



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

REGULAR PLANNING MEETING AGENDA February 28, 2012 5:00 p.m.

- *Pledge of Allegiance*
 - *Roll Call*
1. **Minutes:**
 - 1.1. Approval of the January 3, 2012 and the January 24, 2012 regular meeting and work session minutes
 2. **Petitions, Applications, And Public Hearings:**

Old Business:

 - 2.1. CUP 2012-01 Consideration and action for approval of a Conditional Use Permit CUP2012-01 for a heliport located east of Green Hill Country Estates at 1600 North Maple Street approximately two-thirds of a mile from the Maple Street cul-de-sac within the Forest 40 Zone (F-40) (Timothy Charlwood, Applicant)
 - 2.2. CUP 2011-06 Consideration and action on a conditional use permit application for a public utility substation (cellular site at approximately 95 Ogden Canyon Road) in the Forest Residential 1 Zone (FR-1) (Doug Kofford, Agent for TAIC, and David Hardman, Owner)
 - 2.3. ZTA 2012-2 Consideration and Action on an amendment to Chapter 18B (Commercial Valley Zones CV-1 and CV-2) of the Weber County Zoning Ordinance to allow assisted living facility as permitted use.
 - 2.4. ZO-2010-10 Consideration and action for approval of staff amendments to the Weber County Zoning Ordinance Chapter 1 (General Provisions), Chapter 9-A (Shoreline Zone (S-1), Chapter 23 (Supplementary and Qualifying Regulations), Chapter 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), Chapter 29 (Board of Adjustment), Chapter 31 (Administration), and Chapter 36-B (Hillside Development Review Procedures and Standards) regarding the Weber Board of Adjustment
 - 2.5. ZTA 2010-8 Consideration and Action on an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats).
 3. **Public Comments:**
 4. **Planning Commissioner's Remarks:**
 5. **Staff Communications:**
 - 5-1. Planning Director's Report
 - 5-2. Legal Counsel's Remarks
 6. **Adjourn**

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

A pre-meeting will be held in Room 108.



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

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Testifying at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When testifying please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All testimony must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when testimony is pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat testimony that has already been given. If you agree with previous testimony then state that you agree with that testimony.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes of the Ogden Valley Planning Commission held January 03, 2012 commencing at 5:00 p.m. in Room 312 of the Weber Center, 2380 Washington Blvd., Ogden UT

Members Present:

Kevin Parson, Chair
Greg Graves
Pen Hollist
John Howell
Ann Miller
Dennis Montgomery
Laura Warburton

1. Minutes

1-1. Approval of the November 22, 2011 meeting minutes

Commissioner Miller indicated that on item 2.1, second paragraph, the word heliport is duplicated. Commissioner Hollist indicated that the phrase should read heliport instead of helistop.

Commissioner Hollist indicated that the word *conport* on the second to the last paragraph should read *comport* (comply/agree with).

Commissioner Howell stated that they should replace where it states, "Legal Counsel Monette Hurtado" on Page 3 with "Chris Allred." Commissioner Montgomery indicated that he believes that Monette Hurtado recommended the change in the Western Weber County Township Planning Commission. Commissioner Howell indicated that the recommendation should be quoted.

Ann Miller indicated that she was excused for this meeting.

Chair Parson declared the November 22, 2011 meeting minutes approved as amended.

2. Regular Agenda Items

2-1. Election of Chair and Vice Chair for 2012

Commissioner Warburton moved to nominate Commissioner Parson as Chair for 2012. Commissioner Graves seconded. The motion was approved by acclamation.

Commissioner Howell moved to nominate Greg Graves as Vice Chair for 2012. Commissioner Montgomery seconded. Chair Parson said the motion was denied by a 3-4 vote.

Commissioner Hollist moved to nominate Pen Hollist as Vice Chair for 2012. Commissioner Parson seconded. Chair Parson said the motion carried with a 4-3 vote. Commissioner Hollist was elected Vice Chair for 2012.

2-2. CUP 2011-07 Consideration and action on a conditional use application for a Digis wireless internet transmission site located on top of the water storage tank within The Legends at Hawkins Creek

Sean Wilkinson presented a staff report, indicated that the tank is approximately 56 sq. ft. and 10 ft. tall and falls into the same category, and treated the same as a cell tower. The applicant has an existing lease with The Legends at Hawkins Creek Home Owners Association and the managing member of that association signed the application.

The transmission site consists of a steel frame that is weighed down by cinderblocks. It has four short antennas, two transmission dishes, a control cabinet and an electrical hookup. The antennas are approximately 10 ft tall as measured from the top of the water tank. The site is not visible from the valley floor but the applicant has agreed to camouflage the white transmission dishes. There are no lights on the transmission site.

When the water tank was built in 2006, it had a landscape plan that needed to be followed, however some of the landscaping died and either needs to be replaced or an escrow is required for future placement. Staff is recommending that an analysis be done in June 2012 to verify what needs to be replaced and then the applicant would have until the end of July to replace the landscaping or the escrow could be filed for a period of one year.

Commissioner Graves asked if there would be camouflage on both sides of the dishes, and Sean Wilkinson replied yes, the entire dish is painted.

Commissioner Warburton asked why they are holding the applicant responsible for the improvements and Sean Wilkinson indicated the applicant is not required to replace the landscaping but because they want to use the same site where there is technically a violation of a previous conditional use permit, that needs to be corrected before this new application can be acted upon. There is a provision in the ordinance that states that no new applications can be approved on that site unless and until there is something presented to bring the site into compliance. Commissioner Warburton asked if a more direct approach would be to go directly contact the property owner and indicate that if they want to have the renters, then as the property owner, they would need to bring the site into compliance of the previous conditional use permit stipulations. Mr. Wilkinson indicated that Dennis Watt is here to present for Digis, but the Home Owner's Association signed the actual application.

Commissioner Hollist indicated that by this approval, they are cleaning up the record. Commissioner Miller said they are also cleaning up the property in the process.

Commissioner Hollist said that a fact in Ogden Valley is that they have no cable connection to the internet and some of them demand reasonable high-speed access to the internet. He believes this is something that they need desperately in the Ogden Valley and he applauds this especially since they do not have a lot of choice.

Commissioner Warburton asked if they have had any complaints and Sean Wilkinson replied no. Commissioner Warburton indicated that she also uses Digis and has had great service.

Commissioner Hollist asked Dennis Watt if this proposed service what was presented to him as a Digis customer, and Mr. Watt replied yes.

Commissioner Howell indicated that they could call customer service if there are connection problems. Commissioner Watts said they are trying to get the entire valley upgraded to their 3.0 service.

Steve Clarke said he is also a Digis customer. Regarding the landscaping requirement, he keeps hearing trees are a necessary requirement to get the towers operating, but trees block the signal path. Jim Gentry indicated that the landscaping trees were required because the water tank was built at a higher elevation than what was approved.

Commissioner Miller said she rides her bicycle past the site and the tank is visible and she believes the present landscaping does not adequately camouflage the site.

Commissioner Graves said there was a reason why they required what the conditional use permit was approved. He does not want the landscaping plan to be compromised and believes they can find the right balance.

Commissioner Howell said in California, they frequently used artificial trees with real bushes to camouflage things.

MOTION: Commissioner Warburton moved to approve CUP 2011-07 with the stipulations as outlined in the staff report. Commissioner Miller seconded. A vote was taken and Chair Parson indicated that the motion carried unanimously (7-0).

Commissioner Warburton indicated that she believes that the applicant has addressed everything, that it complies with the general plan, and she believes the proposal would serve the people of the valley.

2-3. Information:

Jim Gentry indicated that the Annual National APA Conference would be in Los Angeles, April 14-17, 2012. Early Registration is due by the second week in February. Chair Parson is the next eligible member to go and Chair Parson accepted. Commissioner Howell is next in line if Commissioner Parson is unable to attend.

2-4. Information: 2012 Meeting Schedule and Member Information List

After a brief discussion, Sherri Sillitoe indicated that the meeting schedule and member information list would be placed on the next agenda.

3. Public Comments:

Steve Clarke, Eden, stated that he submitted a letter from the GEM Committee earlier today relative to the Planning Division work priorities and the general plan discussion. In summary, the Ogden Valley Stakeholders Committee was formed to study the general plan update years ago and they committed to continue to help the county in any way in order to get the three recommend ordinances in place and the group became the GEM Committee. Approximately 10-15 members of that GEM Committee have met consistently for six and a half years. They have yet to approve a TDR (Transfer of Development Rights) ordinance. In addition to the land use issue there is the issue of the rollover issue in the state. They must plan for 40,000 people or whatever number the Planning Commission come up with. The GEM Committee recommends that the Planning Commission be bold and make this planning effort something to get done this year. Every year that they wait, it gives the economy another year to recover. With recovery, there would come a larger workload for the staff and the Planning Commission.

He believes this is a fundamental issue in the Ogden Valley. The GEM Committee urges the Planning Commission to make this a top priority issue in the planning priorities this year.

Permitted signs is an important issue that should also be addressed. The GEM Committee members have said that in the Intermountain area several jurisdictions allow internally lit signs but with restriction. Steve Clarke said that his issue is with internally lit signs as opposed to externally lit signs. There is a vision to maintain the rural character of the Ogden Valley and he finds that the requirements in Zoning Ordinance Chapter 32b are inadequate.

Mr. Clarke asked staff to explain the rules that allowed Pat's Place to move to Richard Schneider's property without Planning Commission input. Staff did so at this time.

Commissioner Hollist indicated that TDR is a new concept to him and asked Mr. Clarke to explain this concept to him. Steve Clarke indicated that he believes TDR's is a valuable tool. The question whether they work in Weber County is Rob Scott's concern. Chair Parson indicated that they spent a lot of time with the TDR concept and the County Commissioners did not facilitate that happening. The Planning

Commission did the work to make that happen, but could not. Jim Gentry indicated that they have a TDR component in the Destination Resort zone and the Planning Commission members can visit the office to obtain further information. Mr. Clarke indicated in his judgment and in the judgment of the GEM Committee, having the resort zone ordinance and general transfer of development rights in the Ogden Valley would not work, but if you had high-mixed use villages, he believes it would work.

Commissioner Warburton loves the TDR concept. Once they have to have a master plan and possibly hire a consultant, the Planning Commission Chair has the power and they can have things brought to the table. Jim Gentry said funds were approved this year to look at a market analysis for nodes and TDR's may be a side note of that. At the end of the month, the Planning work program will be presented to the Planning Commission for 2012.

Steve Clarke said that the GEM Committee stands ready to help obtain any additional funds needed to further the progress. Commissioner Hollist asked if TDR's is a key component to the nodes designation and Mr. Clarke replied that it is one key component as well as the purchase of development rights. Commissioner Hollist said at the APA Fall Conference, Bear Lake representatives hosted a seminar on the impressive process they went through to amend their general plan. Commissioner Hollist said he believes they had a paid consultant as well as the help of Envision Utah. Jim Gentry urged the members to come to the office if they would like additional information on the TDR concept. Jim Gentry indicated that when the General Plan was updated as well as the Recreation Element, some meetings were held in the Ogden Valley to receive community input.

Commissioner Howell said they have to respect property rights.

Commissioner Hollist is in favor of focusing on something like this that is strategically important. If this is the way to get there along with the General Plan map or master plan, then he is in favor of getting on the agenda. Commissioner Warburton agreed.

Steve Clarke indicated that he is in favor of having a general plan map and is a key to a successful general plan. Commissioner Hollist indicated that the Bear Lake area utilized a general plan map to update their general plan. He believes that the success of the Bear Lake plan was that they brought the plan to the people and received their input.

Steve Clarke said that the GEM Committee has pledged their entire support to help the county obtain the necessary funds and he and Richard Webb indicated previously that they would be willing to work with our county people to generate maps, training them on the use of tools and train them to do whatever they can do to help. That is the way to whittle the consultant bill in half.

Chair Parson indicated that he does not believe that it will be that difficult. Commissioner Hollist said he does not believe it is rocket science. Commissioner Warburton said she believes the key is how they get people involved without a consultant.

4. Planning Commissioner's Remarks:

5. Staff Communications:

5-1. Planning Director's Report

The heliport ordinance was adopted this morning. The next week Chapter 04 Subdivision Ordinance will be on the County Commission agenda.

5-2. Legal Counsel's Remarks

Adjourn to convene a Work Session

W1. Annual Review of the General Plan

Jim Gentry presented a report reflecting the annual progress of the work done to date and the work that still needs to be done on the General Plan and zoning ordinance chapters. It was brought out that the node study would go a long way to determining if TDR's could be successful in the Ogden Valley. Commissioner Graves said the money allocated for a nodal study is not the only thing but it is a key. The nodal study will start to give them a form.

If the members have any questions, they should feel free to call staff.

There Being No Further Business, the meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary
Weber County Planning Commission

DRAFT

2. A Planning Commission field trip to the proposed heliport site was held on February 4, 2012. Five of the seven Planning Commissioners, staff, and members of the public attended. The field trip consisted of a drive from the Maple Street cul-de-sac to the heliport site, a short question and answer session at the site with the applicant, followed by a return trip to the Maple Street cul-de-sac and more discussion. Unfortunately, a helicopter did not land at the site, so no decibel readings were obtained. No decisions were made at this meeting.
3. The major issue with the Drinking Water Source Protection at the January 24th meeting had to do with onsite helicopter refueling within a Zone 2. The applicant has now withdrawn the request for onsite refueling, which should adequately resolve this issue. The Green Hills Water District has recently provided staff with a copy of its Drinking Water Source Protection Plan, but staff has yet to receive a review from the Weber-Morgan Health Department.
4. Test flights were not conducted at the site, so there are no decibel readings available for the Planning Commission to consider. However, three decibel charts and one calculation have been provided to give a general understanding of the noise levels that can be expected. Based on these charts and the calculation, the heliport will generate a maximum of 70 decibels at 3,500 feet or two-thirds of a mile. The charts list various comparisons for 70 decibels including radio/television audio, a vacuum cleaner, normal conversation at 3-5 feet, and an automobile. Based on the expected noise levels and the limited heliport operations, it appears that potential issues with noise are adequately mitigated.
5. The Weber Fire District responded with no concerns after the refueling operation was withdrawn by the applicant. Staff has yet to receive a review from the Weber-Morgan Health Department. More information will be provided to the Planning Commission as it becomes available.
6. The definition of heliport in the Zoning Ordinance clearly allows commercial operations. If this site is determined to be a commercial heliport that needs a business license, then a business license will be required. However, if the use that takes place does not require a business license, or if a license has been obtained in another area where the business transactions actually occur, then a business license may not be necessary. Regardless of the type of use – private or commercial – the applicant is requesting a conditional use permit for a heliport which has very specific criteria. The criteria, rather than the private or commercial use should be the Planning Commission's focus.

The Planning Commission must now determine if the new information and compliance with the existing Zoning Ordinance criteria is sufficient to approve the applicant's request. The information presented on January 24th follows, with minor updates based on new information, i.e., removal of the refueling operation from the application.

January 24th Information with Updates

On January 3, 2012 the Weber County Commission adopted several amendments to the Weber County Zoning Ordinance regarding heliports in the Ogden Valley. On the same day, the applicant submitted a conditional use application for a heliport located in an F-40 Zone east of Green Hill Country Estates and approximately two-thirds of a mile from the Maple Street cul-de-sac. The proposed heliport location and an additional 446 acres owned by the applicant currently have final approval as a six-lot subdivision known as The Sanctuary. The application originally showed three sites on the applicant's property that were proposed for this use, however, it was discovered that two of the sites were located in an F-5 Zone which does not allow heliports. Only the location in the F-40 Zone is now being proposed for the heliport site.

The applicant is proposing to operate the heliport on a seasonal basis as a pick-up and drop-off site for heli-skiing operations. This site will be used for a maximum of three days per week, only during daylight hours, with no more than ten operations (either take-off or landing) per day due to FAA regulations as described below. The proposed heliport has no permanent structures or facilities. There is also no signage or lighting proposed. The landing area is on an existing rock surface which is free from trees and other obstructions. Refueling on site will not occur. A portable latrine will be used at the site as necessary and may be removed when flights will not occur for several days.

Access to the proposed heliport is through Green Hill Country Estates, which has private roads. The applicant has provided staff with an agreement between the Green Hill HOA and the former owner of the property, which grants access on the Green Hill private roads to the applicant's property. The applicant has represented that the agreement allows those invited to his property to also use the private roads. However, this is a private matter between the applicant and the Green Hill HOA and should not be discussed by the Planning Commission. This information was included in the staff report because staff has received questions about access to the heliport from property owners in the Green Hill Subdivision, and it is anticipated that the Planning Commission will receive similar questions.

As part of the recent zoning ordinance amendments, the F-40 Zone now allows heliports as a conditional use subject to the following standards:

1. A heliport must be located on a single parcel of record which is not less than 40 acres in area.
2. A heliport must be located at an elevation of at least 6,200 feet above sea level.

3. A heliport must be located at least 200 feet from any property line. The Planning Commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the property line provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the Planning Commission.
4. The heliport landing surface must be dust-proof and free from obstructions.
5. Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.

The proposed application meets each of these standards in the following ways:

1. The proposed heliport is located in an F-40 Zone on a 78 acre parcel.
2. The proposed heliport has an elevation of approximately 6,300 feet above sea level.
3. The proposed heliport is located slightly over 200 feet from the parcel's east boundary line and much more than 200 feet from the other boundary lines.
4. The heliport landing surface is proposed to be on an existing rock surface which is free from dirt. There are no trees or other obstructions in the vicinity of the proposed landing area.
5. The heliport meets the definition of "intermittent use" under the Code of Federal Regulations (CFR) Title 14 Part 157.1.c and, therefore, does not require notification to or inspections from the FAA. Staff recently spoke with the FAA Salt Lake City Flight Standards District Office about this issue and it was confirmed that this heliport would require no inspections because it is seasonal, nothing is being constructed, and it meets the definition of "intermittent use." A similar response (see Exhibit D) was given for the heliport that was proposed at the Red Moose Lodge in 2010.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed heliport meets these requirements.

22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The reasonably anticipated detrimental effects for this heliport include safety, noise, dust, and impacts to wildlife. Each of these issues is addressed below:
 - **Safety:** This heliport will operate under visual flight rules (VFR) and flights will occur only during daylight hours and good weather conditions. In addition, the number of flights per day and the number of operating days per week are already restricted as mentioned previously. The heliport is located approximately two-thirds of a mile from the nearest residence and the anticipated approach and take-off paths, as described by the applicant, are over his own property, not over the Green Hill Subdivision or other residential areas. Refueling will not occur at the heliport. The heliport does not require FAA inspection as explained previously, but all applicable FAA regulations must be complied with.

- **Noise:** Impacts from the noise generated by helicopters using this site are minimized because the site is located two-thirds of a mile from the nearest dwelling and the number of operating days and flights per day are limited. The heliport site is surrounded by the applicant's property and other vacant mountain properties.
- **Dust:** The heliport landing area is on an exposed rock surface which the applicant has stated is free from dirt and other debris. The landing area must be maintained with a dust-proof surface as a standard of approval in the F-40 Zone. Any dust or debris that is generated by this use will remain on the applicant's property due to the setback regulations in place.
- **Wildlife Impacts:** The Ogden Valley Sensitive Lands Ordinance has already been applied for the Sanctuary Subdivision on this property. While the ordinance is applicable for the heliport as well, nothing is being constructed, no new roads are being created, no fencing will be built, and no additional vegetation is being disturbed. Therefore, the heliport complies with the Important Wildlife Habitat Areas section of the Ogden Valley Sensitive Lands Ordinance. Once the helicopter leaves the heliport, its flight path is regulated by the FAA. Impacts to wildlife that may occur during the helicopter flight is not something that can be regulated by the Planning Division or the Planning Commission.

2. The proposed heliport complies with the regulations and conditions specified in the F-40 Zone including parcel area, elevation, setbacks, landing surface, and FAA regulations (all as mentioned previously). The heliport must comply with all other reviewing agency provisions.

Conformance to the General Plan

One of the goals of the Ogden Valley General Plan is to enhance quality recreational opportunities in the Valley. Resolution 3-97 (Ogden Valley General Plan Commercial Zone Map) states that the County continues to support the development of resort-related commercial areas. The General Plan also seeks to clarify the difference between commercial structures and commercial operations, with operations being allowed as conditional uses in appropriate zones. In addition, the heliport is another option for increased emergency medical service in the Valley. However, these goals must be balanced with the goal to make sure that development is compatible with the Valley's rural character and natural setting.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber-Morgan Health Department
- Requirements of the Weber Fire District
- Requirements of the Federal Aviation Administration
- Other conditions deemed necessary by the Planning Commission to mitigate potential detrimental effects

Staff Recommendation

Staff recommends approval of the proposed heliport, subject to agency review requirements, based on its compliance with applicable ordinance requirements as described in this staff report.

Exhibits

- A. Applicant's narrative
- B. Site plans
- C. Aerial views of heliport location
- D. Heliport operations guide
- E. Decibel charts and calculation
- F. FAA e-mail and CFR 14-157.1
- G. Agency review responses
- H. Public comments

Map 1



NOTES!

Exhibit A

Tim Charlwood

9793 N Basin Canyon Road, Park City, Utah USA
Mailing Address: P.O. Box 980400, Park City, Utah 84098-0400
Tel: 435 901 2337. Email: timcharlwood@gmail.com

The Sanctuary 9200E 1500N Huntsville UT 84317

1. Heli Port landing zone considerations. Three sites chosen within the Sanctuary all above 6,200 feet. The Landing Zones are set back over 300 feet from property boundary which is surrounded by 10,000 acres of DWR land. All flight approaches and departures are over the Sanctuary Property and then continue over uninhabited forestry land at higher altitude. The ski terrain and flight paths are largely to the NW. Landing zones are on well established rock offering clean sites with no dust. To minimise any noise effect the landing zones are set back over 200 feet from ridge lines. We have three options to land on the 524 available acres giving flexible options for the pilot, it is normally best to approach into wind.
2. All flights will comply with all FAA flying regulations and associated reporting permits required under the ordinance. We comply with the minimum F40 zoning requirements and suggested set backs. In practical terms history has shown 2/3 flyable days a week over the 9 weeks late January through end of March. Last year was far fewer and so far no flights this season. No more than 5 pick up operations in a day. Flying is in daylight hours under visual flying rules.

