County Commissioners, December 30, 1958 as amended from time to time.~~
- ~~14.~~ "Lot": ~~A parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full or part time; together with such yards, open spaces, parking spaces and other areas required by this Ordinance and the Zoning Ordinance, of Weber County. Such parcel shall also have frontage on a street or on a right-of-way approved by the Board of Adjustment. Except for group dwellings and guest houses, not more than one (1) dwelling structure shall occupy any one (1) lot.~~ (Amd. Ord. #2-71, 2/25/71)
7. "Lot Combination": A Lot combination recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow creation of additional lots, and the original lot lines as recorded do not change. The lots have to conform to current zoning or be part of a cluster subdivision. If the lots do not conform to current zoning then an amended subdivision plat is required. The Planning Director can administratively approve Lot Combination Application that meet current zoning.
- ~~158.~~ "Lot Line Adjustment": Allows owners of lots within approved subdivisions to adjust ownership lines between lots. An Amended Plat is required to do a Lot Line Adjustment. Non-conforming lots cannot become more non-conforming. (Ord. #2002-3, 3/05/02)
- ~~169.~~ "Lot, Restricted": ~~A lot (1) Which has an average slope of twenty five (25%) percent or more over a major portion of its area, or (2) which does not have a building area of at least seventy five (75) feet by one hundred (100) feet on a buildable portion of the lot with an average slope of less than twenty five (25%) percent, or (3) which has been identified as having potential geologic or other environmental hazards or which requires further investigation prior to the issuance of a building permit. The lot shall be increased in area and width if over the twenty five (25%) percent slope category and shall be regulated and developed in accordance with Chapter 36B of the Weber County Zoning Ordinance and conditions imposed by the Hillside Development Review Board in addition to the requirements of this Ordinance.~~ (Amd. Ord. #2-71, 2/25/71, #9-88, 5/9/88)
- ~~17.~~ "Lot, Unrestricted": ~~A lot having an average slope of less than twenty five percent (25%) over a major portion of its area or a lot having an average slope of twenty five percent (25%) or more which contains a building area on a buildable portion of the lot with an average slope of less than twenty five percent (25%), and the building area is designated as such on the subdivision plat in which the lot is located.~~ (Amd. Ord. #2-71, 2/25/71)
- ~~18.~~ "Lot Right of way": ~~A strip of land of not less than sixteen (16) feet wide connecting a lot to a street for use as private access to that lot.~~
- ~~19.~~ "Master Street Plan": ~~A plan, labeled "Master Street Plan" of Weber County.~~
- ~~2010.~~ "Minor Subdivision": (Ord. #2007-1, 1/09/07)

- a.. A subdivision consisting of ~~three (3)~~ ten (10) or fewer lots and for which no streets will be created or realigned, or
  - b. An amended subdivision consisting of ~~five (5)~~ ten (10) or fewer lots and for which no streets will be created or realigned; or
  - c. A subdivision phase consisting of ~~five (5)~~ ten (10) or fewer lots which has a valid preliminary approval by the Planning Commission and meets all conditions of that preliminary approval, including proposed street layouts, and phasing plan.
2411. ~~"Non-Buildable Area": The area of a lot, which, because of identified potential geologic, or other environmentally hazardous conditions, has been determined unsuitable for construction of residential buildings and other structures for human occupancy. Decks, patios, pergolas, storage sheds, unattached private garages and other accessory structures may be allowed however within the designated non-buildable area of a lot~~ As per Chapter 36B of the Weber County Zoning Ordinance.
- (Amd. Ord. #9-88, 5/9/88)
22. ~~"Official Map": A map adopted by the Board of County Commissioners under the provisions of 17-27-7, Utah Code 1953 as amended.~~
23. ~~"Parcel of Land": Parcel of land shall mean a contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant or person.~~
24. ~~"Person": Any individual, corporation, partnership, firm or association of individuals, however styled.~~
25. ~~"Private Access Right of Way": An easement of not less than fifty (50) feet wide reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the subdivider or other private agency.~~
- 12 ~~"Protection Strip": A line that acts as an encumbrance by which certain land, lying adjacent to a dedicate road right-of-way or other transportation facility, is restricted from having access. The protection strip, having no specific width, is shown as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. Protection strips shall expire after 10 years.~~
2613. "Streets":
- a. "Street": A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority or a thoroughfare not less than twenty-six (26) feet wide which has been made public by right of use and which affords the principal access to the abutting property.
  - b. "Street, Major": A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Street Plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
  - c. "Street, Collector": A street existing or proposed of considerable continuity which is the main means of access to the Major Street System.
  - d. "Street, Standard Residential": A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