Exhibit B

SANCTUARY

NUMBERSVILLE, WISCONSIN COUNTY, WISCONSIN



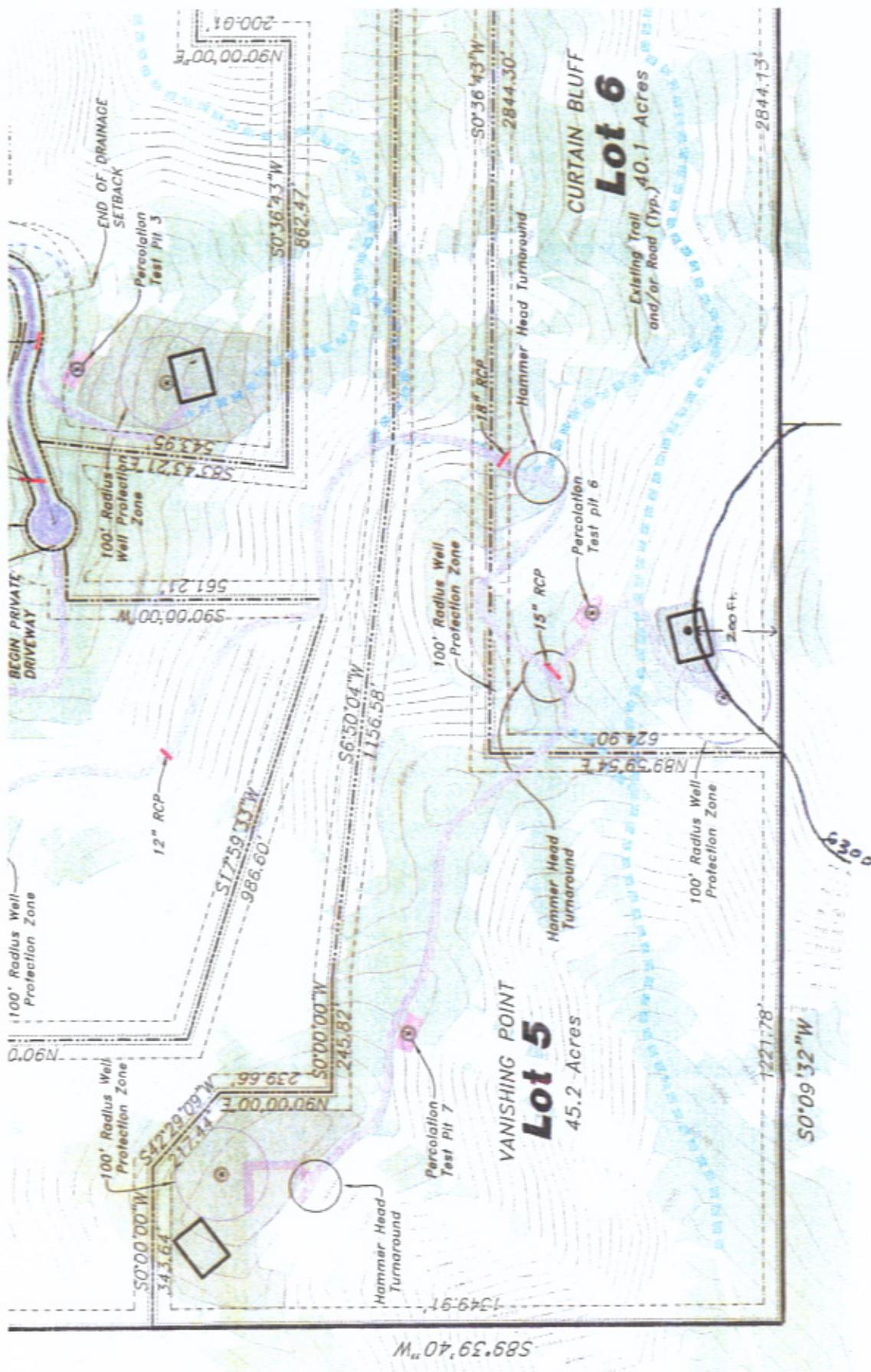
LEGEND:

- Ducted Road
- Private Road
- Private Road
- Building Foot
- 400' Site
- Septic Site



Scale: 1" = 300'

HANSEN & ASSOCIATES, INC.
 Consulting Engineers and Land Surveyors
 1000 W. Wisconsin Ave.
 Madison, WI 53706
 Phone: (608) 261-1000
 Fax: (608) 261-1001
 Email: info@hansen.com



Lot 5
 VANISHING POINT
 45.2 Acres

Lot 6
 CURTAIN BLUFF
 40.1 Acres

100' Radius Well Protection Zone
 100' Radius Well Protection Zone
 100' Radius Well Protection Zone
 100' Radius Well Protection Zone

Percolation Test Pit 7
 Percolation Test Pit 6
 Percolation Test Pit 5

Hammer Head Turnaround
 Hammer Head Turnaround
 Hammer Head Turnaround

12" RCP
 15" RCP
 18" RCP

BEGIN PRIVATE DRIVEWAY
 END OF DRAINAGE SETBACK

Existing Trail and/or Road (Typ.)

200 Ft.

0.06N
 190'0
 542'29.09"W
 217.44
 343.64
 50'00'00"W
 239.66
 50'00'00"W
 245.82
 56'50'04"W
 1156.58
 51'59'10"W
 986.60
 59'00'00"W
 561.21
 585'43'27"
 543.95
 50'36'43"W
 862.47
 50'36'43"W
 2844.30
 50'36'43"W
 2844.13
 50'09'32"W
 1221.78
 6300
 624.90
 189'59'54"E
 524.90
 200.01
 N90'00'00"E
 589'39'40"W
 1349.91

Exhibit C





Exhibit D

DIAMOND PEAKS
HELI-SKI ADVENTURES



HELIBASE - HELIPORT
OPERATIONS STANDARDS

CLASSIC HELICOPTERS LIMITED, L.C.
HELIBASE – HELIPORT OPERATIONS STANDARDS

1. Introduction:

The proper selection and construction of landing areas is essential to both the safety and efficiency of helicopter operations. Landing areas that are poorly located or constructed may contribute to or be the cause of an accident. At a minimum, inadequate areas heighten risk, increase pilot workload, and result in inefficient operations.

The purpose of this document is to establish the requirements and specifications for heli-bases, heli-ports and heli-spots that are intended to be used frequently.

2. Planning:

The selection of an area or areas on which to land the helicopter(s) is an important factor in the planning activity. When possible the pilot(s) should have input. The following general requirements should always be considered:

- The types of activity and volume of traffic will affect selection.
- The site should lend itself to economic and environmentally sensitive development to the size which will accommodate the type of helicopters and volume of traffic expected.
- Site planning and construction shall be in accordance with local, state and federal regulations.

3. Site Ownership and Approval:

Assure that the land under consideration, whether a meadow, field, airport, or airstrip, is owned by an individual or entity that supports the operation being conducted.

- Private Ownership: If the land is owned by an individual or corporation, contact must be established prior to landing in order to request permission.
- Public Ownership: If the land is owned by a federal, state, or local land management agency, permission must be granted by that agency, prior to use of that property for helicopter operations.
- Use of Private Airports and Airstrips: The use of such facilities requires the permission of the owner(s), Airport Manager or responsible agency, such as the Federal Aviation Administration.

4. Landings at Unimproved Sites:

The Pilot in Command is responsible for making the decision to utilize unimproved landing sites. Prior to landing for the first time at an unimproved site, the pilot shall make a high-level reconnaissance of the area to determine suitability of the area, the location of any aerial hazards in the approach or departure corridors, the location of

emergency landing areas and escape routes, wind conditions, ground slope and stability, rotor clearances, ground hazards and size of landing zone.

5. Specifications for Landing Zones:

- Fuselage Clearance: Ensure that the Touch Down Zone (TDZ) is free of brush or other obstructions and large enough to accommodate both skids. There must be adequate clearance under the fuselage to clear antennas, cargo hook, or externally supported accessories.
- TDZs must be as level as possible and firm enough to support the type of helicopter being used. For most helicopters a 5 – 8 degree lateral slope is the maximum allowable slope limit.
- The Landing Zone (LZ) must be able to safely accommodate the aircraft being used. The typical formula used for determining the size of the LZ is to take the overall length of the aircraft and multiply it by 2.

6. Approach and Departure Path:

Ideally, site selection should provide for approaches and departures in several directions. If the site is not located on a ridge top, an approach-departure path aligned with the prevailing wind would be preferred. If possible, avoid one-way Landing Zones, although these landing sites are not inherently unsafe, provided correct pilot techniques are utilized.

- Wind Direction: Always attempt to locate landing areas so that take-offs and landings may be made into the prevailing winds.
- Almost Vertical (Max. Performance) Take-Offs and Approaches: Maximum performance take offs are not inherently unsafe, but should be avoided if possible, especially on an extended-use basis. Most small helicopters must be at approximately 400 feet above ground level at zero forward airspeed to execute a safe autorotation in the event of engine failure.
- Minimum Width: An adequate minimum width for an approach-departure path is the diameter of the Landing Zone. Safety is increased if the path can be wider.
- Approach: The approach should be free of obstructions which would prevent a normal approach profile. However, due to terrain features and other obstacles in the approach path, if the only option is a steep approach, the pilot shall adjust his/her payload and fuel loading accordingly to be able to descend with adequate power so that a go-around could be accomplished.
- Departure: There should be enough level running space to permit normal acceleration from hove to translational lift and initial climb. If environmental considerations restrict this from being accomplished, a maximum performance take off will be required. The pilot shall adjust his/her payload and fuel loading accordingly, so that there is adequate power reserve when leaving ground effect.

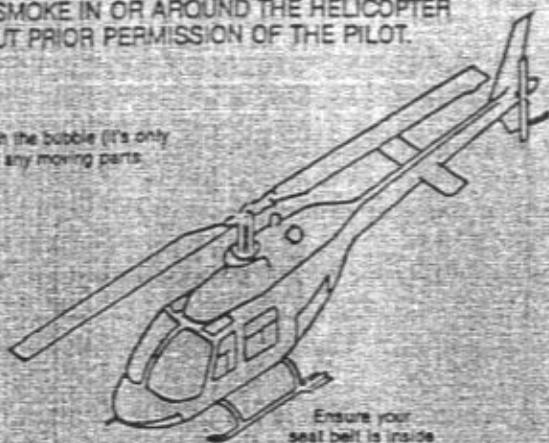
7. Public Safety:

It is of utmost importance to ensure that bystanders or others who happen to come upon the landing site be kept from harm and danger, as a result of helicopter operations. The pilot in command will ensure that all available precautions are taken and that the area will be secured with cones, caution tape, vehicles that block access, etc... It is understood that not all these tools may be available at all sites, but it is the intent to utilize all available resources.

BE ALERT AND LIVE AROUND THE HELICOPTER

DON'T SMOKE IN OR AROUND THE HELICOPTER WITHOUT PRIOR PERMISSION OF THE PILOT.

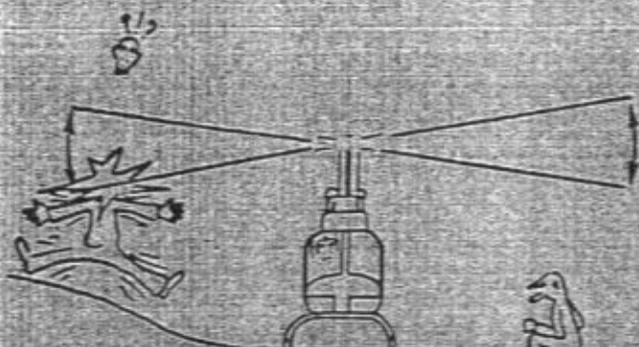
Don't touch the bubble (it's only plastic, or any moving parts)



Ensure your seat belt is inside before closing the door.

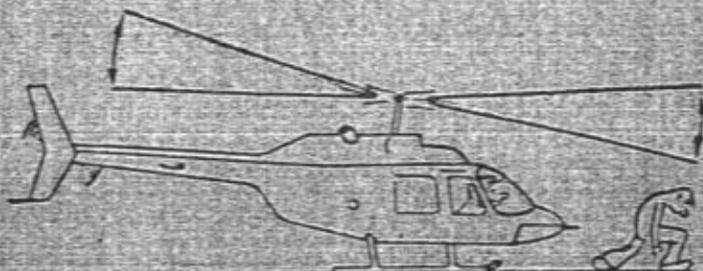
PROTECT YOURSELF

1. FASTEN SEATBELT on entering helicopter and leave it done up until the pilot signals to get out.
2. ASK THE PILOT about emergency exits and escape procedures.
3. DRESS for the operating environment.
4. KEEP WELL CLEAR of landing areas when the helicopter is landing or taking off, especially with external loads.
5. SHIELD YOUR EYES near a helicopter when it is landing or taking off.



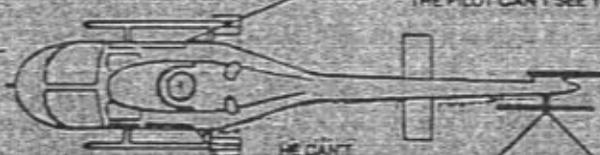
NEVER APPROACH OR LEAVE UPHILL
Rotor blades are expensive

ALWAYS
Approach from the downhill side



Approach and leave the helicopter in a crouched manner.

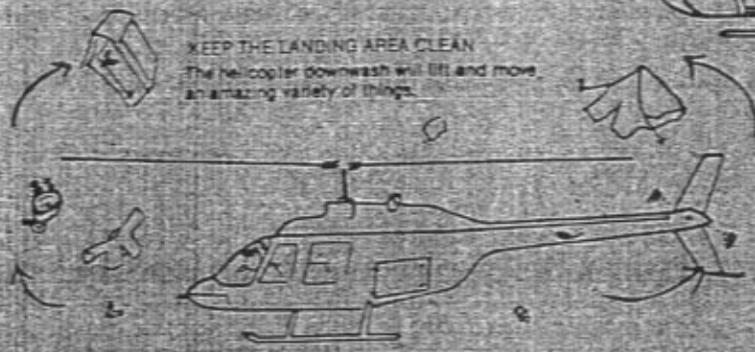
When directing the helicopter, stand with your back to the wind, arms outstretched in the direction of the pad.



ALWAYS
AVOID THIS BLIND AREA. THE PILOT CAN'T SEE YOU.

HE CAN'T SEE YOU HERE EITHER

DON'T EVEN GET CLOSE TO THE TAIL ROTOR (it bites hard)



KEEP THE LANDING AREA CLEAN
The helicopter downwash will lift and move an amazing variety of things.

NEVER throw any object in the vicinity of the helicopter.



DON'T SLAM THE DOORS but close them gently and don't let them swing in the wind.

Carry tools and other long objects horizontally below waist level, not upright or over the shoulder.

Hold on to your hat. Don't make canopies near the pad. — she makes great winds.

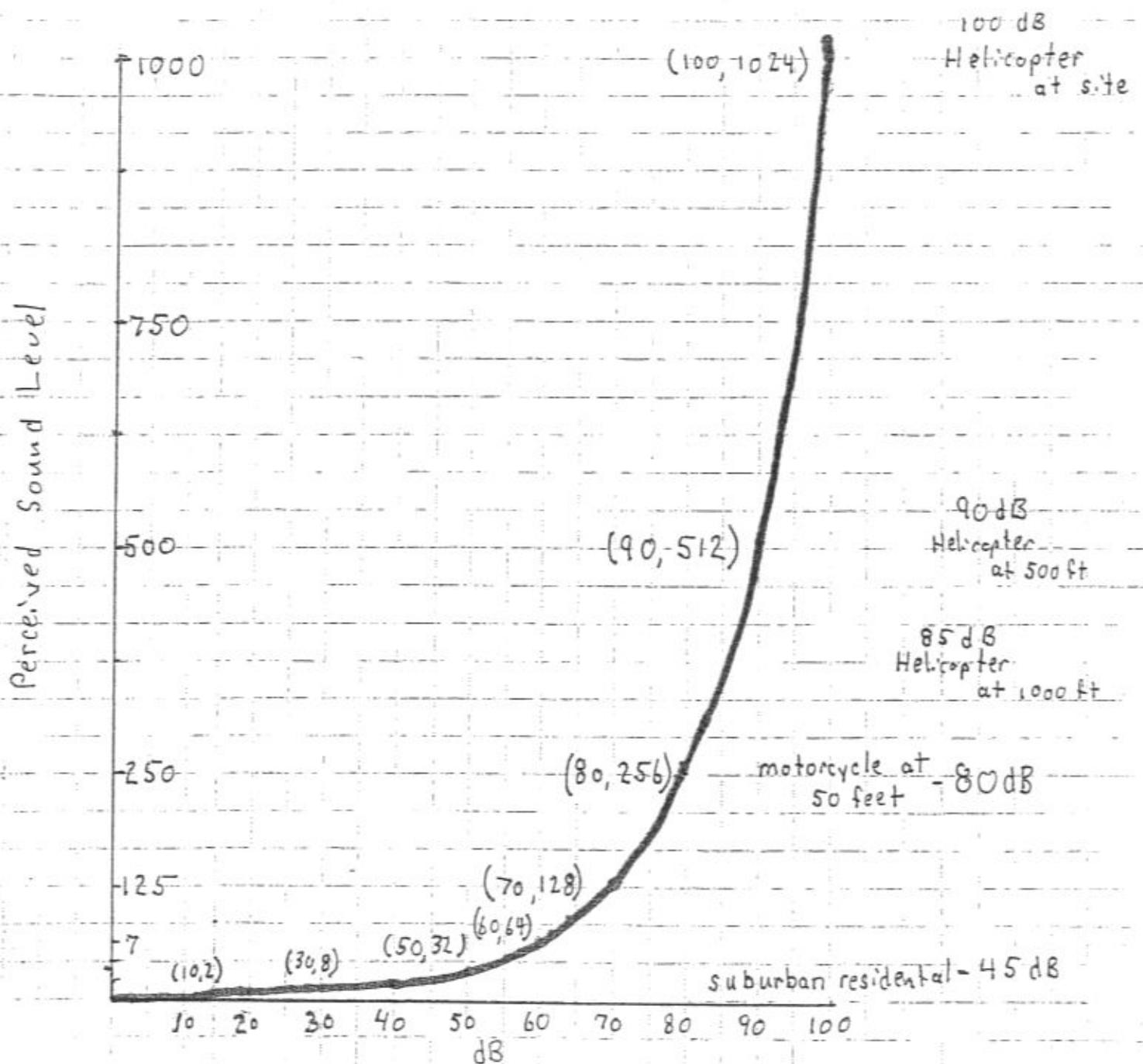
JK

Exhibit E

Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/enviro10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.



The perception of sound doubles for every 10 dB increase.

A 70 dB intensity level sounds TWICE as loud as a 60 dB sound.

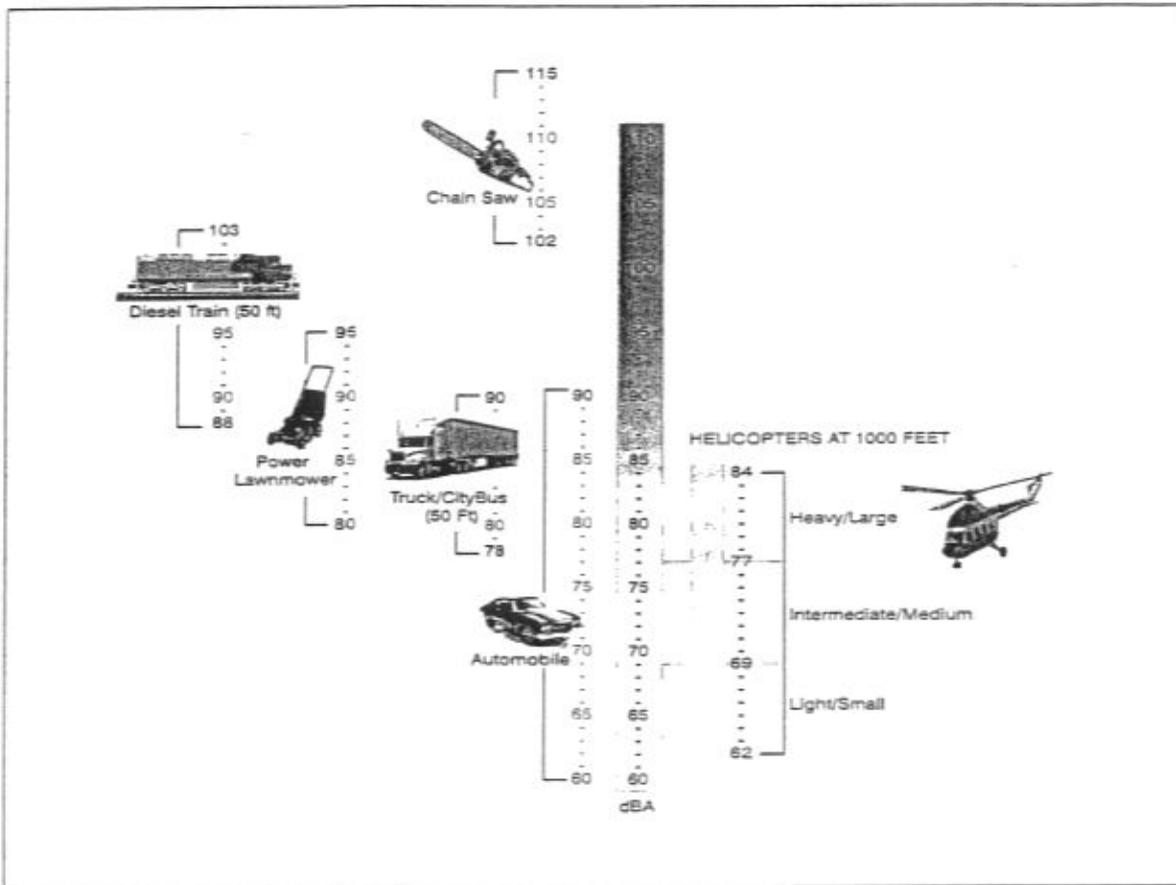
And an 80 dB sound is again TWICE as loud as 70 dB,

90 dB sounds TWICE as loud as an 80 dB

$$\beta = (10 \text{ dB}) \log \left(\frac{I}{I_0} \right)$$

Figure A2 provides some basis for comparing helicopter sound levels to other familiar sounds. Comparisons are made at representative distances from each sound source.

Figure A2
Comparison of
Sounds



The sound level is, however, only one of the aspects to be considered since the character of the sound - or the impulsive character of the sound - can be equally important. Fortunately, the impulsive character of the sound, as well as the actual level, can be controlled by using noise abatement procedures.



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Sound Level Decibel Loudness Comparison Chart

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	<i>90 - 95dB</i>
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	<i>125dB</i>
Pneumatic riveter at 4'	125dB
<i>Even short term exposure can cause permanent damage - Loudest recommended exposure <u>WITH</u> hearing protection</i>	<i>140dB</i>
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB
OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB
.25 or less	115dB

Perceptions of Increases in Decibel Level

Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

Sound Levels of Music

Normal piano practice	60 -70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 -111dB
Oboe	95-112dB
Flute	92 -103dB
Piccolo	90 -106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.
- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin , M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

Sound pressure level depending on the distance for point-shaped sound sources

Enter the three gray boxes and you get the amount of attenuation, you can expect with a change in sound source distance, in a free field.

Reference distance r_1 from sound source 100 m or ft	Sound level L_1 at reference distance r_1 100 dB SPL	The $1/r$ law. There really is no square and no power! Sound pressure.
Another distance r_2 from sound source 3500 m or ft	Sound level L_2 at another distance r_2 69.12 dB SPL	Sound level difference $\Delta L = L_2 - L_1$ -30.88 dB
	<input type="button" value="calculate"/>	<input type="button" value="reset"/>

$$L_2 = L_1 - 20 \cdot \lg\left(\frac{r_2}{r_1}\right)$$

Given sound levels and calculation of the distance: $r_2 = r_1 \cdot 10^{\left(\frac{L_1 - L_2}{20}\right)}$

The sound level depends on the distance between the sound source and the place of measurement, possibly one ear of a subject.

The sound pressure level L_p in dB without the given distance r to the sound source is really useless. Unfortunately this error (unknown distance) is quite often.

Exhibit F

Wilkinson, Sean

From: Lewis.C.Olson@faa.gov
Sent: Tuesday, March 16, 2010 1:26 PM
To: Wilkinson, Sean; mnickl@classicaviation.net
Cc: William.J.Hughes@faa.gov
Subject: Heli-ski operations

As we discussed today via phone, it is my opinion, as an FAA Aviation Safety Inspector in the SLC Flight Standards District Office, the seasonal heli-ski operations conducted in your area are not subject to FAR 157. The primary reason is, nothing is being constructed or deactivated. It has been described to me that the staging area is to and from an existing parking lot and the operator has the permission of the owner to use that land for the purpose of transporting heli-ski personnel to and from that area on a seasonal basis.

I hope this resolves any issues you were concerned about.

Regards,
Lewis C. Olson
Aviation Safety Inspector
Salt Lake City - Flight Standards District Office 1020 North Flyer Way Salt Lake City, UT
84116
PH: (801) 257-5053
FAX: (801) 257-5066

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Electronic Code of Federal Regulations

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e-CFR Data is current as of January 11, 2012

Title 14: Aeronautics and Space

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

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§ 157.1 Applicability.

This part applies to persons proposing to construct, alter, activate, or deactivate a civil or joint-use (civil/military) airport or to alter the status or use of such an airport. Requirements for persons to notify the Administrator concerning certain airport activities are prescribed in this part. This part does not apply to projects involving:

(a) An airport subject to conditions of a Federal agreement that requires an approved current airport layout plan to be on file with the Federal Aviation Administration; or

(b) An airport at which flight operations will be conducted under visual flight rules (VFR) and which is used or intended to be used for a period of less than 30 consecutive days with no more than 10 operations per day.

(c) The intermittent use of a site that is not an established airport, which is used or intended to be used for less than one year and at which flight operations will be conducted only under VFR. For the purposes of this part, *intermittent use of a site* means:

(1) The site is used or is intended to be used for no more than 3 days in any one week; and

(2) No more than 10 operations will be conducted in any one day at that site.

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[Section 508 / Accessibility](#)

Exhibit G

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Engineering

Project: [Heliport Landing Zone - Timothy Chartwood](#)
User: [Michael Tuttle](#)
Department: [Weber County Engineering Division](#)
Created: 2012-01-17 09:22:08
Modified: 2012-01-17 09:27:48
Approved: Yes

Notes

I have had a chance to review the plan(s) and have the following comment(s):

1. The applicant may want to consult with the DWR to minimize impact on the wildlife. Their land is used for Winter Habitat, and they may not like the additional impact on the wildlife.
2. Any structures built will need to meet the requirements of the Weber County Building Official.
3. A Storm Water Construction Activity Permit is required for any construction that:
 1. disturbs more than 5000 square feet of land surface area, or
 2. consist of the excavation and/ or fill of more than 200cubic yards of material, or
 3. requires a building permit for which excavation or fill is a part of the construction, and less than five acres shall apply for a county permit.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

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Weber Fire District Review

Project: Heliport Landing Zone - Timothy Charlwood
User: Ted Black
Department: Weber Fire District
Submitted by: Sean Wilkinson
Created: 2012-01-26 14:54:40
Modified: 2012-01-26 14:54:40
Approved: Yes

Notes

After discussion with the Planning Division it is my understanding that the re-fueling operation has been removed from the heliport application. Therefore, there are no exceptions with the application and it stands approved. No site visit is required due to the refueling operation being removed.

(This review was entered by Sean Wilkinson of the Planning Division at the request of Ted Black after a discussion on Thursday January 26, 2011 at 2:30 PM. Ted is out of town and does not currently have access to the Miradi System).

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Exhibit H

Wilkinson, Sean

From: Tim Charlwood [timcharlwood@gmail.com]
Sent: Thursday, January 26, 2012 8:35 AM
To: Wilkinson, Sean
Subject: Heli zone

Sean,

I am good for Saturday morning 10.00a.m. at the Sanctuary. Do give me a call when you have a moment.

I am somewhat confused by a number of issues and maybe you can give guidance.

As we have learnt Helicopters are governed by the FAA, they give permission to fly over dense residential towns, land on buildings including Hospitals right here in Ogden and Salt Lake City. They do this every day. They give guidance rules for operations on private property with limitation to the number of flights. Heli skiing is granted on private property and they operate on National Forest lands with full consent, Cottonwoods is one example and does have huge habitat of wildlife and for years has not been seen as a problem by the DWR.

Hel skiing has been going on for over 25 years on private land with approval of the FAA and no ordinance restricts this, indeed it encourages it. My land is no different and is considered under the zoning as good for recreational use including various forms of skiing and would appear to not require any permit for a helicopter to land and take off to assist in that recreation. Indeed it seems a Helicopter or Hot Air Balloon is free to land and take off with owners consent, there is no ordinance to restrict this. I am not wishing to operate as a business or on a commercial basis simply as a private recreation. Under the guidelines of a landing zone the FAA apply restrictions to any one specific landing zone with limitations of operations, I assume for safety reasons.

What noise level is regarded as acceptable, it appears no level has been suggested and no means of controlling such noise levels, no time limit has been applied to any noise level that is acceptable. The past meetings suggested cutting grass for three hours right up to the

property boundary done every week is annoying but has been accepted.

Very noisy trucks driving up the Canyon to home owners property is accepted. 4 wheeler ATV's roaring up and down the roads is acceptable, motor bikes are part of life. Grass cutting, snow blowers all make a high level of noise and goes on, snowmobiles operate on the hills and trails overlooking Greenhills. It has been clear a number of Greenhill's residents do not like or approve of the ATV/motor bike.snowmobile activity but accept it as part of the community life.

It has been described at the last meeting a helicopter 2/3rd of a mile away in line of sight would generate the sound of a Harley Davidson motor bike. The commission response was not to ban Harley Davidson motor bikes but to mention they had no problem with that level of noise. There are far nosier machines/vehicles operating in the Greenhills area. Large trucks are driven up there and stored including heavy equipment, snow plows drive hard to clear snow, much more noise than a Harley.

I am as concerned as anyone not to spoil the environment and any ruling on noise needs to be seen in the context of the every day noise levels. There is no suggestion to ban all machines and there is nothing in place to decide unacceptable noise levels.

It would appear I am entitled to land and take of at random sites on my land for private recreational use and need no permit. I have made an application for limited seasonal use at one site as far away as possible for recreational use, we do not need to get confused with a

re fuelling site which should remove any concerns with the agencies.
The ordinance talked of a property set back of 200 feet to take into account noise impact, is this the level to judge by.

One member of Greenhills living at the top of Kelly Canyon has confirmed he cannot see the take off site even if the helicopter was 2/300 hundred feet airborne. He was unaware we were flying up there recently for 20 minutes right over the landing zone. he is utterly embarrassed by the vandalism and trespassing undertaken by Greenhill's members and has asked that I prosecute them in the strongest terms and offered his help and support.

When doing sound tests comparisons need to be made with snow plow truck, locals big pick ups, ATV.s and possible a snowmobile and a clearly defined unacceptable sound level. Iphones have an app that can measure noise if it helps.

Tim

Wilkinson, Sean

From: Tim Charlwood [timcharlwood@gmail.com]
Sent: Wednesday, January 25, 2012 9:10 AM
To: Wilkinson, Sean
Subject: Heli permit meeting

Sean,

Thank you for your support and presentation, I am understanding the commission want to see and understand more detail and reports. I am trying to focus on the ordinance and to make clear I believe I have complied in full.

My understanding is we will have reports from the Health Dept., Fire Dept in a day or so which I feel we can fully comply with. A site inspection by all members of the commission will be undertaken, can we arrange a day say Friday 3rd February, or Saturday 4th February or Monday 6th February, I have no problem with Sunday if preferred.

It was suggested the commission want to arrange for a Helicopter to fly in and out following our suggested flight path and for commissioners with Greenhills HOA present. Maybe it can be explained how and when this is to be done.

I am not operating a business of any kind, I am inviting people to my land, the land stands in F40 zone with recreational use. At the time the ordinance was passed comments were made that made clear it was intended Heli Skiing was to be promoted providing it met with the ordinance law. My use is seen as a taxi stop or pick up point, no income, no agreements with any operator simply by my invitation within the rules. I am keen on helping some disabled skiers to ski, I gave up much of my time helping these organizations in the past and enjoyed some of the best ski experiences of my life. My land adjoins the back country ski grounds making this a practical option.

It is clear the access issue is outside of any consideration, I reiterate the agreement is clear in providing free access for F40 use and construction of up to 13 homes, road contributions are a part of the agreement.

Dust is not an issue.

Mitigation of noise has been dealt with in the strongest of terms.

The landing site is set back 2/3rd of a mile from the Greenhills roads, it is elevated 600 feet above them. There is a ledge extending from the landing site at the same elevation of 6,300 feet for 1/3rd of a mile. Greenhills is hundreds of feet below this a further 1/3rd of a mile totally out of sight. There is no way the site can be seen from any homes even at 100 foot elevation. Sounds travel in line of site, the extended ledge set back so far more than offsets any noise concerns. When the ordinance was agreed discussion centered around a set back to mitigate noise which was set at 200 feet. I am 600 feet higher and set back another 3,300 feet. Noise levels have been accepted as a guide by the commission comparing a Helicopter to other noise creators. It was suggested a helicopter in the line of site at 3,300 would equate to a Harley bike, not very scientific but clearly a guide. We are not only 3,300 feet away but out line of sight with considerably less noise. Greenhills is full of big Pick Up trucks, some with straight through exhausts, many home operate noisy ATVs and motor bikes on the roads, snowmobiles are operated on the land overlooking Greenhills, all of these are substantially noisier than a Harley and they operate all day every day. The helicopter (call it a

Harley) passes by in less than 3 minutes with the landing and take off out of site, if any vehicle, ATV or snowmobile is operating in Greenhills the Helicopter would operate unheard or seen. I believe I have mitigated the noise effect fully. The ordinance does not give

specific acceptable noise limits but as it has been confirmed I would not create any more noise than a bike on the road it is hard to argue I have not fully mitigated the issue.

Impact on wildlife applied to my land has been discussed at length with the same heli ski pilots that fly over these lands to inspect and count all the wildlife for the DWR the much preferred way to operate with studies showing minimal response from livestock. They do this regularly and the pilots report no reaction, in the pilots words they do not even flinch. They have to fly low to inspect them particularly after storms. Rock Mountain Power fly very low often weekly alongside my land inspecting the power lines. What does cause concern to wildlife is the irresponsible behavior of Greenhills in running very loud snowmobiles and ATV's up on my land not to mention the damage to trails and their re fueling on my land I have worked hard to protect and preserve the environment and enjoy the rights to use my land for recreational purposes. Above ground is controlled by the FAA and not a consideration for the county. The proposed flight path in and out extends over my land for about 1.2 miles at which point they would be flying above 9,500 feet.

Heli skiing involves 3 skiers and a guide at any one time, car pooling is encouraged and so we are talking of 5 pick ups maximum in a day often fewer. Average flights in the past have been 2 flights a week, not all will want to come to my land. We are talking minimal traffic at the busiest of times maybe 6 cars over a period of time.

Pollution does not apply in any way from a landing zone, they operate daily in sensitive areas and are fully controlled by authorities.

I am more aware than anyone of the environment and the balance of enjoying recreational use which I am entitled to on my land which I would like to include the ability to heli ski with my chosen invitees. I am also always keen to work with the HOA, the board have respected my privacy and I have worked in creating trails for mutual use in the past.

Perhaps you can give me a call with where we go from here.

Many thanks

Tim

Wilkinson, Sean

From: Tim Charwood [timcharwood@gmail.com]
Sent: Friday, January 27, 2012 10:38 AM
To: Wilkinson, Sean
Subject: Re: Wildlife Counting with Helicopters

Sean,

The helicopter used by UHP is identical to the Classic Helicopter and indeed is fully maintained by Classic. The pilot flying for DWR confirms they fly right down to 8 feet above the livestock which does not move at all, they need to identify the male/females, the young and check they are in good shape. It cannot possibly be argued flying over my land does any harm whatsoever. The DWR have confirmed they do this and is self defeating in any argument. It should be noted the DWR operations take place for long periods of time right above Greenhills, It appears they are oblivious to these flights , no complaints at all over the past 25 years. Flying at 8 feet is every bit as loud as they can go. Amazingly they also fly very close to large birds of prey nests to check them, again they do not react or they would not do this.

The sound test for this helicopter at 200 feet is measured at 93 db. The DWR chain saws are 120 db and they use at least 10 of them. The wood chipper is substantially louder. anyone near this has to wear head set ear protection it is extremely harmful to hearing and operated by the DWR representatives for Greenhills. What does a flight test prove beyond what is scientifically proven which would stand the test of law. We know the helicopter at 200 feet is measured below the sound levels created in Greenhills. What possible justification can be made to pay \$2,000 for a flight test that is to be measured at 3,300 feet and out of sight when the proven and accepted tests are in place and even accepted by representatives of Greenhills as being no more than traffic noise.

Mis information and emotion have driven a few ill informed people to be concerned, we are not doing anything different to operations over the past 25 years. .

The ironic fact is currently flying from Mountain Green over Greenhills, which is the established flight path, makes more noise at 1,000 feet above them, there has not been a complaint and many flights have taken place. The pilots are so aware and considerate of people below to avoid any upsets.

I should point out the lifeflight helicopter seen around running on 2 engines is twice the weight and three times louder than than the small machines used by skiers, they are not a comparison even they fly every day at roof top heights over local towns. and often in ski resorts.

Wilkinson, Sean

From: Stanley Schwartz [wyomicreek@gmail.com]
Sent: Thursday, February 02, 2012 9:37 PM
To: Sillitoe, Sherri L.
Cc: Wilkinson, Sean
Subject: Proposed Heliport project near Green Hills, Huntsville

Dear County Commissioners,

I very much appreciate your taking the time to visit the proposed Heliport site in back of the Green Hills residential subdivision up in Huntsville. I am sure you will enjoy your visit as this is a special area. This time of the year we usually have a large herd of deer that are overwintering in the conservation lands behind us.

If you have a chance please park your vehicle at the end of Maple circle or Kelly drive and turn off the engine. As you enjoy the view of the valley below, pine view reservoir, the front range and the Ogden Canyon listen to the sounds you hear as you exit the vehicle for a few moments. You will hear the wind, perhaps some birds, but not very many mechanical sounds.

This tranquility is the reason that most of us chose to live here. Quite simply it is the peace and quiet we enjoy when we walk outside our homes. This sort of place is becoming increasingly rare. I believe if you take a moment to enjoy this tranquil environment you will agree that it is worth preserving.

Imagine the sound of a helicopter taking off about one half mile away.

I think a heliport with helicopters taking off and landing up to ten times a day would spoil the tranquility of our residential neighborhood. As you know helicopters are loud and tend to produce alot of vibrations at close distances.

I am also concerned about the impacts on the abundant wildlife in adjoining conservation lands. Perhaps the deer, elk, moose, fox, turkey and other animals that frequent our area would need to seek other places to live if they were subjected to helicopters taking off and landing so close by.

Another issue is safety with helicopters taking off and landing so close to our homes.

Since both the Sanctuary and Green hills are residential areas and the Sanctuary was approved as a low density residential development I am not sure why a potentially disruptive and noisy commercial enterprise such as a heliport should be permitted here, especially against the will of the current residents.

I hope you will decide not to allow a heliport to be permitted in our back yard.

If you do decide to grant permission for this Heliport I would hope at least that it would be a conditional permit which is subject to review and revocation if indeed it disturbs the peace or has detrimental effects on wildlife, safety issues etc.

Thank you again for your consideration and time.

Sincerely,

Stan Schwartz
9141 E 1000N

Huntsville, Ut
84317

239 565 4232

January 30, 2012

Sherri Sillitoe (ssillito@co.weber.ut.us), Secretary of Planning for
Ogden Valley Planning Commission
Weber Center
2380 Washington Blvd.
Ogden, Utah 84401

Dear Commissioners:

Let me start by thanking each of you for your public service which takes considerable time away from your personal lives. It is reassuring to have Ogden Valley residents weighing issues that impact the lives of other Ogden Valley residents.

For 13 wonderful years, my husband Tom and I have lived year-round at the top of Kelly Drive which is the other canyon road in Green Hills. We are deeply concerned that the proposed commercial heliport and helicopter flights would adversely affect the wildlife and silence that are such a magical part of our daily lives.

We are enclosing two maps to illustrate the impact of the heliport on the lives of those of us living on upper Kelly Drive. The first is a Google Earth view of our lots and the heliport. Our home is located at the back property line on the triangular lot on the map. Our lot is just left of the notch above the word "DR" (in Kelley Dr.) The second map establishes that the heliport would be 0.62 miles from our house.

We are concerned that the most direct and likely most-used flight pattern from Diamond Peak's airport in Mountain Green to Mr. Charlswood's commercial heliport would be along the ridgeline directly behind our homes. The helicopters would start their descent as they approach the heliport, so they would also be low along our ridgeline. The proximity of the flight path to our homes raises serious concerns about safety should the helicopter experience mechanical problems during takeoff or landing.

Furthermore, I am puzzled as to why Diamond Peak would not use the commercial airport and parking at Mountain Green to fly skiers directly to James Peak on the back side of Powder Mountain. What is gained by making a commercial helicopter stop at Mr. Charlsworth's property? It boggles the mind.

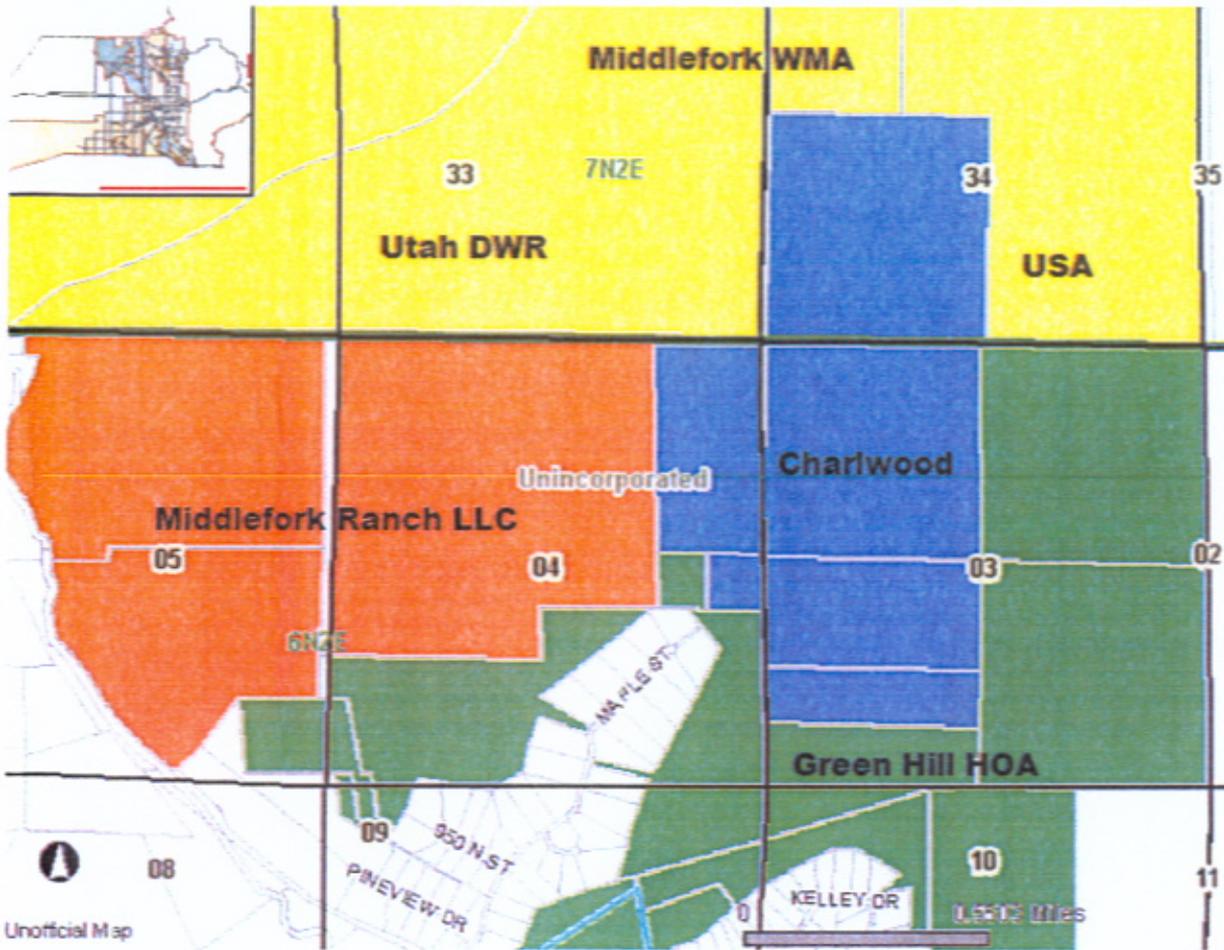
I ask that during your upcoming site visit to Mr. Charlswood's property, you actually bring in a helicopter and measure its noise level as it would be experienced from the cul-de-sac at the top of Kelly Drive. I understand from Sean Wilkinson that this site visit is tentatively scheduled for this coming Saturday, Feb. 4, at 10:00 AM. We greatly appreciate your inviting Green Hills neighbors to this site visit since it will substantiate the nature of our multiple objections to this commercial venture in our peaceful rural neighborhood.