- e. "Street, Frontage Marginal Access": A ~~minor~~ street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
- f. "Street, Private": A minimum of a 50 foot wide thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the ~~subdivider developer~~ or other private agency.
- g. "Cul-de-sac": A ~~minor~~ terminal street provided with a turnaround.

2714. "Subdivision":

- a. Means any land that is divided, resubdivided or proposed to be divided into ~~two~~ one or more new lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- b. "Subdivision" includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. "Subdivision also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance.
- c. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.
- d. "Subdivision does not include a bona fide division or partition of agricultural land for agricultural purposes. ~~nor a division of land into two or more parcels each of which is eighty (80) acres or more in area.~~ (Amd. Ord. 15-92, 12/16/92)

2815. "Subdivision Cluster": ~~A subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the Cluster Subdivision provisions of the Zoning Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision. See the Weber County Zoning Ordinance Chapter 22B.~~

29. "Subdivision, Summer Home": ~~A subdivision of land in the mountain areas of the County for summer home usage only and not for year round permanent living where, because of topography and the temporary nature of the occupation, road utility and other standards and improvements are reduced to a minimum and where the naturalistic environment is maintained as much as possible.~~

30. "Survey Markers": ~~A survey marker shall be of the size and type specified by the Weber County record of survey ordinance. Section 6-12-2 (5) (a).~~

26-1-4 5 Subdivision Application Requirements.

- (A) Pre-application meeting required. Each person who proposes to subdivide land ~~in the unincorporated territory of the County~~ shall confer with the Weber County Planning staff before preparing any plats, charts, or plans in order to become familiar with the County Subdivision requirements and existing master plans ~~for the territory in which the proposed subdivision lies~~ and to discuss the proposed ~~plan of~~ development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive

lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.

- (B) Subdivision Application Submittal. Subdivision applications shall be submitted to the Planning Division Planning Director or his/her designated staff member, by appointment, and shall include:

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

1. ~~Twelve (12)~~ Five (5) full size 24 x 36 copies, and one (1) reduced size 11 x 17 copy, and one (1) reduced size 8 1/2 x 11 copy of a preliminary plan meeting the requirements listed in this ordinance. This includes two 24 x 36 copies of the phasing plan. Once all preliminary requirements have been met two full size copies and a digital copy shall be submitted to the Planning Division. This requirement shall be met prior to the submittal for final approval.
2. All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF, DWG, DWF ~~and JPEG~~ files of the respective plans. ~~Improvement drawings shall not be required to have accompanying JPEG files.~~
3. A written statement of feasibility from the County or State Health Department, which states the recommendation of the Health Department regarding:
  - a. sanitary sewage disposal,
  - b. and culinary water availability, and shall be provided with the submittal of any subdivision application.
  - c. A Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.
4. ~~A non-refundable fee made payable to Weber County~~  
(Ord. #2007-1, 1/09/07)
5. ~~A copy of the Project Notification form from the Utah State Department of Environmental Quality Division of Drinking Water.~~

---

26-1-5 6 Preliminary plan/plat Requirements and Approval Procedure.

- (A) The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than one hundred (100) feet to the inch and shall show:
1. ~~The proposed name of the subdivision. Sufficient information to locate accurately the property shown on the plan, including and ties to section corners. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat.~~
  2. North point, scale, and date. ~~The location as forming a part of a larger tract or parcel, where the plat submitted covered only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts, shall be submitted; and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area.~~
  3. ~~Sufficient information to locate accurately the property shown on the plan, including~~

~~lot numbers, and measured and/or record and ties to section corners. Ties. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall be shown on the top of the plat." (Amd. Ord. #2002-3, 3/05/02)~~