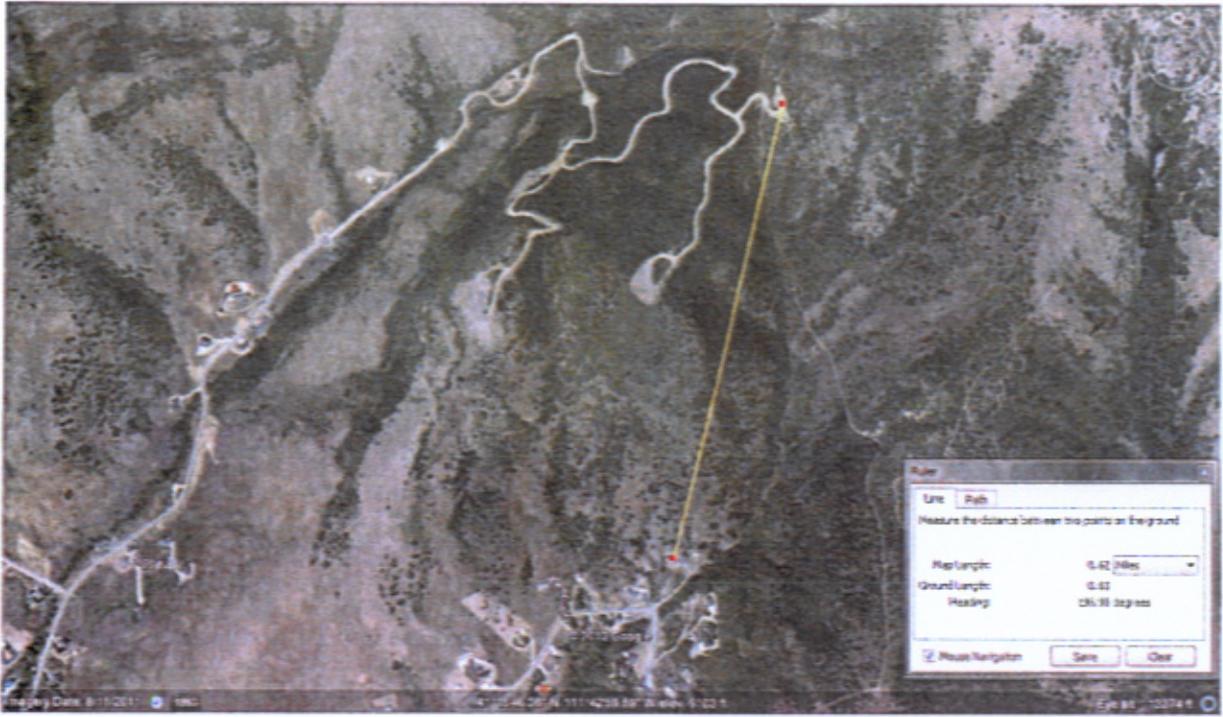
Please do not hesitate to contact us with any questions or concerns.

Sincerely,

Roxanne and Tom Taylor
9704 Kelly Drive
Huntsville Utah 84317
tomroxanne@aol.com 801.388.6130

cc: Sean Wilkinson, Planner swilkinson@co.weber.ut.us
2 Enclosures





Ruler

Line Path

Measure the distance between two points on the ground

Map Length: 0.42 Miles

Ground Length: 0.82

Heading: 251.93 degrees

Measure Navigation Save Clear

Satellite Data: 8/11/2011 IMC 43° 24' 52.4" N 111° 42' 38.5" W Alt: 4103 ft Eye Alt: 10274 ft

Date: January 31, 2012

To: Ogden Valley Planning Commission and Weber County Commissioners

From: Green Hills Water and Sewer District, Huntsville, Utah

Subject: Proposed Commercial Heliport

Green Hills Water and Sewer District is located in Huntsville, Utah in Weber County. Green Hills has filed its Well Head Protection Plan and Delineation report with the State of Utah and Weber County. Included in the report is Wells No's 1 and 2. Well No 2 is located on North Maple Drive and it is in close proximity to the proposed location of this Heliport.

The boundaries of our drinking water source protection are in zones 1-4. This planned heliport is located in our Zone 2 and 3 protection zones. These are sensitive areas which should be protected from any possible contamination.

Weber County adopted a Drinking Water Source Protection Plan and the purpose and intent of this plan was "to ensure the provision of a safe and sanitary drinking water supply to the residents of Weber County.....the county will establish drinking water source protection zones surrounding the wellheads and springs....and the county will designate and regulate the property uses and conditions that may be maintained within such zones." Attached are maps of the area which shows the protected zones and a description of each zone.

The District has concerns about the appropriateness of a commercial operation next to our protected zones and to a residential neighborhood. We are against the approval of a Heliport in our area. We believe that the Planning Commission and others who worked on the new Ordinances did an excellent job but feel that the first Heliport should be in a better location. The Heliport should be located at the ski resorts, not in a residential or sensitive water shed area. The resorts are better situated to handle a commercial Heliport.

The heliport has potential for impacting safety, fuel pollution, adverse effect of the wildlife in a wildlife protection zone, and of course our protection of our drinking water.

If the Heliport is approved for this location, then the Planning Commission and whatever other agencies are involved need to put in several severe restrictions and conditions to protect the watershed area, our water sources, wildlife, noise restrictions, quality of life, etc.

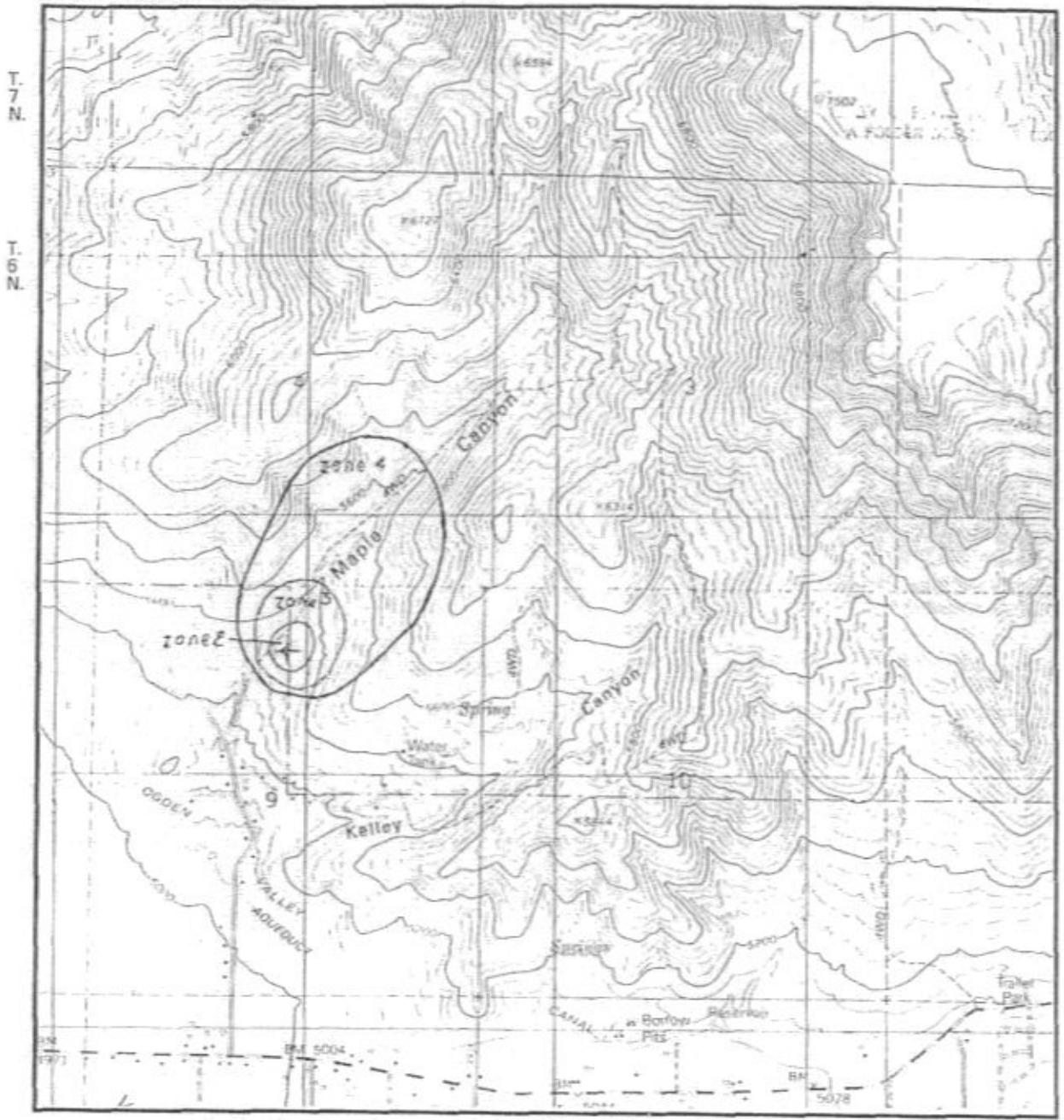
We do not believe this operation should be permitted.

Howard Ratcliffe

Brad Nelson

Patti Danks

Attachment 8.



R. 2 E.

Base from USGS, 1991, Browns Hole 7.5 minute Quadangle

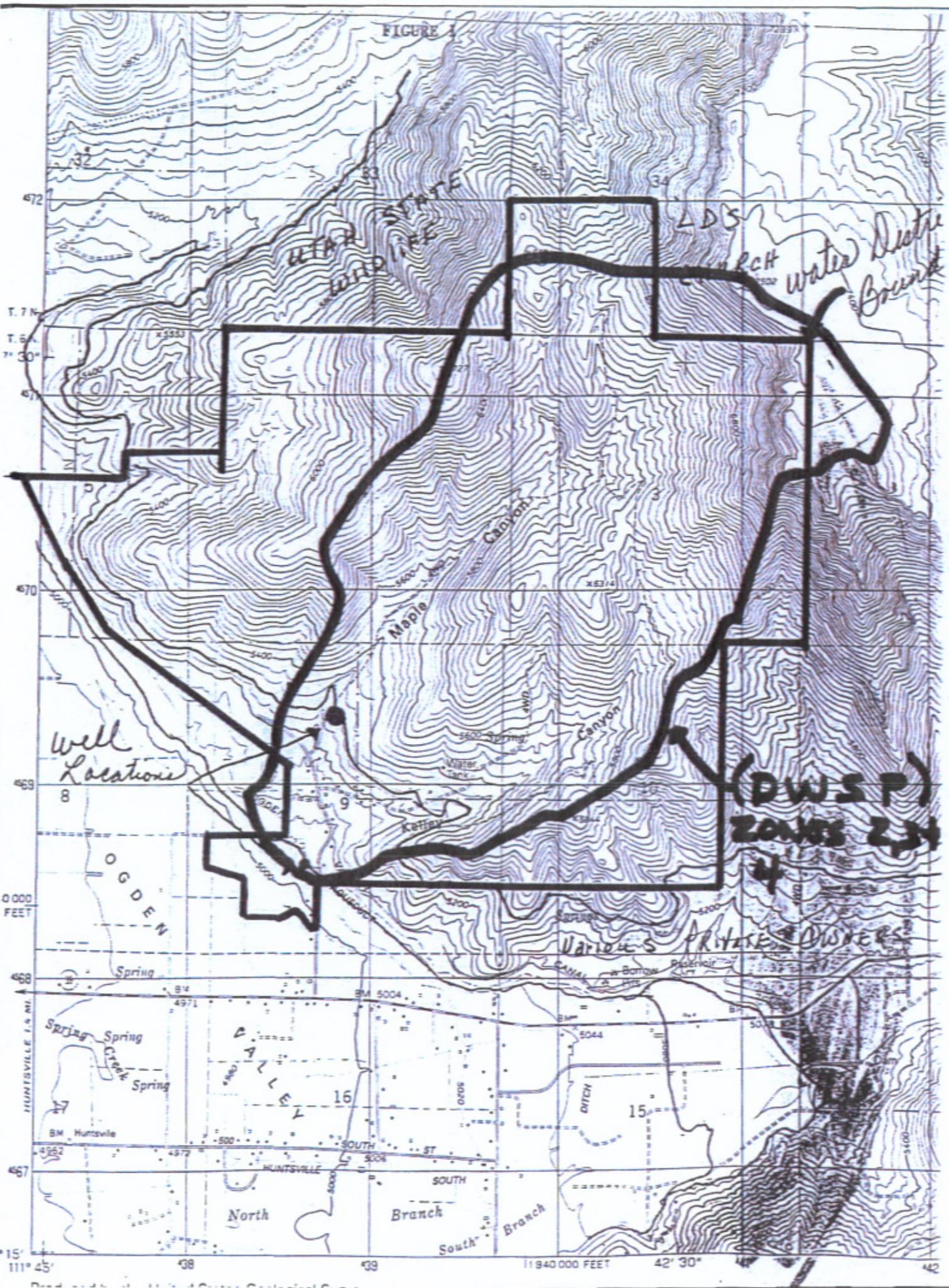
EXPLANATION

-  Well
-  Boundary of DWSP zones 2, 3, and 4
-  Scale
2,000 ft
-  N

Attachment 8. Map showing boundary of drinking-water-source-protection (DWSP) zones 2, 3, and 4.

29053-02

FIGURE 1



PRELIMINARY
SUBJECT TO REVISION

Delineation of Drinking Water Source Protection Zones
for the Green Hills Country Estates Well 02, Weber County, Utah

By
Charles Bishop and
Mike Lowe

INTRODUCTION

This report describes our delineation of drinking-water-source-protection (DWSP) zones for a public-supply well (Utah Division of Drinking Water system number 29053, source number 02) in the SW¹/₄ NW¹/₄ NE¹/₄ section 9, T. 6 N., R. 2 E., Salt Lake Base Line and Meridian (SLBM), in eastern Ogden Valley, Weber County (attachment 1). The Green Hills Country Estates Water Company (GHCEWC) will become the owner of the well when completed and requested this delineation. The scope of work included a literature search, review of water-well logs, field reconnaissance, an aquifer test, interpretation of test data, delineation of the DWSP zones, and preparation of this report.

Public-water suppliers in Utah are required by Utah's Drinking Water Source Protection Rule (R309-113, Utah Administrative Code; administered by the Utah Division of Drinking Water) to develop a DWSP plan for each well or spring used as a public drinking-water source. A part of this plan involves delineating DWSP zones. Utah's DWSP Rule (R309-113-9 [1]) defines four DWSP zones:

- Zone 1 - the area within a 100-foot (30-m) radius from the wellhead;
- Zone 2 - the area within a 250-day ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the well, or the ground-water divide, whichever is closer to the well;
- Zone 3 (waiver zone) - the area within a three-year ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the well, or the ground-water divide, whichever is closer to the well; and
- Zone 4 - the area within a 15-year ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the well, or the ground-water divide, whichever is closer to the well.

Delineation of DWSP zones 1, 2, and 4 are required by the DWSP Rule. A waiver zone, zone 3, is included to assist the water supplier with future monitoring waivers (see R309-1104).



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a conditional use permit application for a public utility substation (cellular site).

Agenda Date: Tuesday, February 28, 2012

Applicant: Doug Kofford, agent for TAIC,
David Hardman, Ogden Weber Chamber of Commerce, owner.

File Number: CUP 2011-06

Property Information

Approximate Address: Approximately 95 Ogden Canyon Road

Project Area: 11.37 Acres

Zoning: Forest Residential 1 Zone (FR-1)

Existing Land Use: Vacant/Trailhead

Proposed Land Use: Public Utility Substation

Parcel ID: 13-075-0006

Township, Range, Section: T6N, R1W, Section 24

Adjacent Land Use

North: Residential/River	South: Forest/Vacant
East: Forest/Vacant	West: Forest/Vacant

Staff Information

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

Report Reviewer: JG

Applicable Ordinances

- Weber County Zoning Ordinance Chapter 12 (FR-1 Zone)
- Weber County Zoning Ordinance Chapter 22-C (Conditional Uses)
- Zoning Ordinance Chapter 26 (Public Buildings and Public Utility Substations and Structures)
- Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations)
- Zoning Ordinance Chapter 18-C (Ogden Valley Architectural, Landscape and Screening Standards)
- Zoning Ordinance Chapter 43 (Ogden Valley Sensitive Lands Overlay Districts)

Background

The applicant is requesting approval of a conditional use permit for a public utility substation (cellular site). The FR-1 Zone allows a "public utility substation" as a conditional use. This site is the fifth, and center, of a series of cell sites that have recently been constructed in the Ogden Canyon. Located on a 11.37 acre property owned by the Ogden Weber Chamber of Commerce, this property also has the "Smokey Bear" sign from the U.S. Forest Service, the Cold Water Trailhead for the Cold Water and Indian Trail, a reconstructed rock kiln, and ruins of two older historic brick kilns.

The site consists of a 34 foot by 34 foot leased area which will be surrounded by an 8 foot tall cedar fence. This fenced area will have 12 manzanita shrubs and 6 alpine current shrubs along with additional grasses to help screen this facility. One 26 foot by 12 foot by 10.5 foot tall equipment shelter will house the mechanical equipment for the site and will be connected to an 85 foot tall monopine cellular pole. This monopine pole will have a diameter of 2.5 feet at the trunk and some branches attached as to simulate a live tree. Affixed to the pole will be an array of 12 antenna panels (8 foot) at a height of 76 feet which will be grouped together in 3 groups of 4 panels. The shelter has been placed so that the doors and equipment will be away from the street side, any vents or equipment that is needed to be facing the street will be painted in earth toned colors as to match the building. The side of the shelter is made of an aggregate of small rocks and painted a tan color. There are no lights associated with this cellular site. Access to the site from the parking lot will be protected by a 12 steel gate with 4 foot diameter boulders on the sides.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed public utility substation meets these requirements.

22C-4. Criteria for Issuance of Conditional Use Permit

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. Although the site will be highly visible, being located beside Highway 39, the public utility substation site does not emanate the typical negative impacts of noise, dust, vibration, etc. The applicant has proposed mitigation of the visual impacts of the tower, antennas and shelter by using a monopine design to disguise the site. The landscaping proposed and 8 foot tall cedar fencing will help in screening the equipment and shelter of the site.
2. The FR-1 Zone allows a "public utility substation" as a conditional use and the site meets all setback and height regulations. The following concern has arisen in the review of this conditional use permit application:

- Chapter 43-4-3 states the following;

"Historic, Prehistoric, and Cultural Resources.

All development proposals shall identify, preserve and promote any sites and structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places. Specific locations identified in the General Plan as historical/cultural sites include, but are not limited to the Blacksmith Shop, Charde Property, Rhodes Property, Brick Kilns, and the Monastery."

It has been interpreted by staff that the "Brick Kilns" mentioned in this chapter refer to the ones formerly located on this property. The applicant has addressed the historic resources requirement in exhibit A. Staff has discussed the proposed cellular site with Chris Hanson from the Utah Historical Society. Staff understands that every cell tower proposed is mandated by the Federal Communications Commission (FCC) to fulfill its Section 106 obligations and file a report to the National Environmental Protection Agency (NEPA). As part of that process the Utah State Historical Preservation Officer (SHPO) will issue a letter regarding the historical status of the site, and possibly any mitigation that may be required. The applicant has indicated that this site is undergoing that process. If the site is determined to have historical significance by the SHPO, staff agrees that the site should be made eligible for the National Register of Historic Places and therefore be identified, preserved and promoted as such.

Staff suggests that prior to issuance of this permit and the supplement building permit, that staff be able to review the SHPO letter to verify if any changes to the site plan are required, and that any SHPO requirements are completed.

Conformance to the General Plan

As a conditional use, this operation is allowed in the FR-1 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this proposal will not negatively impact any of the goals and policies of the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Division
- Requirements of the Weber County Planning Division

- Requirements of the Utah State Historical Preservation Officer (SHPO) and a review of this letter by staff
- That this location be co-locatable for other cellular providers
- That all vents and equipment be painted to match the shelter colors
- That once constructed the Planning Commission or staff may review the installment of the monopine tower to ensure that sufficient artificial foliage and an appropriate number of branches are installed to simulate a live tree for the area

Staff Recommendation

Staff recommends approval of this conditional use application subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is based on the following findings:

- The proposed use is allowed in the FR-1 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met and the mitigation of potential detrimental effects has been accomplished.

Exhibits

- A. Application
- B. Map of the site and the restored kiln
- C. Peery Camp Site Plans
- D. Pictures of the proposed cell tower on the site
- E. Examples of the building materials
- F. Pictures of the existing two kiln ruins
- G. Applicants response to chapter 43 requirements

Map 1



Weber County Conditional Use Permit Application

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

Date Submitted / Completed 10/11/2011	Fees (Office Use) \$225.00	Receipt Number (Office Use)	File Number (Office Use) CUP2011-6
Property Owner Contact Information			
Name of Property Owner(s) OGDEN WEBER CHAMBER		Mailing Address of Property Owner(s) 2484 WASHINGTON BLVD # 400	
Phone 801 621 8300	Fax 801 392 7609	OGDEN UT 84401	
Email Address WARI @ OGDENWEBERCHAMBER.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) TROYA KOFFORD		Mailing Address of Authorized Person 9847 S. 500 W	
Phone 425 306 7866	Fax 801 562 0161	SANDY UT 84070	
Email Address TROYA.KOFFORD @ TAIC.NET		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name SAL PEERY CAMP		Current Zoning FR-1	
Approximate Address SW CORNER SEC 26, T6N, R1W		Land Serial Number(s) 13-075-0006	
Proposed Use UNMANNED COMMUNICATION SITE			
Project Narrative VERIZON WIRELESS IS PROPOSING TO INSTALL AN UNMANNED COMMUNICATION FACILITY CONSISTING OF ANTENNAS MOUNTED TO A NEW 85' TALL MONOPILE WITH EQUIPMENT LOCATED INSIDE A NEW 12' X 26' PREFABRICATED EQUIPMENT BUILDING ENCLOSED WITH A SIX FOOT TALL CHAIN LINK FENCE WITH THREE STRANDS OF BARBED WIRE.			

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

THIS SITE LOCATION IS CRUCIAL TO THE FOUR EXISTING VERIZON ANTENNA LOCATIONS (2 ABOVE AND 2 BELOW THIS SITE). IT IS AN ESSENTIAL LOCATION TO PROVIDE CONTINUOUS COVERAGE THROUGHOUT OGDEN CANYON AND TO EXTEND 911 SERVICE.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

THE MOND PINE STRUCTURE HAS BEEN DESIGNED TO BLEND WITH SURROUNDING LANDSCAPE AND EXISTING EVER GREEN TREES. THE SITE IS ENCLOSED WITH CHAIN LINK FENCE AND BARBED WIRE TO DETER UNAUTHORIZED ACCESS.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

THIS SITE PROPOSAL IS ALLOWED UPON APPROVAL OF THE PLANNING COMMISSION THROUGH THE CONDITIONAL USE PROCESS.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

THIS APPLICATION CONFORMS TO THE GOALS, POLICIES AND GOVERNING PRINCIPLES AND LAND USE OF THE GENERAL PLAN FOR WEBER COUNTY.



That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

VERIZON WIRELESS EQUIPMENT (COMPUTERS, PROCESSORS ETC) ARE ALL CONTAINED WITHIN A PREFABRICATED SHELTER DESIGNED AND ENGINEERED TO CONTAIN ALL ELECTRONICS THERE ~~ARE~~ IS NOTHING THAT IS DETRIMENTAL TO THE ENVIRONMENT NOR TO PUBLIC AND PRIVATE PROPERTIES

Property Owner Affidavit

I (We) David/Neisee Chandler, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

David/Neisee Chandler
(Property Owner) President/CEO

(Property Owner)

Subscribed and sworn to me this 11th day of October, 20 11.



Lajeane Neiswanger
(Notary)

Authorized Representative Affidavit

I (We) David/Neisee Chandler the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), David Kofford / TAIC to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

David/Neisee Chandler
(Property Owner)

(Property Owner)

Dated this 11th day of October, 20 11, personally appeared before me David B. Hardman, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Lajeane Neiswanger
(Notary)





verizonwireless

SAL - PEERY CAMP

**verizon
wireless**

VERIZON WIRELESS
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

TAEC

Technology Associates Engineering Corporation
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
9847 SOUTH 500 WEST
SANDY, UTAH 84070

CORPORATE OFFICE
5830 PRIESTLY DRIVE
CARLSBAD, CALIFORNIA 92008

DRAWN BY: JAY C

CHECKED BY: DOUG K

SITE INFORMATION

APPLICANT:
VERIZON WIRELESS
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

SITE ADDRESS:
SOUTHWEST QUARTER OF SECTION 24, T6N, R1W
OGDEN CANYON ROAD
OGDEN, UTAH 84401

LATITUDE AND LONGITUDE:
N 41°14'23.16", W 111°54'18.29"

ZONING JURISDICTION:
WEBER COUNTY

PROJECT DESCRIPTION:
VZW IS PROPOSING TO CONSTRUCT AN UNMANNED COMMUNICATIONS FACILITY
CONSISTING OF ANTENNAS MOUNTED TO A NEW MONOPINE WITH EQUIPMENT
LOCATED INSIDE A 11'-8" X 26" PREFABRICATED EQUIPMENT SHELTER

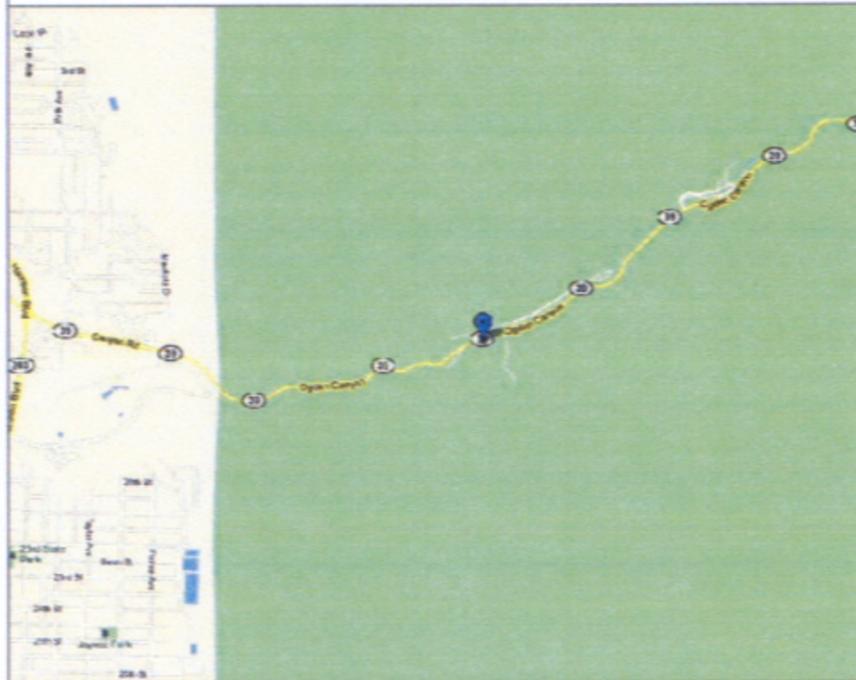
TYPE OF CONSTRUCTION:
PRE-FAB SHELTER, MONOPINE, AND ANTENNAS

HANDICAP REQUIREMENTS:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAP ACCESS
REQUIREMENTS DO NOT APPLY

POWER COMPANY:
ROCKY MOUNTAIN POWER, 1-888-221-7070

TELEPHONE COMPANY:
QWEST, 1-800-244-1111

LOCATION MAP



DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS, AND EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB
SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE
PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME

DRIVING DIRECTIONS

TAKE I-15 NORTH TO 12TH STREET EXIT IN OGDEN (APPROX 40 MILES). TURN EAST ON 12TH AND FOLLOW
ROAD EAST TOWARD THE MOUNTAIN. CONTINUE UP THE CANYON APPROX 1 MILE. SITE IS ON THE RIGHT
SIDE JUST WEST OF THE KILN AND TRAIL HEAD.

APPROVALS

VERIZON WIRELESS REPRESENTATIVE:

VERIZON WIRELESS RF ENGINEER:

TAC SITE ACQUISITION:

TAC CONSTRUCTION MANAGER:

SITE OWNER:

DRAWING INDEX

SHEET NO.	SHEET TITLE	REV	REV DATE
T100	TITLE SHEET, VICINITY MAP, GENERAL SITE INFORMATION	5	01.18.2012
SURV	SITE SURVEY	0	
C100	OVERALL SITE PLAN	5	01.18.2012
C101	ENLARGED SITE PLAN	5	01.18.2012
C200	SOUTHEASTERLY SITE ELEVATION	5	01.18.2012
C201	SOUTHWESTERLY SITE ELEVATION	5	01.18.2012
C202	ENLARGED SOUTHWESTERLY SITE ELEVATION	5	01.18.2012

REV	DATE	DESCRIPTION
5	01.18.2012	REVISIONS PER CITY
4	01.11.2012	REVISIONS PER CITY
3	12.09.2011	REVISIONS PER CITY
2	10.25.2011	FAA UPDATE
1	09.15.2011	MOVED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

CONTACT INFORMATION

SITE ACQUISITION:
TECHNOLOGY ASSOCIATES
9847 SOUTH 500 WEST
SANDY, UTAH 84070
CONTACT: DOUG KOFFORD
PHONE: 425-308-7886

SAL - PEERY CAMP
SW SEC 24, T6N, R1W
OGDEN CANYON HWY
OGDEN, UTAH 84401
-- RAWLAND SITE --

SHEET TITLE
TITLE SHEET
VICINITY MAP
GENERAL INFORMATION

SHEET NUMBER

T100



UNDERGROUND SERVICE ALERT CALL 'BLUE
STAKES OF UTAH', TOLL FREE 1-800-662-4111

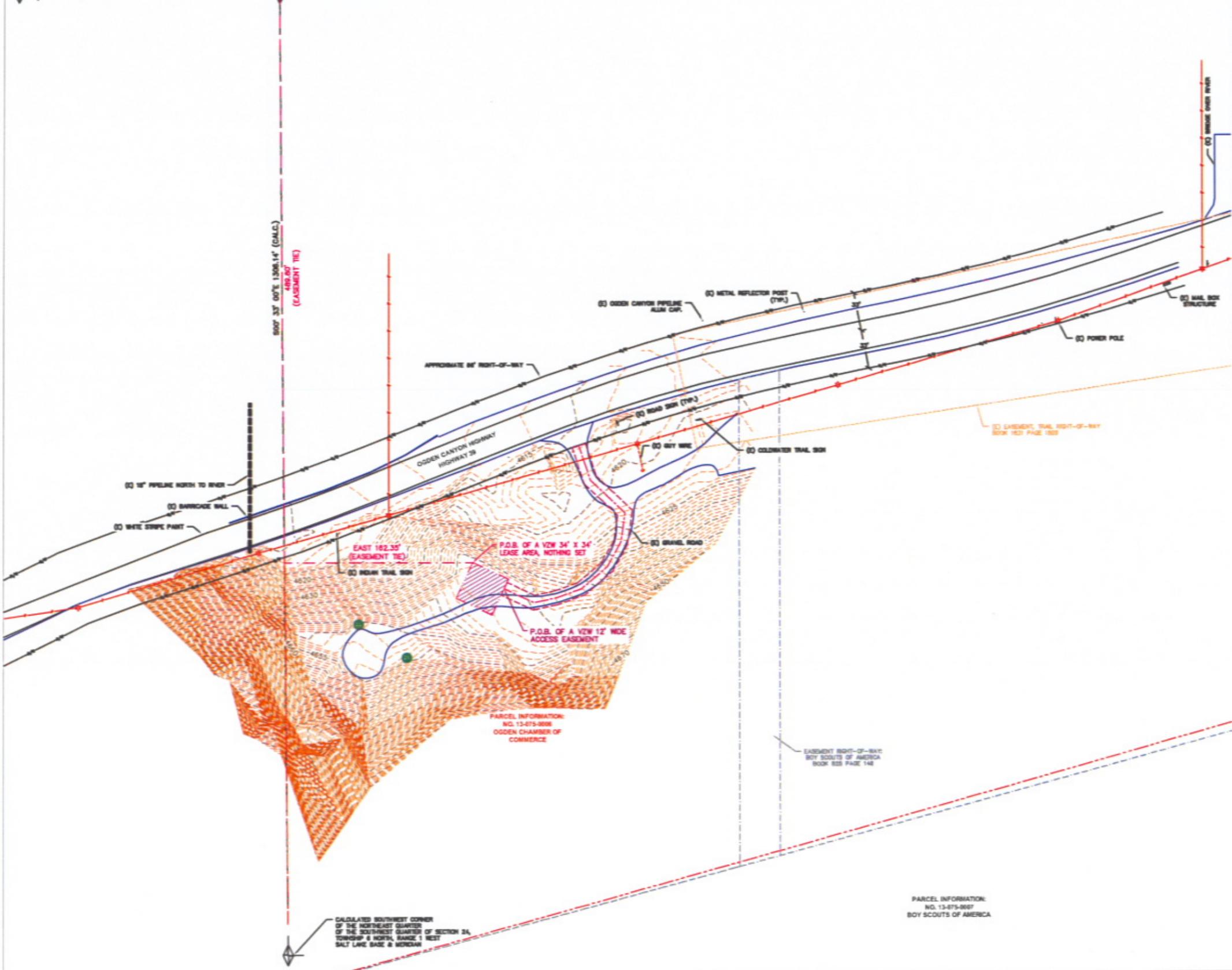
THREE WORKING DAYS BEFORE YOU DIG

FOUND WEST & CORNER SECTION 24
TOWNSHIP 8 NORTH, RANGE 1 WEST
SALT LAKE BASE & MERIDIAN

FOUND NORTHEAST CORNER
OF THE NORTHEAST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION 24,
TOWNSHIP 8 NORTH, RANGE 1 WEST
SALT LAKE BASE & MERIDIAN

BASES OF BEARING
S89° 47' 00"E 1275.51' (M) 1277.76' (N)

800' 33' 00"E 1306.14' (CALC.)
489.80' (EASEMENT TIE)



CERTIFICATE OF SURVEY:
I, RICHARD W. MILLER, PROFESSIONAL LAND SURVEYOR, STATE OF UTAH, LICENSE NUMBER 150841, CERTIFY THAT I HAVE SUPERVISED A SURVEY ON THE GROUND AS SHOWN HEREON:

VERIZON WIRELESS LEASE SITE DESCRIPTION:
BEGINNING AT A POINT WHICH LIES 489.80 FEET SOUTH 00°33'00" EAST AND 182.33 FEET EAST FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 8 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°50'00" EAST 34.00 FEET; THENCE SOUTH 89°50'00" WEST 34.00 FEET; THENCE NORTH 89°50'00" WEST 34.00 FEET; THENCE NORTH 20°30'00" EAST TO THE POINT OF BEGINNING.
CONTAINS: 1158 SQ. FT., OR 0.026 ACRES, MORE OR LESS, AS DESCRIBED.

VERIZON WIRELESS ACCESS EASEMENT DESCRIPTION:
A 12 FOOT WIDE ACCESS EASEMENT FOR THE PURPOSE OF INGRESS AND EGRESS BEING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
BEGINNING AT A POINT WHICH LIES 812.48 FEET SOUTH 00°33'00" EAST AND 182.33 FEET EAST FROM THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 8 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 89°50'00" EAST 28.15 FEET; THENCE NORTH 79°54'15" EAST 52.28 FEET; THENCE NORTH 79°54'15" EAST 23.18 FEET; THENCE NORTH 46°38'22" EAST 26.28 FEET; THENCE NORTH 20°30'14" EAST 24.11 FEET; THENCE NORTH 04°17'21" EAST 25.63 FEET; THENCE NORTH 46°42'28" WEST 21.80 FEET; THENCE NORTH 46°52'28" WEST 19.80 FEET; THENCE NORTH 18°27'28" WEST 21.15 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 29 AND TERMINATING.
CONTAINS: 2863 SQ. FT., OR 0.065 ACRES, MORE OR LESS, AS DESCRIBED.

NARRATIVE:
(1) THE PURPOSE OF THIS SURVEY IS TO LOCATE AND SURVEY A PROPOSED COMMUNICATIONS TOWER SITE.
(2) THE BASES OF BEARING USED FOR THIS SURVEY IS AS SHOWN ON THIS PLAN, FROM FOUND MONUMENTS AS LOCATED IN THE FIELD.
(3) M = MEASURED DISTANCE.
(4) R = RECORDED DISTANCE.
(5) TITLE REPORT ITEM #14 IS A ROCKY MOUNTAIN BELL TELEPHONE COMPANY EASEMENT THROUGH THE SOUTHWEST QUARTER OF SECTION 24, HOWEVER NO SPECIFIC DESCRIPTION FOR THIS EASEMENT IS DESCRIBED.

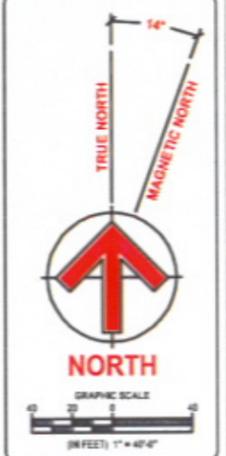
INFORMATION FOR THE CENTER OF THE PROPOSED SITE
SOUTH PLUMB LINE CORNERS - NAD 83 (FT)
NORTH PLUMB LINE CORNERS - NAD 83 (FT)
EAST PLUMB LINE CORNERS - NAD 83 (FT)
WEST PLUMB LINE CORNERS - NAD 83 (FT)
STATE OF UTAH, NORTH ZONE



TAEC
Technology Associates
UTAH MARKET OFFICE
3847 SOUTH 300 WEST
SALT LAKE CITY, UTAH 84119
NORTHWEST REGIONAL OFFICE
4800 29 HENDERS ROAD, SUITE 200
LAKE CANNON, OGDEN, UTAH 84403

SURVEY PREPARED BY:
MILLER ASSOCIATES INC.
3225 W. CALIFORNIA AVE., SUITE 202
SALT LAKE CITY, UTAH 84119
PHONE: 801-875-1083
FAX: 801-875-1081

PROJECT NO:	11042	
DRAWN BY:	JULIA W	
CHECKED BY:	RICHARD W	
DATE:		
SCALE:		
REVISIONS:		
NO.	DATE	DESCRIPTION
1	08.15.2011	MOVED LEASE AREA
2	04.25.2011	SITE SURVEY



SAL - PEERY CAMP
SW SEC 24, T8N, R1W
OGDEN CANYON HIGHWAY
OGDEN, UTAH
RAWLAND SITE

SHEET TITLE
SITE SURVEY
SHEET NUMBER
SURV

PARCEL INFORMATION:
NO. 13-875-8067
BOY SCOUTS OF AMERICA

PARCEL INFORMATION:
NO. 13-875-8086
OGDEN CHAMBER OF COMMERCE

ASAC INFORMATION SHEET 91:003

INFORMATION REGARDING SURVEY DATA SUBMITTED TO THE FAA

FAA Order 8260.19c requires proponents of certain proposed construction (located beneath instrument procedures) provide the FAA with a site survey and/or letter, from a licensed land surveyor, which certifies the site coordinates and the surface elevation at the site. On October 15, 1992, the FAA started using the North American Datum of 1983 (NAD-83), and therefore all site coordinates should be based on NAD-83. The FAA requires that the survey letter contain an accuracy statement that meets accuracy tolerances required by the FAA. The most requested tolerances are +/- 50 feet in the horizontal and +/- 20 feet in the vertical (2-C). When the site coordinates and/or site elevation can be certified to a greater accuracy than requested by the FAA, please do so.

In order to avoid FAA processing delays, the original site survey or certifying letter should be attached to the 7460 when it is filed at the FAA's regional office. It must be signed and sealed by the licensed land surveyor having performed or supervised the survey.

The FAA accuracy codes and a sample accuracy statement are listed below.

ACCURACY CODES:

<u>HORIZONTAL</u>		<u>VERTICAL</u>	
<u>Code</u>	<u>Tolerance</u>	<u>Code</u>	<u>Tolerance</u>
1	+/- 15 ft	A	+/- 3 ft
2	+/- 50 ft	B	+/- 10 ft
3	+/- 100 ft	C	+/- 20 ft
4	+/- 250 ft	D	+/- 50 ft
5	+/- 500 ft	E	+/- 125 ft
6	+/- 1000 ft	F	+/- 250 ft
7	+/- 1/2 NM	G	+/- 500 ft
8	+/- 1 NM	H	+/- 1000 ft
9	Unknown	I	Unknown

Date: OCTOBER 24, 2011

Re: SAL PEERY CAMP
SW 1/4 OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN
OGDEN CANYON HIGHWAY, OGDEN, UTAH

I certify that the latitude of N 41°14'23.16", and the longitude of W 111°54'18.29", are accurate to within 15 feet horizontally and the site elevation of 4641.21 feet, AMSL (American Mean Sea Level), is accurate to within +/- 3 feet vertically. The horizontal datum (coordinates) are in terms of the North American Datum of 1983 (NAD-83) and are expressed as degrees, minutes and seconds, to the nearest (tenth/hundredth) of a second. The vertical datum (heights) are in terms of the (NAVD88) and are determined to the nearest foot.