- ~~4-3.~~ The boundary lines of the tract to be subdivided showing bearings and distances. The boundary lines of the tract to be subdivided showing lot numbers, measured and/or record bearings, distances, and other controlling data with ties to section corners. The individual or company names and addresses of the subdivider applicant, the engineer and registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided. (Amd. Ord. #4-86, 3/10/86)
- ~~5 4.~~ Contour map at with contour intervals of 1', 2', 5', or 10' as determined by the Planning Commission County Engineer.
- ~~6 5.~~ The boundary lines of the tract to be subdivided showing bearings and distances. The individual or company names and addresses of the subdivider applicant, the engineer, and registered land surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- ~~7-6.~~ The existing location, widths, and other dimensions of all existing or platted streets and other important features such as but not limited to railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines, exceptional topography, easements, and buildings within or immediately adjacent to the tract to be buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided. (Amd. Ord. #2002-3, 3/05/02)
- ~~8.~~ Existing and proposed sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, and culverts within the tract and immediately adjacent thereto. (Amd. Ord. #2002-3, 3/05/02)
- ~~9 7.~~ The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, pathways, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
- ~~9 8.~~ North point, scale, and date. Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
- ~~11 9.~~ Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number ~~of said lot.~~ (Amd. Ord. #2-71, 2/25/71)
- ~~12 10.~~ The location of percolation test holes on each lot. (Ord. 2007-1, 1/09/07)
- ~~13 11.~~ Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Engineering Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent (10%) percent or greater. (Amd. Ord. #4-86, 3/10/86, #2007-1, 1/09/07)
- ~~14 12.~~ Open space and common area improvements ~~shall be submitted~~ including but not limited to landscaping, structures, signs, parking, and other amenities.

13. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include at least the following:

A search of recorded documents back to patent identifying:

- a. All easements.
- b. Reference to all deeds in chain of title.
- c. All boundary line agreements.
- d. All rights of way.
- e. All current owners.
- f. All outstanding liens, taxes, etc.

(B) Approval Procedure.

~~1. A phasing plan for multi-phase subdivisions shall be submitted and approved by the Planning Commission~~

~~12. With the exception of minor subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Planning Commission land use authority for their recommendation determination, based upon compliance with applicable ordinances.~~

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

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

~~23-e Grading Limitation. No large scale excavation (more than 5,000 sq. ft.), grading or regrading as determined by the Planning Commission shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission and then only in accordance with the Excavation Ordinance of Weber County.~~

---

26-1-6 7

Agency Review and Public Notice.

(Ord. #2007-1, 1/09/07)

(A) Distribution of Preliminary Plan. The Planning Commission ~~Division~~ office shall distribute a copy of the Preliminary Plan to each of the following for their information and recommendations: County Engineer, County Fire District, County Health Officer, County School Board, County Surveyor, County Treasury, and utility companies furnishing telephone, electric, water, sanitary sewer and/or gas service. The Planning Division ~~Commission~~ office may distribute copies of the Preliminary Plan to other agencies and organizations to ensure thorough review of the proposed plan. The above agencies will have two weeks to review the application and return a response letter to the Planning Division with any concerns or conditions.

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

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

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

---

26-1-7 8 Subdivision Time Limitations.

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

An extension of preliminary approval for an additional time period of up to eighteen (18) months may be granted by the Planning Director upon repayment of the subdivision application fees and the plan being brought into compliance with County, State and Federal ordinances current at the time of the extension. The extension request shall be submitted, and approved prior to the expiration of the original approval period. Only one preliminary plan/plat extension will be granted. (Amd. Ord. #2002-3, 3/05/02)

- (B) Time Limitation for Final Approval. A final subdivision plat or a phase for the first phase of a subdivision that receives a recommendation for final approval from the Planning Commission shall be offered to the County Commission for final approval and recording within one (1) year from the date of the Planning Commission's recommendation for final approval. After one (1) year from that date, the plat shall not be received for recording and shall have no validity ~~whatsoever~~. Subdivisions with multiple phases must record a new phase within one year from the date of the previous phase being recorded until the subdivision is completed or the plat shall not be received for recording and shall have no validity ~~whatsoever~~. The ~~Planning Commission Director~~ may grant a onetime extension for final subdivision approval for a maximum of one (1) year ~~per subdivision~~. A multiple phase subdivision may receive only one time extension, not one time extension per phase.