Professional Licensed Land Surveyor:
I-A FAA Letter

Richard W. Miller, Utah LS no. 155641

verizon
wireless

VERIZON WIRELESS
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

TAEC

Technology Associates Engineering Corporation
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
9847 SOUTH 500 WEST
SANDY, UTAH 84070

CORPORATE OFFICE
5830 PRESTLY DRIVE
CARLSBAD, CALIFORNIA 92008

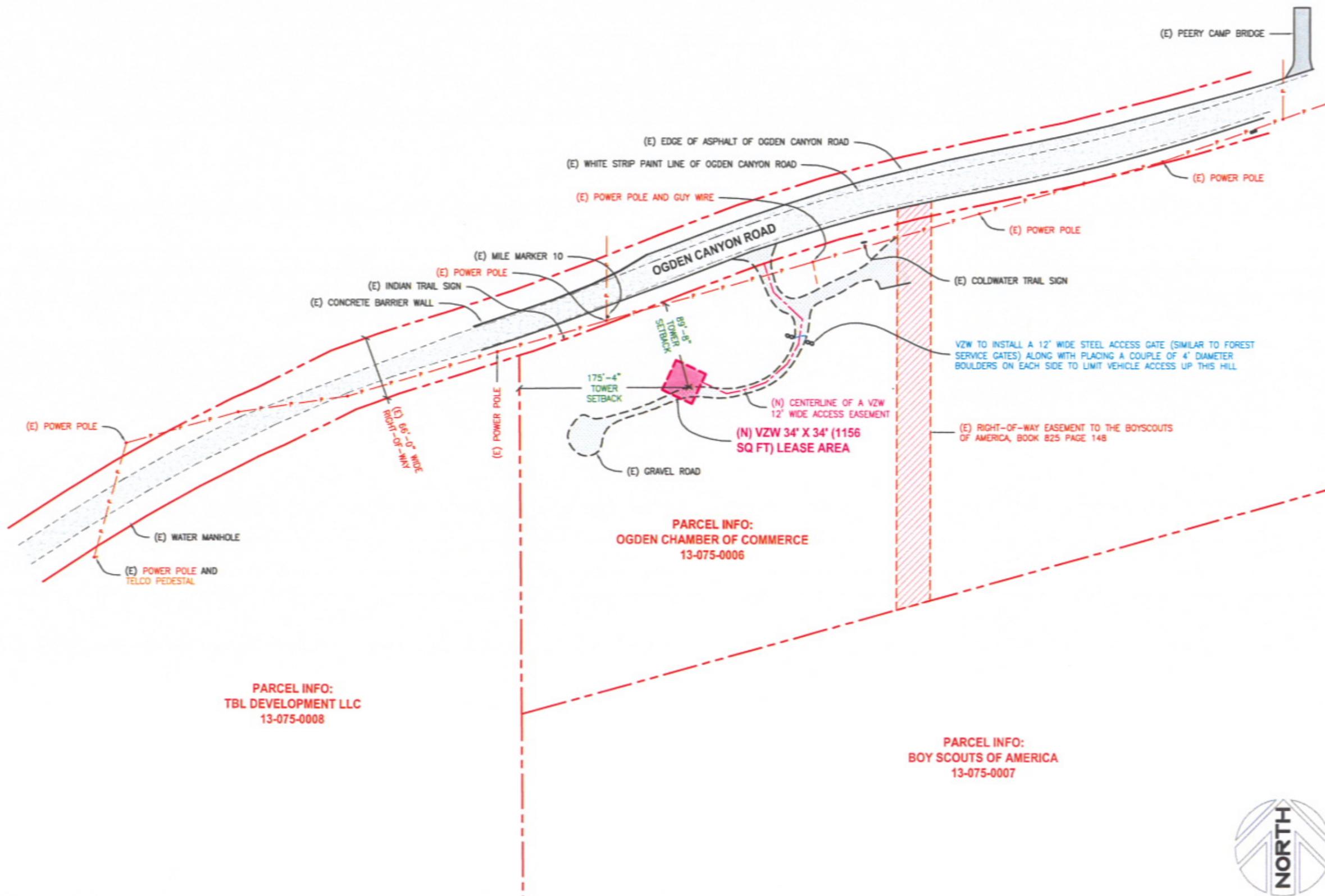
DRAWN BY: JAY C
CHECKED BY: DOUG K

REV	DATE	DESCRIPTION
5	01.18.2012	REVISIONS PER CITY
4	01.11.2012	REVISIONS PER CITY
3	12.09.2011	REVISIONS PER CITY
2	10.25.2011	FAA UPDATE
1	09.15.2011	MOVED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

SAL - PEERY CAMP
SW SEC 24, T6N, R1W
OGDEN CANYON HWY
OGDEN, UTAH 84401
-- RAWLAND SITE --

SHEET TITLE
OVERALL SITE PLAN

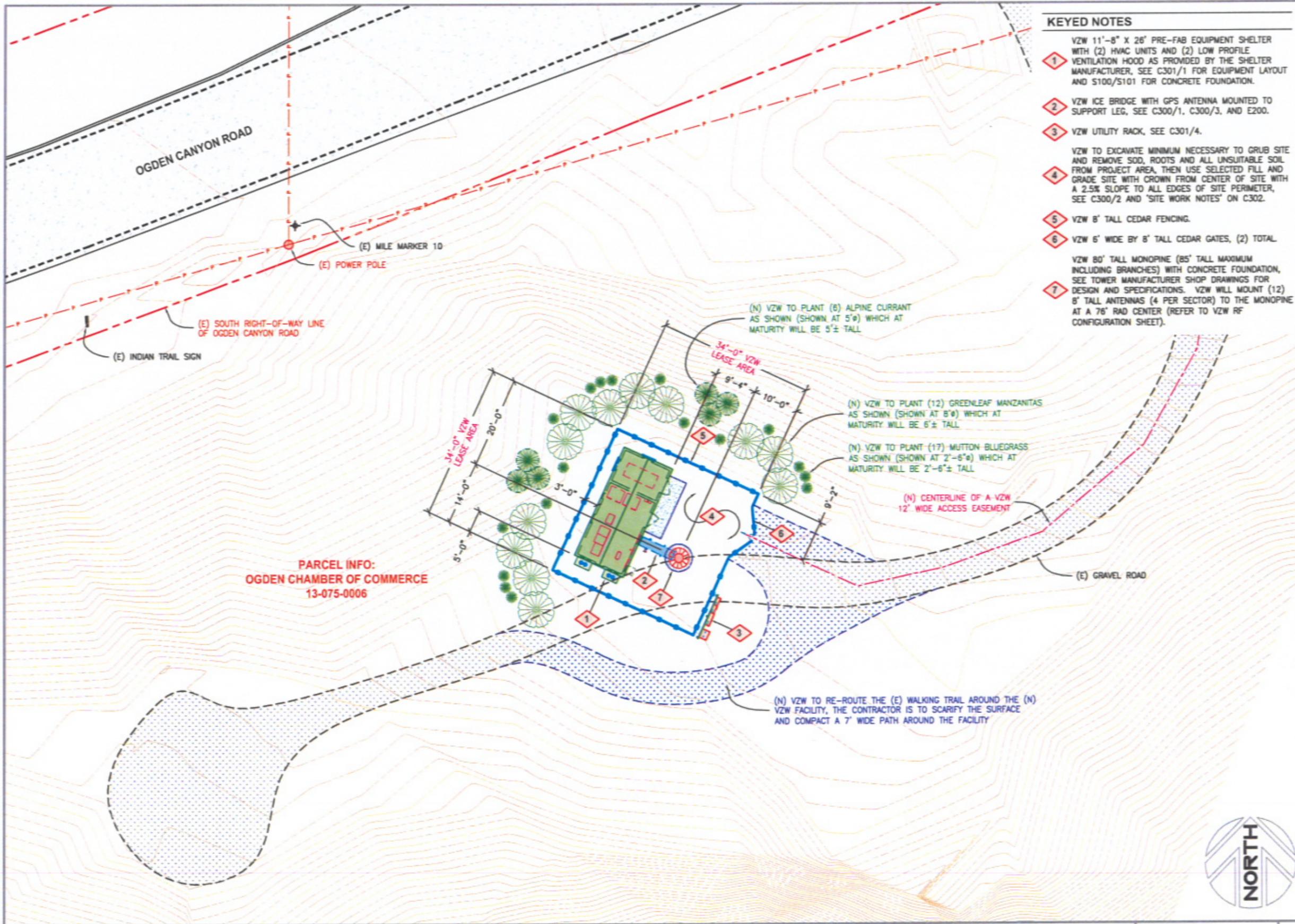
SHEET NUMBER
C100



PARCEL INFO:
TBL DEVELOPMENT LLC
13-075-0008

PARCEL INFO:
OGDEN CHAMBER OF COMMERCE
13-075-0006

PARCEL INFO:
BOY SCOUTS OF AMERICA
13-075-0007



PARCEL INFO:
 OGDEN CHAMBER OF COMMERCE
 13-075-0006

KEYED NOTES

- 1 VZW 11'-8" X 26' PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOOD AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
- 2 VZW ICE BRIDGE WITH GPS ANTENNA MOUNTED TO SUPPORT LEG, SEE C300/1, C300/3, AND E200.
- 3 VZW UTILITY RACK, SEE C301/4.
- 4 VZW TO EXCAVATE MINIMUM NECESSARY TO GRUB SITE AND REMOVE SOD, ROOTS AND ALL UNSUITABLE SOIL FROM PROJECT AREA, THEN USE SELECTED FILL AND GRADE SITE WITH CROWN FROM CENTER OF SITE WITH A 2.5% SLOPE TO ALL EDGES OF SITE PERIMETER, SEE C300/2 AND 'SITE WORK NOTES' ON C302.
- 5 VZW 8' TALL CEDAR FENCING.
- 6 VZW 6' WIDE BY 8' TALL CEDAR GATES, (2) TOTAL.
- 7 VZW 80' TALL MONOPINE (85' TALL MAXIMUM INCLUDING BRANCHES) WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS. VZW WILL MOUNT (12) 8' TALL ANTENNAS (4 PER SECTOR) TO THE MONOPINE AT A 76' RAD CENTER (REFER TO VZW RF CONFIGURATION SHEET).



VERIZON WIRELESS
 9656 SOUTH PROSPERITY ROAD
 WEST JORDAN, UTAH 84088

TAEC

Technology Associates Engineering Corporation
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
 9847 SOUTH 500 WEST
 SANDY, UTAH 84070

CORPORATE OFFICE
 5630 PRESTLY DRIVE
 CARLSBAD, CALIFORNIA 92008

DRAWN BY: JAY C
 CHECKED BY: DOUG K

REV	DATE	DESCRIPTION
5	01.18.2012	REVISIONS PER CITY
4	01.11.2012	REVISIONS PER CITY
3	12.09.2011	REVISIONS PER CITY
2	10.25.2011	FAA UPDATE
1	09.15.2011	MOVED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

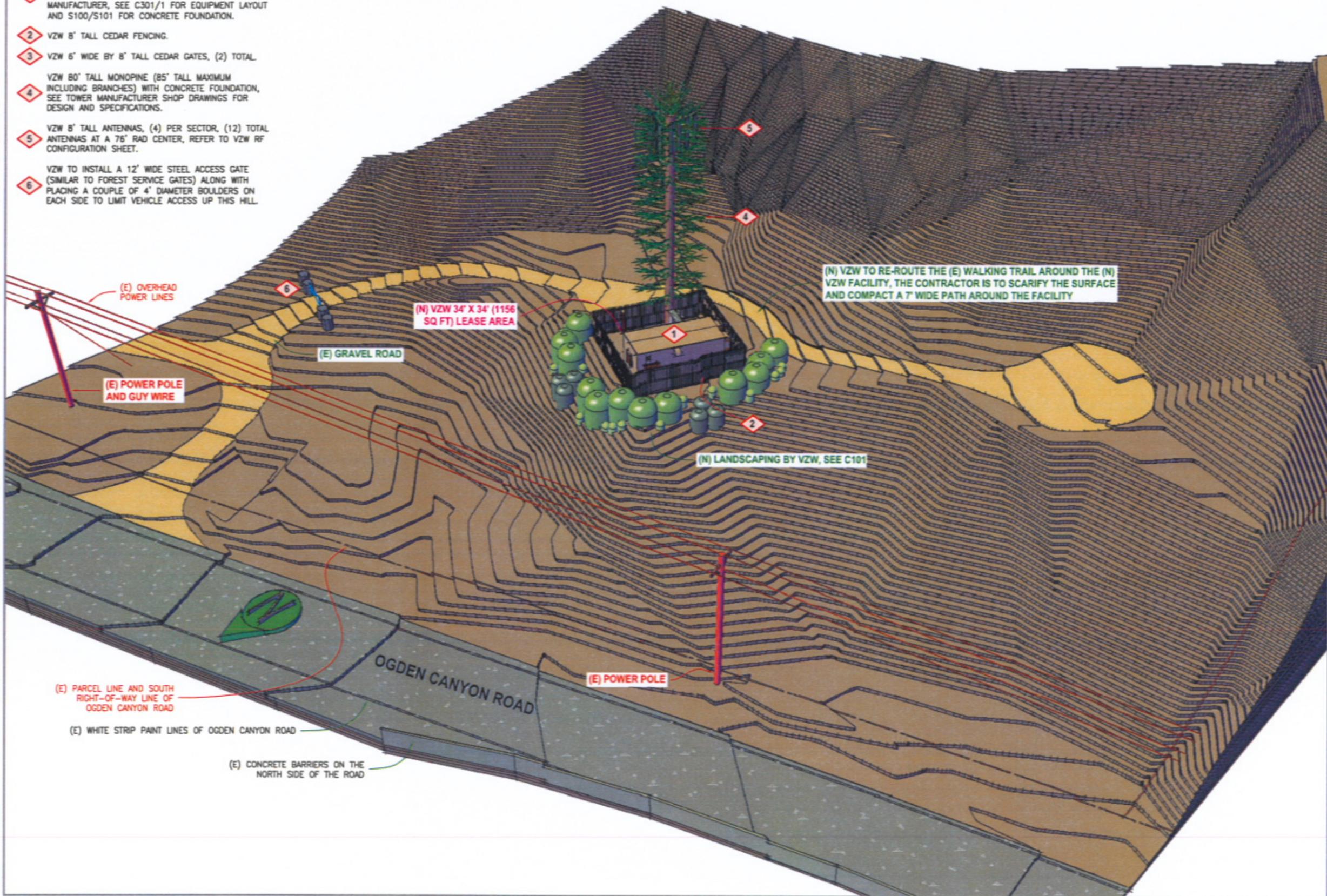
SAL - PEERY CAMP
 SW SEC 24, T6N, R1W
 OGDEN CANYON HWY
 OGDEN, UTAH 84401
 -- RAWLAND SITE --

SHEET TITLE
 ENLARGED SITE PLAN

SHEET NUMBER
C101

KEYED NOTES

- 1 VZW 11'-8" X 26' PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOOD AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
- 2 VZW 8' TALL CEDAR FENCING.
- 3 VZW 6' WIDE BY 8' TALL CEDAR GATES, (2) TOTAL.
- 4 VZW 80' TALL MONOPINE (85' TALL MAXIMUM INCLUDING BRANCHES) WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
- 5 VZW 8' TALL ANTENNAS, (4) PER SECTOR, (12) TOTAL ANTENNAS AT A 76' RAD CENTER, REFER TO VZW RF CONFIGURATION SHEET.
- 6 VZW TO INSTALL A 12' WIDE STEEL ACCESS GATE (SIMILAR TO FOREST SERVICE GATES) ALONG WITH PLACING A COUPLE OF 4' DIAMETER BOULDERS ON EACH SIDE TO LIMIT VEHICLE ACCESS UP THIS HILL.



**verizon
wireless**

VERIZON WIRELESS
9658 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

TAEC

Technology Associates Engineering Corporation
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
9647 SOUTH 500 WEST
SANDY, UTAH 84070

CORPORATE OFFICE
5630 PRESTLY DRIVE
CARLSBAD, CALIFORNIA 92008

DRAWN BY: JAY C

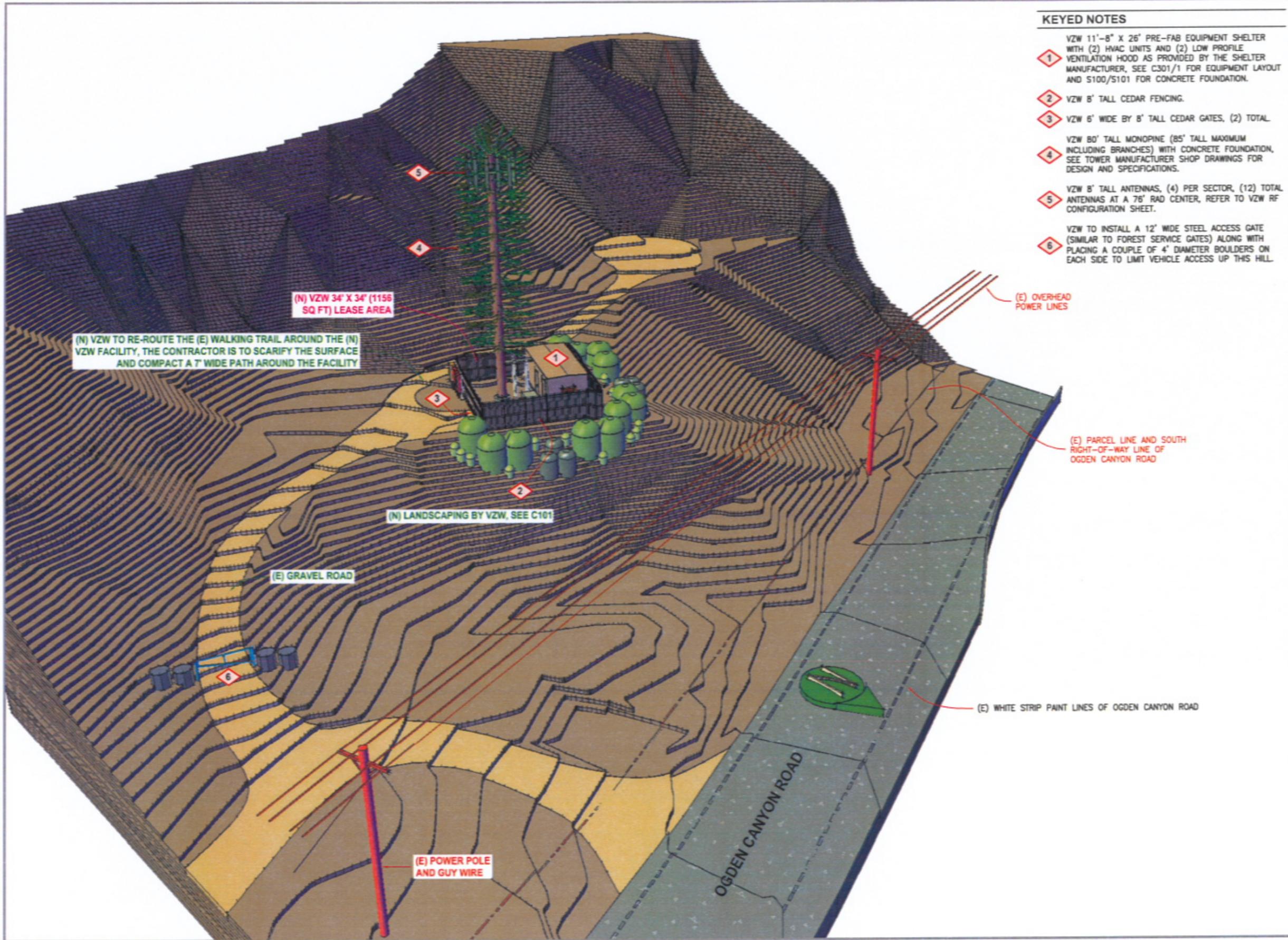
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REV	DATE	DESCRIPTION
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3	12.09.2011	REVISIONS PER CITY
2	10.25.2011	FAA UPDATE
1	09.15.2011	MOVED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

SAL - PEERY CAMP
SW SEC 24, T6N, R1W
OGDEN CANYON HWY
OGDEN, UTAH 84401
-- RAWLAND SITE --

SHEET TITLE
SOUTHEASTERLY
SITE ELEVATION

SHEET NUMBER
C200



KEYED NOTES

- 1 VZW 11'-8" X 26' PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOOD AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
- 2 VZW 6' TALL CEDAR FENCING.
- 3 VZW 6' WIDE BY 6' TALL CEDAR GATES, (2) TOTAL.
- 4 VZW 80' TALL MONOPINE (85' TALL MAXIMUM INCLUDING BRANCHES) WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
- 5 VZW 8' TALL ANTENNAS, (4) PER SECTOR, (12) TOTAL ANTENNAS AT A 76" RAD CENTER, REFER TO VZW RF CONFIGURATION SHEET.
- 6 VZW TO INSTALL A 12' WIDE STEEL ACCESS GATE (SIMILAR TO FOREST SERVICE GATES) ALONG WITH PLACING A COUPLE OF 4' DIAMETER BOULDERS ON EACH SIDE TO LIMIT VEHICLE ACCESS UP THIS HILL.



VERIZON WIRELESS
 9656 SOUTH PROSPERITY ROAD
 WEST JORDAN, UTAH 84088

TAEC

Technology Associates Engineering Corporation
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
 9847 SOUTH 500 WEST
 SUNDY, UTAH 84070

CORPORATE OFFICE
 5830 PRIESTLY DRIVE
 CARLSBAD, CALIFORNIA 92008

DRAWN BY: JAY C
 CHECKED BY: DOUG K

REV	DATE	DESCRIPTION
5	01.18.2012	REVISIONS PER CITY
4	01.11.2012	REVISIONS PER CITY
3	12.09.2011	REVISIONS PER CITY
2	10.25.2011	FAA UPDATE
1	09.15.2011	MOVED LEASE AREA
0	08.24.2011	ZONING DRAWINGS

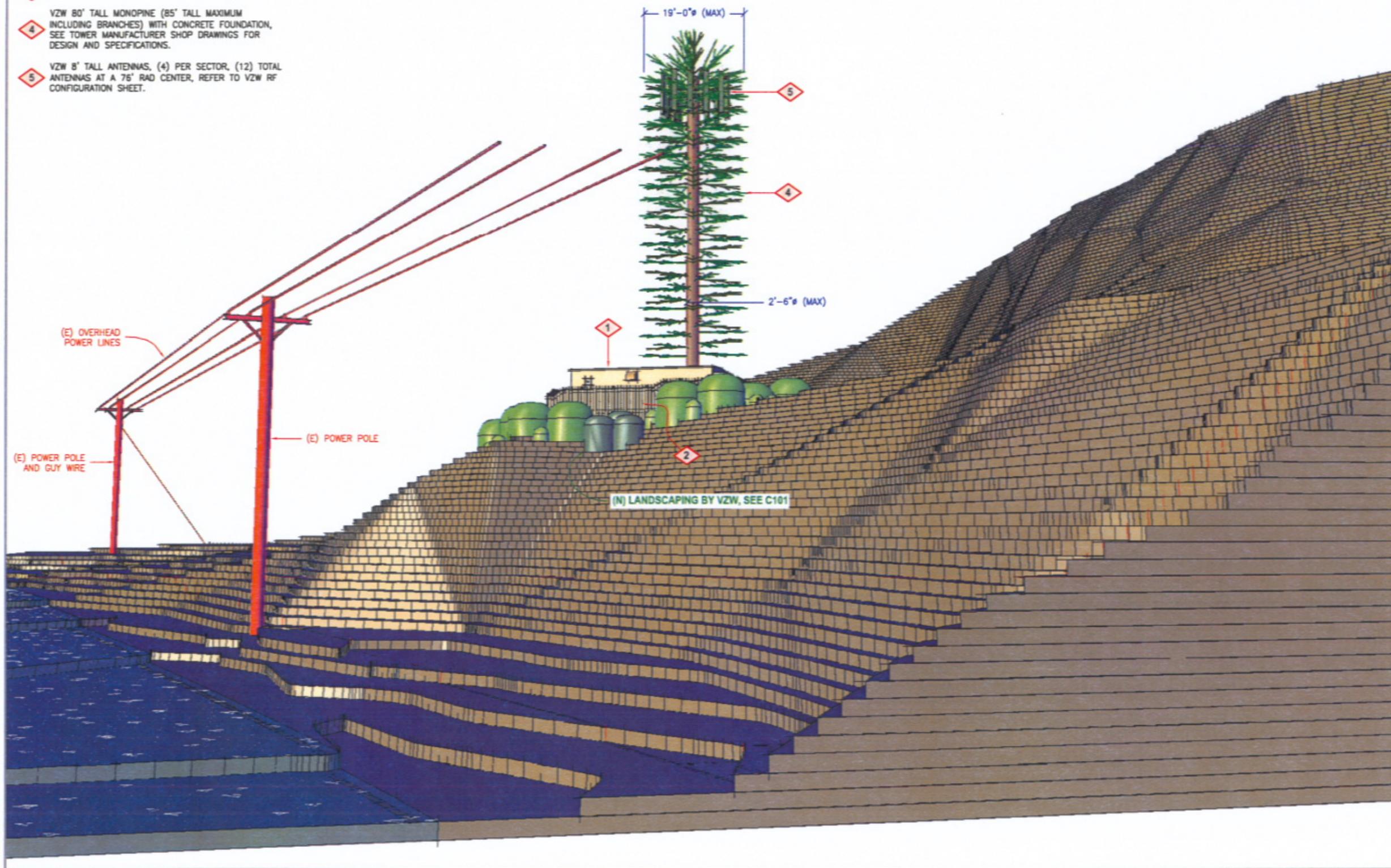
SAL - PEERY CAMP
 SW SEC 24, T6N, R1W
 OGDEN CANYON HWY
 OGDEN, UTAH 84401
 -- RAWLAND SITE --

SHEET TITLE
 SOUTHWESTERLY
 SITE ELEVATION

SHEET NUMBER
C201

KEYED NOTES

- 1 VZW 11'-8" X 26' PRE-FAB EQUIPMENT SHELTER WITH (2) HVAC UNITS AND (2) LOW PROFILE VENTILATION HOOD AS PROVIDED BY THE SHELTER MANUFACTURER, SEE C301/1 FOR EQUIPMENT LAYOUT AND S100/S101 FOR CONCRETE FOUNDATION.
- 2 VZW 8' TALL CEDAR FENCING.
- 3 VZW 6' WIDE BY 8' TALL CEDAR GATES, (2) TOTAL.
- 4 VZW 80' TALL MONOPINE (85' TALL MAXIMUM INCLUDING BRANCHES) WITH CONCRETE FOUNDATION, SEE TOWER MANUFACTURER SHOP DRAWINGS FOR DESIGN AND SPECIFICATIONS.
- 5 VZW 8' TALL ANTENNAS, (4) PER SECTOR, (12) TOTAL ANTENNAS AT A 76' RAD CENTER, REFER TO VZW RF CONFIGURATION SHEET.