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

---

26-1-8 9 Final Plat Requirements and Approval Procedure

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

- (A) Final Plat Required.

1. After compliance with the provisions of Section 26-1-~~5~~ of this Ordinance, the ~~subdivider~~ applicant shall submit ~~twelve (12)~~ five (5) full size, 24 x 36, one (1) reduced size, 11 x 17 copy of the final plat, and one (1) 8 1/2x11 copy of the final

plat, meeting the remaining requirements listed in this ordinance and any additional requirements set by the Land Use Authority. Such plat shall be accompanied by a "Letter of Certification" by the ~~subdivider's~~ applicant's registered land surveyor, indicating that all lots meet the requirements of the Zoning Ordinance. Digital copies shall also be submitted as listed for preliminary plan.

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

2. The final plat and accompanying information shall be submitted to the Planning ~~Commission~~ Division at least thirty-five (35) days prior to a regularly scheduled Planning Commission meeting ~~in order to be considered at said meeting.~~

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

(B) Final Plat Requirements.

(Amd. Ord. #2-88, 1/8/88)

1. Digital copies shall be submitted until the County Engineer and Surveyor gives their approval for a Subdivision Mylar to be submitted. The final plat shall ~~be consist of~~ a sheet of ~~approved tracing linen or Mylar to~~ with the ~~outside or trim~~ dimensions of twenty four (24) by thirty six (36) inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half (1/2) inch or a maximum of one and one half (1 1/2) inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a Licensed-Land Surveyor licensed in the State of Utah. All lines, dimensions, and markings shall be made on ~~the tracing linen or mylar~~ with permanent ink meeting industry requirements. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than one hundred (100) feet to the inch and the workmanship on the finished drawing shall be ~~neat, clean cut and readable~~ legible having a text size of not less than 0.09 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in sub-paragraph "g h" of this paragraph, duly authorized and required to sign and shall contain the following information:

- a. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat. (Amd. Ord. #2-88, 1/8/88)
- b. Where a subdivision complies with the Cluster Subdivision provisions ~~of the Zoning Ordinance~~, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision"

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

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

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

as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.

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

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

(Amd. Ord. #15-71 11/30/71; #4-86, 3/10/86)

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

(Amd. Ord. #3-73, 11/30/73; #3-82, 1/26/83; #4-86, 3/10/86; #2002-3, 3/05/02)

- g. Parcels of land to be dedicated as Public Park or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "Public Park" Common Space or "Private Common Open Space", whichever is applicable.

- h. ~~The standard forms approved by the Planning Commission~~ A signature block conforming to state code and county ordinances shall be used for all subdivision plats lettered for the following:

~~i) 1.~~ Description of land ~~to be~~ included in subdivision;  
~~ii) 2.~~ Private licensed land surveyor's "Certificate of Survey";  
(Amd Ord. #4-86, 3/10/86)

~~iii) 3.~~ Owner's dedication certificate;

~~iv) 4.~~ Notary public's acknowledgment;

~~v) 5.~~ ~~County Planning Commission's~~ Director certificate of approval;

~~vi) 6.~~ County Engineer's certificate of approval;  
(Amd. Ord.#3-82, 1/26/82)

~~vii) 7.~~ County Attorney's certificate of approval;

~~viii) 8.~~ Board of County Commissioners' certificate of acceptance;

~~ix) 9.~~ County Clerk's certificate of attest;

~~x) 10.~~ County Surveyor's Certificate of Approval;  
(Amd. Ord. #4-86, 3/10/86)

~~xi) 11.~~ Weber-Morgan Health Department Certificate of Approval.

(Amd. Ord. #3-96, 10/09/96)

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

- j. The subdivision boundary ~~corners~~ and lot corners ~~not affected by road construction~~ shall be set on the site prior to recording of the final plat. Lot

corners affected by road construction shall be set prior to issuance of a residential building permit. In addition front lot line corners may be permanently referenced in curbs after completion of the streets construction. The subdivision boundary corners, lot corners, and centerline street monuments shall be noted on the final plat in conformance ~~to~~ with the County record of survey requirements ordinance.

(Amd. Ord. #2-88, 1/8/88)

- k. (1) The map shall contain a written narrative that comply with state code and county ordinances, explains and identifies:
- a) ~~The purpose of the survey.~~
  - b) ~~The basis on which lines were established. The surveyor should shall explain what decisions he were made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.~~
  - e) ~~The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right of way lines, subdivision boundaries, fences, etc.) the surveyor should shall indicate what he was found relating to these calls.~~
- (2) If the narrative is a separate document, it shall also contain:
- a) ~~Location by quarter section or lot number, section number, township and range.~~
  - b) ~~Date of survey.~~
  - e) ~~Surveyor's stamp or seal and signature.~~
  - d) ~~Surveyor's business name and address.~~
- (~~3~~ 2) The map and narrative shall be referenced to each other if they are separate documents.
- l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.
- m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holder.
- k. If no preliminary plans are required then a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include at least the following:
- A search of recorded documents back to patent identifying:
- a. All easements.
  - b. Reference to all deeds in chain of title.
  - c. All boundary line agreements.
  - d. All rights of way.
  - e. All current owners.
  - f. All outstanding liens, taxes, etc.
- L 2. (a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length and visibly marked or tagged with the registered business name or the letters P.L.S. followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.
- (b) If the monument is set by a public officer, it shall be marked with the official title of the office.
- The note on the plat shall indicate the subdivision boundary and the lot corners are

set as required by state code and county ordinances.

2 3. Remaining Parcel:

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

3 4. For subdivisions that include lots of a "restricted" category or lots with "buildable areas" as defined in this Ordinance, the following shall be required on the final plat:  
(Amd. Ord. #9-72, 4/04/72)

a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the said lot and by including the following notification on the final plat: "Notice of to Purchasers of Restricted (R) Lots". Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions Chapter 36B of the Zoning Ordinance of Weber County. Approval of a Restricted Lot does not guarantee the lot is buildable. A Hillside Review as outlined in the Hillside Ordinance shall be done to determine if a lot is buildable.  
(Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)

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

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

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

4 5. For Subdivisions that are located in areas of ~~unincorporated Weber County~~, which are zoned for Agriculture (A-1, A-2, A-3, and AV-3), shall have the following statement ~~shall be required~~ on each page of the final plat:

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

5 6. For Subdivisions that include lots, which will be partially or completely in the base flood plain (see Chapter 33, W.C. Zoning Ordinance) of any river, stream, watercourse, lake, or other body of standing water a boundary and elevations of the flood plain shall be required on the final plat. The lowest elevation of any habitable floor in any structure for each lot shall also be shown on the final plat.

Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be

designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of Title 12, Flood Damage Prevention Ordinance.

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

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

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

~~B 2. As built plans shall include a digital plan and one set of reproducible mylars prior to the County acceptance for maintenance of roads. Upon the developer's completion of the construction of roads and utility lines, the developer's Engineer shall prepare and submit As built plans for all improvements for the approval of the County Engineer and the acceptance of roads for maintenance by the County at which time the financial guarantee can be released, except for the ten percent contingency fee that is kept for the a one year warranty period.~~

(Amd. Ord. #3-82, 12/6/82; #4-86, 3/10/86; #2-88, 1/8/88; #2002-3, 3/05/02)

~~C 3. Capacity Assessment letter is required prior to final approval from the Planning Commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission.~~

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

1. ~~After final approval the Planning Division approving and signing the final plat, the Planning Commission shall submit the plat for approval signatures to the County Surveyor, County Health Department, and County Engineer, who shall check the engineering requirements of the drawing, review the financial guarantee amount to assure construction of the improvements where necessary, and verify the Utah State Department of Environmental Quality Division of Drinking Water construct permit for the expansion of the water system, or for construction of waste water treatment facilities.~~

After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the Board of County Commissioners respectively, for their approval. The final plat, bearing all official approvals, as above required, shall be deposited recorded in the offices of the County Recorder ~~for reordering~~ at the expense of the subdivider applicant.