VERIZON WIRELESS
 9858 SOUTH PROSPERITY ROAD
 WEST JORDAN, UTAH 84088

TAEC

Technology Associates Engineering Corporation
TECHNOLOGY ASSOCIATES

UTAH MARKET OFFICE
 9847 SOUTH 500 WEST
 SANDY, UTAH 84070

CORPORATE OFFICE
 5630 PRESTLY DRIVE
 CARLSBAD, CALIFORNIA 92008

DRAWN BY: JAY C
 CHECKED BY: DOUG K

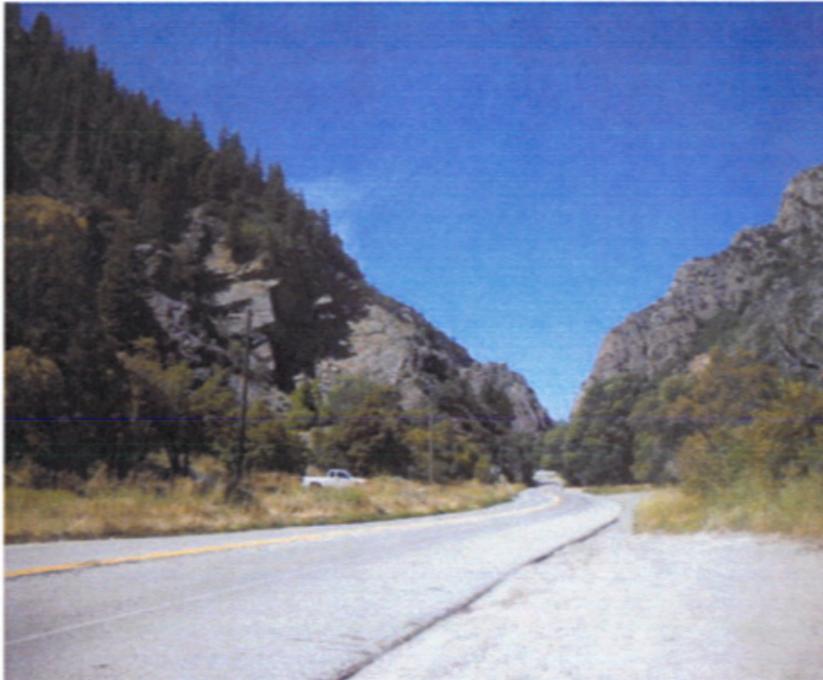
REV	DATE	DESCRIPTION
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SAL - PEERY CAMP
 SW SEC 24, T6N, R1W
 OGDEN CANYON HWY
 OGDEN, UTAH 84401
 -- RAWLAND SITE --

SHEET TITLE
 ENLARGED
 SOUTHWESTERLY
 SITE ELEVATION

SHEET NUMBER
C202



EXISTING SITE



PROPOSED VERIZON WIRELESS STEALTH MONOPINE
Looking west at site from Ogden Canyon Highway.



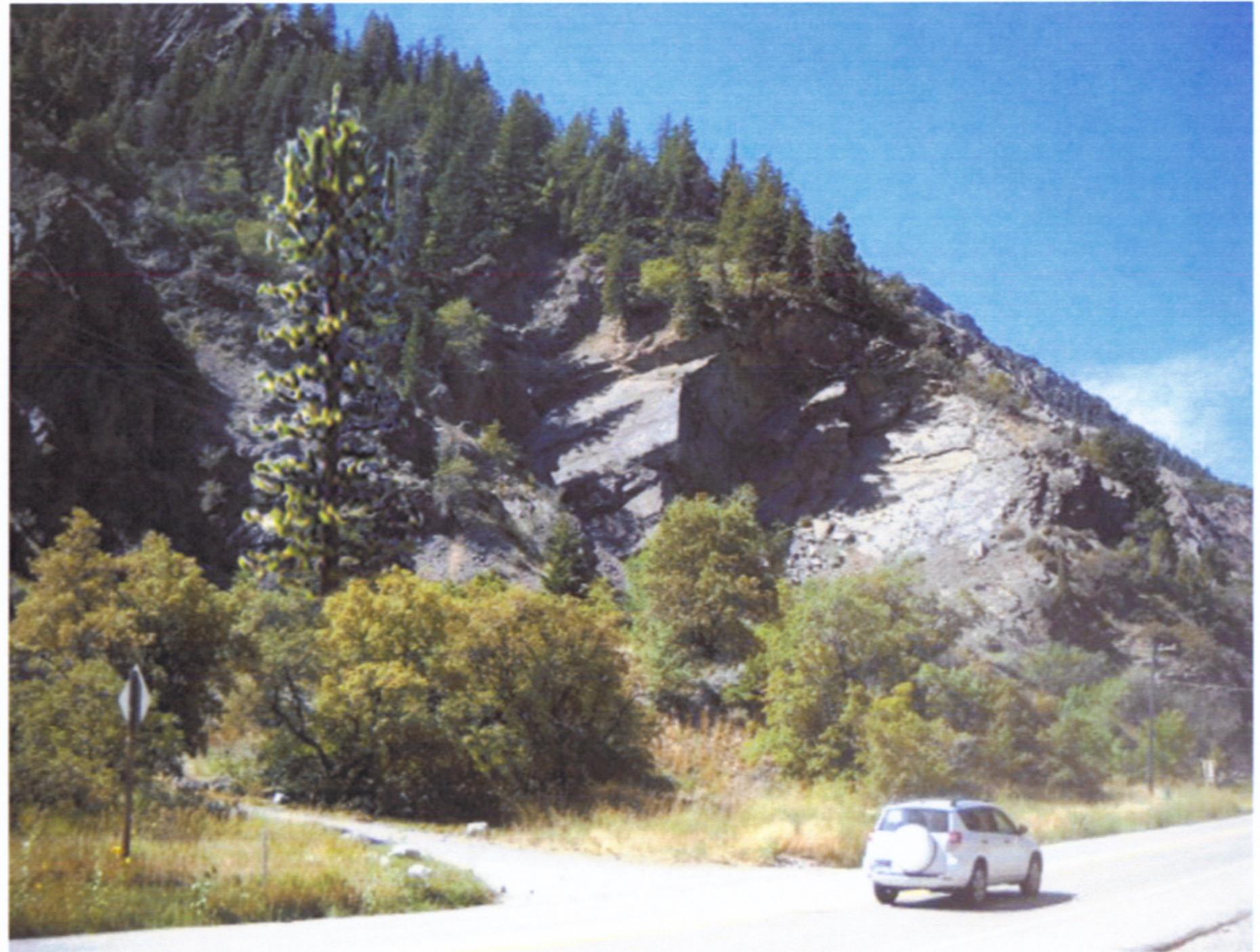
PHOTOSIM AERIAL MAP



EXISTING SITE



PHOTOSIM AERIAL MAP



PROPOSED VERIZON WIRELESS STEALTH MONOPINE
Looking southwest at site from northside of Ogden Canyon Highway.











Technology Associates

9485 South 500 West, Sandy, UT 84070

January 11, 2012

Weber County Planning Commission
2380 Washington Blvd, Suite 240
Ogden, UT 84401-1473

Re: Verizon Wireless zoning application for a new unmanned communication site along Highway 39 in Ogden Canyon

To Whom It May Concern:

I have been requested by the planning board at Weber County to explain how Verizon Wireless will comply with the requirements in Chapter 43-4 of the County zoning ordinance.

The proposed new site location is on property owned by the Ogden Weber Chamber of Commerce. This property borders the highway through the canyon and has a restored kiln on the property. This kiln has been designated as an historical landmark.

I have been asked to respond to the following items.

SCENIC CORRIDORS

Access / Traffic: There is an existing driveway from the highway into the parking area built by the Forest Service. This parking area is for people visiting the kiln, using the trail adjacent to the kiln, or fishing in the river across the highway. This driveway also provides access to the proposed communication site at the opposite end of the property away from the kiln

Fencing: Verizon Wireless is requesting approval to use black vinyl coated chain link for this site location. There are several mitigating factors pertaining to the request for this area.

- There is a secluded area just above the proposed site location that is used by teens and others as a place to hang out. There is a vast amount of graffiti on the rock walls as well as a smattering of beer cans, litter, as well as signs of fire pits. People using this area will need to walk around the site and will be hidden from view in the parking area as well as those driving up and down the canyon.

I have had conversations with different law enforcement personnel who have indicated an awareness of these activities in this area and that it is an area of concern for them. Past experience has shown that chain link fence, while not fool proof is the best alternative to

Technology Associates

9485 South 500 West, Sandy, UT 84070

protect the equipment in the compound. Wood or vinyl fencing can more easily be penetrated or damaged by falling rock or someone kicking it in.

Another vital aspect to site security is the ability to see into the compound prior to opening a gate in the middle of the night. It is a proven fact that more vandalism occurs if the perpetrators feel that they cannot be seen. It also makes it easier for law enforcement to see the activities in the area as they drive by or walk around.

RIDGELINES:

The site location is back dropped by the hillside and nestled into a corner of the hill as well as situated back from the highway. The base of the hill where the tower is located is screened by existing vegetation as well as by the new shrubs that Verizon Wireless will be installing along the perimeter of the fence.

REVEGETATION: The perimeter of the fence will have new plantings of currant bushes. These shrubs will be 5 gallon shrubs planted at 4' on center and over time will grow filtering the view of the site from the highway. These plantings will also help with soil retention. The plants are hearty and require minimal water for growth as well as being animal friendly.

TOPSOIL: All soils from construction will be removed from the site during the construction process and will not be left on site.

UTILITIES: Power and telephone utilities will be brought in to the site under the existing access road. After completion of construction the access drive will be regarded and any extra dirt from excavation or construction will be removed from the site.

TRAFFIC: This is an unmanned communication site. There will be no one living on site or coming to the site on a daily event. Upon completion of construction of the new communication site there will be a monthly inspection by the site technician. This will entail one four wheel drive vehicle to the site. Additional maintenance such as replacing a bad antenna may require a man lift but this is a rare occurrence.

HISTORIC

Verizon Wireless recognizes that there are historical elements on this property. There is a restored kiln at the opposite end of the property. Both the landlord and Verizon Wireless are aware of this and there will be no impact to this structure.

There are also possible kiln remains near the proposed communication site. As part of the regulatory process that Verizon goes through prior to constructing any new communication site, a NEPA and a PHASE 1 report have been ordered and are in process at this time. All recommendations from them will be adhered to. Any additional required reports or studies will be

Technology Associates

9485 South 500 West, Sandy, UT 84070

ordered. These new reports, if required, will mandate the required process to preserve or maintain these elements in a safe and protected manner.

Should you have any further comments, questions, or concerns, please feel free to contact me. Thank you for your time and consideration.



Doug Kofford
425. 306-7886

doug.kofford@taic.net



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Amendment to Chapter 18B (Commercial Valley Zones CV-1 and CV-2) of the Weber County Zoning Ordinance to allow assisted living facility as permitted use.

Agenda Date: Tuesday, February 28, 2012

Applicant: Daniel Phelps

File Number: ZTA 2-2012

Property Information

Approximate Address: [Click here to enter text.](#)

Project Area: [Click here to enter text.](#)

Adjacent Land Use

North: [Click here to enter text.](#) **South:** [Click here to enter text.](#)

East: [Click here to enter text.](#) **West:** [Click here to enter text.](#)

Staff Information

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

Report Reviewer: SW

Applicable Ordinances

Chapter 18B (Commercial Valley Zones CV-1 and CV-2)

Background

The petitioner is proposing to add "assisted living facility" as a permitted use to Chapter 18B Commercial Valley Zones CV-1 and CV-2. An assisted living facility provides assistance with activities of daily living by providing of or arranging for the provision of assistance with activities of daily living and social care to two or more residents. State code further states "residents in assisted living facilities require protected living arrangements, but are capable of achieving mobility sufficient to exit the facility without the assistance of another person. Each resident in an assisted living facility has a service plan based on their assessment. The service plan may include specified services of intermittent nursing care, administration of medication, and support services promoting residents' independence and self sufficiency."

The petitioner states the following reason for the proposed amendment to Chapter 18B Commercial Valley Zones CV-1 and CV-2. "This change would be an excellent addition to this zone and would be an asset to the community. This would be a good use in this zone and would positively impact the zone. The assisted Living Center use would be little impact as far as traffic and virtually no noise impact or other adverse impacts created by some uses already in the zone".

Currently residential facilities for elderly persons and convalescent or rest home are allowed as permitted use in the Agricultural AV- 3 Zones.

Proposed text amendment:

	<u>CV-1</u>	<u>CV-2</u>
Assisted living facility	P	P
Or		
Assisted living facility including convalescent and rest home	P	P

This proposed amendment and application is not subject to Chapter 23 (Supplementary and Qualify Regulations) Section 15 Residential Facility for Elderly Persons - Facility Requirements. The language in Chapter 23 was written for a type 2 facility (single family dwelling) located in residential zones and is not applicable in a commercial zone.

Summary of Planning Commission Considerations

- Does this amendment make sense?
- Are the reasons for amending the ordinance clearly stated?
- Should convalescent and rest home be added as part of this text amendment?

Conformance to the General Plan

The proposed ordinance amendment will comply with the goals/objectives of the General Plan and will promote property rights.

Conditions of Approval

- Not subject to Chapter 23-15 (Supplementary and Qualify Regulations)

Staff Recommendation

Staff recommends approval of the proposed amendments to Chapter 18B Commercial Valley Zones CV-1 and CV-2 Zone. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

Exhibits

- A. Petitioner's application
- B. Page 2 of Chapter 18B (Commercial Valley Zones CV-1 and CV-2)

January 27, 2012

Weber County Planning Commission

Weber Center

Re: Text Amendment Application for CV-2 Zone

To Whom It May Concern;

My name is Daniel Phelps and I am the owner of property in the CV-2 zone in the Ogden Valley. I am requesting that the Planning Commission Amend the current CV-2 zone to add as a permitted use to this zone, the use of the property for an Assisted Living Center.

This change would be an excellent addition in this zone and would be an asset to the community. This would be a good use in this zone and would positively impact the zone. The Assisted Living Center use would be little impact as far as traffic and virtually no noise impact or other adverse impacts created by some uses already in the zone.

The placement of this use in the CV-2 zone would allow a very beneficial use in a zone that would cause no impact to residential oriented zones and a much lighter impact than most permitted uses already in the zone.

My property in the Valley is the current Red Moose Lodge on Valley View Drive. It is my intention to convert this use to be an Assisted Living Center. The conversion of this property would not adversely affect any neighbors and actually would be less traffic than current traffic lode and also lessen the impact of other things such as light pollution and noise. An assisted Living Center is a very pleasing neighbor that is well maintained and inspected regularly by the State Health Dept. It is also a much needed use in the Ogden Valley and Weber County in General. It would provide services to folks who need assistance in their activities of daily living.

Thank you for the consideration of this amendment and I am sure you will be pleased with and agree that this would be a great zone to place this use in.

Sincerely,

A handwritten signature in black ink that reads "Dan Phelps". The signature is written in a cursive, flowing style.

Daniel Phelps

18-B4. Special Regulations

1. Hereinafter specified Permitted and Conditional uses shall be allowed only when the following conditions are complied with:
 - A. All uses shall be free from excessive odor, dust, smoke, or noise.
 - B. In the CV-1 (neighborhood) Commercial Zone no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.

2. A car wash shall be permitted subject to the following restrictions:
 - A. Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1 Zones only.
 - B. There shall not be more than four washing bays for a manual spray car wash in CV-1 Zones only.
 - C. Off-street vehicle storage required as follows:
 1. One bay car wash, four spaces in the approach lane
 2. Two bay car wash, three spaces in the approach lane for each wash bay
 3. Three or more bay car wash, two spaces in the approach lane for each wash bay

3. A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.
 A complete street design is required when the front yard setback is less than 20 feet, and may include a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the Planning Commission.

18-B5. Uses

In the following list of possible uses, those designated in any zone as "P" will be a Permitted Use. Uses designated as "C" will be allowed only when authorized by a Conditional Use Permit obtained as provided in Chapter 22C of this Zoning Ordinance. Uses designated "N" shall not be allowed in that zone.

	<u>CV-1</u>	<u>CV-2</u>
1. Accessory buildings and uses customarily incidental to a permitted use	P	P
Altering, pressing and repairing of wearing apparel	P	P
Ambulance Base Stations	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	C
Antique, import or souvenir shop	N	P
Archery shop and range, provided it is conducted within completely enclosed bldg.	N	P
Art and artists supply store	N	P
<u>Assisted living facility</u>	<u>P</u>	<u>P</u>
<u>Or</u>		
<u>Assisted living facility including convalescent and rest home</u>	<u>P</u>	<u>P</u>
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P
Athletic Club	N	P
Auction establishment	N	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is	N	C

recommended approval of the proposed amendments to the Weber County Commission. The ordinance amendments as recommended by both Planning Commissions were presented to the Weber County Board of Adjustment in a training session on September 8, 2011. The Board of Adjustment asked staff to further clarify the process for reviewing and signing notices of decision, and the options available for managing meetings, e.g., deliberating in public or private. In addition to these issues, several new changes were made to Chapter 23 regarding requirements for special exceptions, i.e., flag lots, access by private rights-of-way or easements, and access to lots at a location other than across the front lot line. Finally, several other chapters that referenced the Board of Adjustment have been brought into conformance with the proposed amendments to Chapter 29. Based on the Board of Adjustment's request for clarification and the other new amendments to the Zoning Ordinance, it is necessary for the Planning Commission to make a new recommendation to the County Commission.

The Planning Commission had previously discussed and made recommendations regarding the following policy questions:

1. Should the Board of Adjustment have more duties and powers than staff is proposing?
2. Which body (staff, planning commission or board of adjustment) should handle special exceptions?
3. If special exceptions are removed from Chapter 29, where in the Zoning Ordinance should they be relocated?
4. Are the existing criteria for special exceptions adequate?
5. How should notice for Board of Adjustment meetings be handled?
6. Should citizens from outside the unincorporated area of the County be allowed on the Board?
7. How should extensions be handled for Board decisions that have not been acted upon within the specified time frame?

Each of the policy questions, the original Zoning Ordinance amendments, the new Zoning Ordinance changes, and staff's determination regarding the Board of Adjustment's request are addressed below. Previous recommendations from both Planning Commissions and the Board of Adjustment have been considered and incorporated as appropriate. Each section in Chapter 29 and other applicable chapters are addressed below with an explanation of the changes that were made. Please see Exhibits A - D for the specific language.

Chapter 29

29-1. Purpose and Intent: A purpose and intent statement which explains the Board of Adjustment's role was created for this chapter.

29-2. Board Membership and Organization: This section explains how the Board of Adjustment is organized and how members are appointed. The Planning Commission previously recommended that only residents of unincorporated Weber County be allowed to serve on the Board of Adjustment (**Policy Question 6**).

29-3. Duties and Powers of the Board: (**Policy Question 1**) This section lists the duties and powers that the Board of Adjustment has been given. The existing ordinance has 12 duties and powers but state code mentions only the two duties and powers including granting appeals and granting variances from the Zoning Ordinance requirements. These are the two duties that are proposed in the amended language. Staff is recommending that the Zoning Ordinance language be consistent with state code. The Planning Commission previously recommended approval of this proposed amendment.

Most of the existing duties and powers will be eliminated because they are redundant or the power to make the decision has been given to another group, like the Planning Commission, or has been located elsewhere in the Zoning Ordinance. For example, the Planning Commission can vary the number of parking stalls based on language from Chapter 24 (Parking) of the Zoning Ordinance, thus eliminating the need for the existing duty and power number 5.

(Policy Questions 2, 3, and 4) The special exceptions (existing duty and power 10a, 10b, and 11) for flag lots, private rights-of-way/easements, and access at a location other than across the front lot line will be moved to Chapter 23 of the Zoning Ordinance. Staff is recommending that these special exceptions become administrative reviews handled by staff and appealable to the Board of Adjustment. The criteria and standards for these uses have been updated since the Planning Commission previously made its recommendation to move these uses to Chapter 23, based on the recommendations of staff, the Weber Fire District and the Weber County Engineering Division. One of the notable updates is the inclusion of agricultural parcels in the criteria section of private rights-of-way/easements. The proposed amendment allows bona-fide agricultural parcels with agriculture as the main use can use private rights-of-way/easements as the main access to the parcel, meaning that frontage on a road is not required. In addition to the updates, the organization and placement of the criteria and standards within the sections have changed, but the new format is more clear and objective. Please see Exhibit B for the specific language.

By making these changes, the approval process for these uses will be cut in half. For example, a flag lot must first be approved by the Board of Adjustment, and then by the Planning Commission as a subdivision. The current process reduces efficiency and effectiveness, and puts the Board of Adjustment in the position of acting as a land use authority, rather than as a quasi-judicial body. Staff reviews will save time and will allow the Planning Commission to focus on policy matters rather than administrative actions.

29-4. Decision criteria and standards: This section discusses the criteria and standards associated with appeals and variances from the Weber County Zoning Ordinance. The language for this section comes almost completely from Utah state code. This section now provides much more detail than was previously available. A 15 calendar day appeal period is being proposed, as well as designating a review of the record as the standard of review. The Planning Commission previously recommended approval of this proposed amendment.