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

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

(Amd. Ord. #3-82, 12/6/82)

(E) Final Plat Approval - Minor Subdivisions. The Planning Director is delegated administrative authority to approve minor subdivisions if in his discretion there are no conditions, which

warrant its submittal to the Planning Commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by, from the date of the submittal to the Planning office Division for processing. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. ~~If required by State Code, the Planning Director shall hold a public hearing or public meeting prior to approving the minor subdivision plat.~~

(Amd. Ord. #4-86, 3/10/86; #98-32, 11/26/98; 2007-1, 1/09/07)

(F) ~~Notice of Minor Subdivisions. Notice of the proposed Minor Subdivision or public hearing on the proposed Minor Subdivision shall be mailed not less than seven (7) calendar days before final approval of the Minor Subdivision or the public hearing on the minor subdivision, to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less than three (3) calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~

(Ord. #2007-1, 1/09/07)

(G F) Additional Documents. Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic, or environmental conditions, or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing if applicable, and/or shall be recorded as a protective covenant attached to the lot or lots so affected rather than being described as notes on the plat. (Amd. Ord. #6-91, 4/18/91)

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

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

**Section 2:**

The Weber County Subdivision Ordinance Chapter 4 **SUBDIVISION IMPROVEMENTS REQUIRED** is hereby amended:

**26-4-2 Improvements Required.**

I. Water Supply.

- a. Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The subdivider shall furnish to the County Health Officer plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Water lines and fire hydrants shall be operational before building permits are issued for any structures. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished to the Weber Fire District. The County Health Officer or State of Utah Department of Environmental Quality Division of Drinking Water shall determine the adequacy of the existing water system to provide culinary water.

Capacity Assessment letter is required prior to final approval from the Planning Commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the County Commission.

11. Staking Subdivision Corners. Survey markers shall be placed at all subdivision corners and lot corners so as to completely identify the lot boundaries on the ground and shall be done in conformance to the record of survey requirements. This shall be accomplished before the subdivision is recorded. (Amd. Ord. #2002-11, 6/18/02)

(a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24" in length and visibly marked or tagged with the registered business name or the letters P.L.S. followed by the registration number of the surveyor in charge. Where ground conditions do not permit such monumentation, substitute monuments must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.

(b) If the monument is set by a public officer, it shall be marked with the official title of the office.

16. Homes that are built on approved flag lots or rights of way shall have the address assigned and posted at the access point from a County Road or private road.

### **26-4-3 Guarantee of Improvements.**

1. All improvements shall be installed prior to issuance of any Building and/or Land Use Permit within a newly approved subdivision. The only improvement that may not be required prior to construction of a dwelling is the asphalt, and curb, gutter, and sidewalk on the road. All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one (1) year of asphalt placement on a new road, will require a special permit and include requirements for special backfill and asphalt replacement. (Amd. Ord #11-2005, 8/16/05)

The subdivider shall guarantee the installation of improvements by depositing the financial guarantee funds into the Weber County Engineer's Escrow which will allow the recording of a subdivision. The recording of the subdivision will allow the developer to sell the lots, but not allow Building and/or Land Use Permits to be issued until all improvements are installed, except for the asphalt and chip and seal on the road. (Amd. Ord #2009-32, 12/22/09)

The subdivider shall furnish and file with the County Commission the escrow of the Weber County Engineer in an amount equal to the future cost of the installation of the improvements at the termination of the financial guarantee period as estimated by the County Engineer, to assure the installation of such improvements within two (2) years. The escrow shall be approved by the County Commissioners and County Attorney. (Amd. Ord #2009-32, 12/22/09)

Upon the developer's completion of the construction of roads and utility lines, the developer's Engineer shall prepare and submit as built plans for all improvements for the approval of the County Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars prior to the County acceptance for maintenance of roads.

7. ~~The subdivider applicant shall sign a Survey Monumentation Improvement agreement and pay applicable fees associated therewith prior to the county Surveyor signing the final subdivision plat Mylar. deposit with the County Surveyor at the time of Final Plat Approval, an amount of money equal to the estimated cost of the street monuments required for the subdivision and the subdivider's surveyor shall install such monuments within a one-year time period, after the asphalt is installed.~~

**Section 3:**

**Chapter 6: PENALTY, VALIDITY, AND REPEALER**

The Title Blocks for the signatures of the approving authority for subdivisions is hereby amended as follows:

**WEBER COUNTY PLANNING COMMISSION DIRECTOR APPROVAL**

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

\_\_\_\_\_  
Chairman, Weber County Planning Commission Director

**Section 4:**

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

Floodplain: The land within a community subject to a one percent or greater chance of flooding in any given year.