29-5. Procedure: This section describes and clarifies the application process, notice to neighboring property owners, notices of decision, filing of minutes, expiration of approvals, and appeals of the Board's decisions. **(Policy Question 7)** Staff is recommending that no time extensions be given for variance approvals. The Planning Commission previously recommended approval of this proposed amendment.

This section is also where the Board of Adjustment requested further clarification. 29-5.2 states that the Board of Adjustment shall hold a public meeting in order to make decisions. The Board asked staff to include language regarding its ability to hold a public meeting but deliberate in private, issue decisions by letter, or conduct the meeting in other ways as the Board deemed necessary. Staff discussed this request internally and with legal counsel. Through these discussions it was made clear that the Board, as a quasi-judicial body, already has the ability to act as mentioned previously. However, trying to list all of the ways in which the Board can conduct a meeting is restrictive and impractical for inclusion in the Zoning Ordinance. The Board can include guidelines on this subject in its own Rules of Procedure and Ethical Conduct. Staff recommends that 29-5.2 remain as written in Exhibit A.

Section 29-5.3.A, which discusses the process for issuing a notice of decision, is the other section where the Board asked for clarification. The Board asked for a specific process that required a Board review and signature on the notice of decision to be included in the language. Staff again discussed this request internally and with legal counsel. Through these discussions it was made clear that the Board is not currently restricted to a certain process for handling notices of decision, which allows for flexibility and timeliness. Staff determines how the notice will be handled based on the complexity of the case and the likelihood of an appeal to District Court. Some notices are simple letters signed by staff which state the Board's decision, while others are multiple page findings and conclusions that are signed by legal counsel and the Board Chair. While the Board's request has its merits, adding a process that reduces efficiency and timeliness, limits flexibility, and prolongs appeal deadlines is not in the County's best interest. Staff recommends that 29-3.5.A remain as written in Exhibit A.

Chapter 23

The proposed amendments to Chapter 23 are discussed in Section 29-3 on Page 2 of this staff report.

Chapter 31

Staff is proposing amendments to

o Chapter 31 Sections 2, 4, and 7 regarding the Planning Director's administrative authority, the date of final decisions, and the process for appeals.

31-2. This section adds flag lots, private rights-of-way/easements, and access at a location other than across the front lot line as administrative approvals for the Planning Director or designee.

31-4. This section adds the Planning Director or designee as an approving authority and clarifies that decisions are final when the written notice of decision has been issued (see Chapter 29 Section 5.3.A).

31-7. This section clarifies the process for appeals and designates the Board of Adjustment as the appeal authority for administrative decisions. The Planning Commission previously recommended approval of these proposed amendments.

Chapter 1

1-1. The term Appeal Authority has been clarified to explain that the Board of Adjustment is not the only Board with authority to hear appeals. The Zoning Ordinance also designates the County Commission as an appeal authority in some cases.

1-4. The Board of Adjustment already has the authority to interpret the Zoning Ordinance, so it follows that the Board should be designated as the ruling authority on conflicts within the Zoning Ordinance.

1-6. The definitions of "Appeal Authority", "Lot", and "Lot, Flag" have been amended and the definition of "Land Use Authority" has been added.

Chapter 9-A

9-A-6. The County Engineer has replaced the Board of Adjustment as the authority to determine adequate measures for protecting land and buildings from flood damage.

Chapter 24

24-2A. The term Land Use Authority has replaced the Board of Adjustment as the Board with the authority to grant special exceptions for access to lots. Land Use Authority in this case refers to staff based on the proposed amendments to Section 31-2 discussed previously.

Chapter 36-B

36-B-2. The definition of "Lot" has been amended and brought into conformance with the definition located in Section 1-6. This amendment is similar to the amendment in Chapter 24 wherein staff is replacing the Board of Adjustment as the Land Use Authority that can grant special exceptions to access requirements.

Summary of Planning Commission Considerations

- Are the proposed amendments consistent with the purpose and intent statement in the ordinance?
- Are the proposed amendments clear, objective, and reasonable?

Conformance to the General Plan

This is a legislative matter. The draft ordinance is consistent with both General Plans.

Conditions of Approval

Not Applicable

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend that the Weber County Commission adopt the amendments to Chapters 1, 9-A, 23, 24, 29, 31, and 36-B.

Exhibits

- A. Weber County Zoning Ordinance Chapter 29 (Board of Adjustment) Proposed Amendments
- B. Weber County Zoning Ordinance Chapter 23 (Supplementary and Qualifying Regulations) Proposed Amendments
- C. Weber County Zoning Ordinance Chapter 31 (Administration) Proposed Amendments
- D. Weber County Zoning Ordinance Chapters 1 (General Provisions), 9-A (Shoreline Zone S-1), 24 (Parking and Loading Space, Vehicle Traffic and Access Regulations), and 36-B (Hillside Development Review Procedures and Standards) Proposed Amendments
- E. July 26, 2011 Planning Commission Minutes
- F. Public Comments

Exhibit A

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CHAPTER 29

BOARD OF ADJUSTMENT

- 29-1. Purpose and Intent
- 29-12. Board Membership and Organization
- 29-3. Duties and Powers of the Board
- 29-4. ~~Procedure~~ Decision Criteria and Standards
- 29-5. Procedure

29-1. Purpose and Intent

The purpose and intent of this chapter is to establish rules and procedures, consistent with Utah state code, which govern the Board of Adjustment in considering appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps, and variances from the requirements of the Weber County Zoning Ordinance. The Board of Adjustment serves as Weber County's final arbiter of issues involving the interpretation or application of the Weber County Zoning Ordinance.

29-12. Board Membership and Organization

1. The Board of Adjustment shall consist of five (5) members and two (2) alternate members from the unincorporated area of Weber County.
 - A. Board members shall be appointed by a simple majority vote of the County Commission.
 - B. Board members shall serve for a term of five years, and expirations of terms shall be staggered so that an overlapping of terms occurs.
 - C. Any vacancy(s) occurring on the Board shall be filled via appointment by a simple majority vote of the County Commission. Any vacancy occurring because of resignation, removal, disqualification, or other reason shall be filled for the unexpired term of the vacating member.
2. The Board of Adjustment shall annually elect a Chairperson and Vice-Chairperson from its membership. Each officer shall hold office for a one year period and not longer than two years consecutively.
3. Members of the Board of Adjustment shall be subject to all applicable County ordinances regarding conflicts of interest and ethics. A violation of these provisions shall be grounds for removal from the Board of Adjustment. The County Commission may remove or replace any board member for cause. Removal or replacement of a board member requires a majority vote of the full County Commission. in a public meeting.

~~The Board of Adjustment shall consist of five (5) members and two (2) alternate members who shall be appointed by the Board of County Commissioners. Each member and alternate member shall be appointed for a term of five (5) years and may be removed from membership for cause by the appointing authority upon written charges and after~~

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public hearing except that the first five (5) members so appointed One member shall be appointed to serve one (1) year, one member two (2) years, one member three (3) years, one member four (4) years and one member five (5) years. In the month of June each year one member shall be appointed for a five year period to take the place of the member whose term shall next expire. Any vacancy occurring on the Board by reason of death, resignation, removal, or disqualification shall be promptly filled by the Board of County Commissioners for the unexpired term of the vacating member. Not fewer than three members of the Board of Adjustment shall be residents of the unincorporated area of Weber County.

29-2. Organization

The Board of Adjustment shall organize and elect from its members a chairman and vice chairman and adopt rules of procedure and regulations not inconsistent or in conflict with state laws or with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such time as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Board and shall be a public record.

29-3. Duties and Powers of the Board

Amd.98-26

In addition to any other powers given by State law or this Ordinance, upon the timely filing of an appeal, within 15 days, from the date of the final decision being appealed, after proper notice and Public Hearing, The Board of Adjustment shall have the following duties and powers:

1. To act as the appeal authority from decisions applying the Weber County Zoning Ordinance and Zoning Maps.
2. To hear and decide variances from the requirements of the Weber County Zoning Ordinance.

29-4 Procedure Decision Criteria and Standards

1. Appeals from decisions applying and interpreting the Weber County Zoning Ordinance and Zoning Maps
 - A. The Board of Adjustment shall determine the correctness of a decision of the land use authority in its interpretation and application of the Weber County Zoning Ordinance and Zoning Maps.
 - B. The Board of Adjustment may hear only those decisions in which the land use authority has applied the Weber County Zoning Ordinance or Zoning Maps to a particular application, person, or parcel.
 - C. The appellant has the burden of proof that the land use authority erred.
 - D. All appeals to the Board of Adjustment shall be filed with the Planning Division not more than 15 calendar days after the date of the written decision of the land use authority.
 - E. Appeals to the Board of Adjustment shall consist of a review of the record. In cases where there is no record to review, the appeal shall be heard de novo.

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2. Variances from the requirements of the Weber County Zoning Ordinance
 - A. Any person(s) or entity desiring a waiver or modification of the requirements of the Weber County Zoning Ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Zoning Ordinance.
 - B. The Board of Adjustment may grant a variance only if the following 5 criteria are met:
 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
 - a. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought, and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - b. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.
 - a. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances relate to the hardship complained of, and deprive the property of privileges granted to other properties in the same zone.
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest.
 5. The spirit of the land use ordinance is observed and substantial justice done.
 - C. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 - D. Variances run with the land.
 - E. The appeal authority may not grant a use variance.
 - F. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 1. Mitigate any harmful effects of the variance; or

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2. Serve the purpose of the standard or requirement that is waived or modified.

~~1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made in the enforcement of this Ordinance.~~

~~2. To hear and decide requests for decisions on special questions upon which such Board is authorized to pass.~~ 21-83

~~3. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be preserved and substantial justice done.~~

~~4. To interpret the zoning map and zoning ordinance.~~

~~5. To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship.~~

~~6. Where a zone boundary line divides a lot in single ownership at the time of the passage of this Ordinance, permit the extension of a use or building situation on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred (100) feet into the other portion of the lot in the more restricted zone.~~

~~7. Permit for a period not to exceed one (1) year in a residential zone a temporary building or use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.~~

~~8. To permit a nonconforming use to be changed to another use permitted in the same or a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the Board of Adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutant, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, display or use of illumination, general activity, probable duration of the proposed use, or other factors having a bearing on the harmonious relation to one use to another.~~

~~9. To permit the relocation on a lot of a nonconforming building or structures occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard and area requirements in the zone in which it is located.~~

~~10A. To permit as a special exception and subject to No. 12 below, the construction of a dwelling or a building upon a lot, which does not have frontage on a street but has access to said lot by a private right of way, where the Board of Adjustment considers it unfeasible or impractical to extend a street to provide access to such lot because of unusual topographic or property boundary conditions. Before approval by the Board of Adjustment to build on any private right of way, the land owner of record shall place a covenant to run with the land agreeing to participate in the cost of developing any future road required by the county to replace the private right of way as required access to additional lots.~~ 96-11, 96-43

~~10B. To permit Lots with Access Strips known as Flag Lots by Special Exceptions meeting the following criteria:~~

~~1. Lots not having frontage on a street as required by this ordinance, but having access to such street by means of fee title access strips may be approved as "Special Exceptions" by the Board of Adjustment in any zone, provided that:~~

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- A.——The Board of Adjustment determines that it is not feasible or desirable to extend a street to serve such lot or lots at that time. Criteria to be used in determining feasibility or desirability of a street shall include, but not be limited to, topography, boundaries, and/or an area in which a road would not open an area of 5 acres or more for development.
 - B.——The access strip shall have a minimum width of 20 ft., a maximum width of 30 ft., a maximum grade of 15%, and a minimum vertical clearance of 14.5 ft.
 - C.——The area of the access strip shall not be included within the minimum lot area requirement.
 - D.——The lot shall meet all minimum yard and area requirements of the zone in which it is located, exclusive of the access strip.
 - E.——Buildings shall be setback a minimum of 30 feet from any property line and 30 feet from the extension of the flag lot access strip. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the access strip which the building faces.
 - F.——The lot address shall be displayed in a prominently visible location at the street entrance to the access strip.
 - G.——Each lot shall access a street by means of its own access strip. Successive stacking of lots on the same access strip is not permitted.
 - H.——No building, structure or parking is allowed in the access strip which is to be used solely as access to the lot.
 - I.——The Board of Adjustment shall impose such other conditions to ensure safety accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.
 - J.——No access strip shall exceed 800 feet in length.
 - K.——A maximum of two flag lot access strips may be adjacent to each other.
 - L.——A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access strip at a maximum distance of 200 feet from the public street.
 - M.——A turn-around area be provided at the home location to allow firefighting equipment to turn around. This area shall be a year-round surface, capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
 - N.——Bridges, including decking and culverts shall be capable of supporting a minimum 20-ton weight capacity.
 - O.——Switchback turns in sloped areas shall have a minimum 75-foot radius.
 - P.——Road surfaces on private access ways shall have a minimum 12-foot finished road surface capable of supporting a 20-ton weight capacity with a surface approved by the County Engineer.
 - Q.——A fire hydrant or other suppression method MAY be required by the Fire Chief.
 - R.——The home location shall be shown on a plan submitted to the Fire District.
- 2.——No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision.
- 3.——The lot area exclusive of the access strip shall be a minimum of 3 acres.
- 4.——The flag lot shall meet the minimum lot width requirements for the zone in which the lot is located, at the end of the access strip.
- 5.——Application for subdivision shall be filed and recorded within 18 months of approval of Flag Lot. If not filed and recorded within 18 months, said Flag Lot approval shall expire and be null and void.
- 6.——No subdivision shall be vacated, re-subdivided or changed in order to meet the

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requirements of this chapter.

2003-11

11. To allow by Special Exception access to lots at a location other than across the front lot line provided the following criteria are met:

1. Special circumstances are attached to the property covered by the application which does not generally apply to other property in the same zone.

2. Special or unique boundary conditions exist regarding the property for which an application has been submitted.

3. Topographic or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access.

4. The Board of Adjustment shall consider but not be limited to the following:

1. The access strip shall have a maximum grade of 15%.

2. A minimum turnout measuring at least 10 feet by 30 feet be provided adjacent to the traveled surfaces of the access at a maximum distance of 400 feet from the public street.

3. A turnout area be provided at the home location to allow firefighting equipment to turn around. This area must be a year round surface capable of supporting fire equipment (a minimum 45 foot radius if circular) 2002-7

4. Bridges including decking and culverts must be capable of supporting a minimum 20-ton weight capacity.

5. Switchback turns in sloped areas must have a minimum 75-foot radius.

6. Road surfaces on private access ways shall have a minimum 12-foot road surface width and be capable of supporting a 20,000 pound weight capacity with a surface approved by the County Engineer. 2002-7

7. A fire hydrant or other fire suppression method may be required by the fire district. 2002-7

8. The home location shall be shown on a plan submitted to the fire district. 96-43

12. In exercising the above mentioned powers, such Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the County and that adherence to the strict letter of the ordinance will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan. 2002-7

2. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. That because of said special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

4. That the condition and/or circumstances are not considered to be economic hardships or self-imposed hardships. 2002-7

13. The concurring vote of at least three (3) of the five (5) members of the Board shall be necessary to

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~~reverse any order, requirement or determination of such administrative official, or to decide in favor of such applicant on any matter on which it is required to pass, or to affect any such variation or special exception to this Ordinance.~~ 98-26

~~14. If an affirmative decision is made by the Board of Adjustment in exercising any of the powers listed in paragraphs 3, 4, 6, 9 and 10 of this Section, that approval shall be valid for a period of time not longer than 18 months from the date of the decision of the Board. Any interpretation or affirmative decision made in exercising any of the powers listed in paragraphs 5 or 7, shall be valid until an amendment to the Zoning Map or Ordinance is made which changes the conditions upon which the interpretation or decision was made.~~

22-85, 96-3

29-45. Procedure

The Board of Adjustment shall adopt rules and regulations, consistent with Utah state code and Weber County ordinances, for conducting its business and may amend such rules from time to time. Such rules may include policies and procedures for the conduct of its meetings, the processing of applications, the handling of conflict of interest and any other purpose considered necessary for the functioning of the board.

1. Application and Notice.

A. Any person or entity wishing to petition the Board of Adjustment for an appeal or interpretation of the Zoning Ordinance or Zoning Maps, or for a variance from the requirements of the Zoning Ordinance may commence such action by completing the proper application and submitting it to the Weber County Planning Division office. Applications must be submitted at least 30 days prior to the date of the meeting at which the application will be considered. The application must clearly explain the appeal, interpretation, or variance being requested, and must be accompanied by the required fee and applicable supporting information.

B. After a complete application has been submitted and accepted, the Planning Division shall prepare a staff report to the Board of Adjustment, schedule a meeting of the Board, and send notice to property owners within 500 feet of the parcel on which the request has been made. Notice may be sent to other interested persons or organizations upon written request.

2. Meeting.

A. The Board of Adjustment shall hold a public meeting to decide upon the appropriate action to be taken on an appeal, variance, or interpretation request. The concurring vote of at least three (3) of the five (5) Board members is required to decide in favor of the request.

3. Decision and Minutes.

A. After the Board of Adjustment has made a decision, a notice of decision shall be prepared by the Planning Division and sent to the appellant in accordance with Chapter 31 Section 4 of the Weber County Zoning Ordinance. This notice acts as the Board's written decision for an appeal, variance, or interpretation request. Decisions of the Board of Adjustment shall be final at the time a notice of decision is issued.

B. The minutes of all meetings of the Board of Adjustment shall be prepared and filed in the Weber County Planning Division office. The minutes shall be available for public review and access in accordance with the Government Records and Access Management Act.

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4. Expiration.

A. If the Board has decided in favor of a variance request, the approval is valid for a period of 18 months. If an approved variance request has not been acted upon within this time frame, the approval shall expire and become void.

B. If the Board has made an interpretation to the Zoning Map or Zoning Ordinance, the interpretation is valid until an amendment to the Zoning Map or Zoning Ordinance is made which changes the conditions upon which the interpretation or decision was made.

5. Appeal of Decision.

A. Appeals from decisions of the Board of Adjustment are made directly to the District Court as designated in Utah state code.

~~Each appeal to the Board shall be on a form provided by the Board and all information called for by such form shall be furnished by the appellant. Before making its decision, the Board shall hold a hearing upon the appeal. Notice of the time and place of such hearing shall be sent by mail to the appellant, to the owners of all property contiguous to the property with which the appeal is concerned and of all properties opposite said property measured at right angles to the intervening street or streets, and to the Planning Commission and the Building Inspector, at least five (5) days previous to the day fixed for the hearing. Such notice shall contain the name of the appellant, the time and place fixed for the hearing, and a brief statement of the error alleged by the appellant or of the special exception or other question or variance for which the appellant appeals. Before any appellant shall be entitled to any hearing or decision, he shall pay to the Board the expenses of the appeal, including the sending of notices, as fixed by the Board, such payment or the estimated amount of same to be paid with the filing of the appeal. The Board may give notice to other interested persons and organizations.~~

~~The hearing may be adjourned from time to time, and if the time and place of the adjourned meeting be publicly announced at the hearing at the time of the adjournment, no further notice of such adjourned meeting shall be required.~~

~~2. Each appeal, filed in proper form with the required dates, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board and shall be heard in the order in which they appear on the calendar, unless advanced for hearing by order of the Board for good cause shown. The calendar of cases to be heard shall be posted in the office of the Board five days before the meeting at which the hearing is scheduled.~~

~~3. A Letter or Decision or any other action of the Board shall be sent to the applicant informing him/her that the minutes of such meeting are available at the Planning Commission Office upon the Board's approval of the minutes. The minutes shall contain findings as the basis for the Board's decision or action and the vote of each member of the Board, those absent being so marked.~~

~~22-85, 2002-~~

Exhibit B

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CHAPTER 23

SUPPLEMENTARY AND QUALIFYING REGULATIONS

2009-14

23-1.	Purpose and Intent	
23-2.	Projections Permitted into Required Yard Setbacks	
23-3.	Fencing Requirements	
23-4.	Rear Yard Coverage	
23-5.	Exceptions to Height Limitations	
23-6.	Minimum Height of Dwelling	
23-7.	Clear View of Intersecting Streets	
23-8.	Setbacks for Animals and Fowl	
23-9.	Water and Sewage Requirements	
23-10.	Required Building Setback from Designated Collector or Arterial Streets	
23-11.	Group Dwellings	
23-12.	Towers	
23-13.	Residential Facility for Persons with a Disability - Facility Requirements	17-87
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23-16.	Large Accessory Buildings	
23-17.	New Construction in Residential and Commercial Developments	
23-18.	Swimming Pools	14-92
23-19.	Building on Dedicated Substandard Streets or Public by Right of Use Roads	
23-20.	Occupying Recreational Vehicles	
23-21.	No Obstruction of Irrigation Ditches, Drains and/or Canals	2002-9
23-22.	Temporary Real Estate Sales Office	2003-8
23-23.	River and Stream Corridor Setbacks	2005-19, 2008-4
23-24.	Wind Energy Conversion Systems (Small Wind Energy Systems)	2008-8
23-25.	Nightly Rentals	
23-26.	Land Use Applications Involving Lots/Parcels with Existing Violations	
23-27.	Solar Energy Systems	
23-28.	<u>Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards</u>	
23-29.	<u>Flag Lots</u>	
23-30.	<u>Access to a Lot/Parcel Using a Private Right-of-Way or Access Easement</u>	
23-31.	<u>Access to a Lot/Parcel at a Location Other than Across the Front Lot Line</u>	

23-28. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards

1. In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress, the following standards shall be met, in addition to the individual requirements of Sections 23-29, 23-30, and 23-31 below:

A. Design standards.

1. The flag lot access strip, private right-of-way, or access easement shall have a minimum width of 20 feet and a maximum width of 30 feet.
2. The finished road surface on the flag lot access strip, private right-of-way, or access easement

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shall be a minimum of 12 feet wide if the access is under 150 feet in length, and a minimum of 20 feet wide if the access is 150 feet or greater in length.

3. The finished road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.
4. A minimum turnout measuring at least 8 feet by 30 feet shall be provided adjacent to the traveled surface of the flag lot access strip, private right-of-way, or access easement at a maximum distance of 200 feet from the public street.
5. The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of 15%. However, Fire District approval is required for any access that exceeds a grade of 10%.
6. The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.
7. No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.
8. Bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds.
9. Switchback turns in sloped areas shall have a minimum 75 foot radius.
10. Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.

B. Safety standards.

1. The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.
2. A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
3. A fire hydrant or other suppression method may be required by the Fire District.
4. The home location shall be shown on a plan submitted to the Fire District.
5. Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

C. Lot/parcel standards

1. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
2. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement
3. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
4. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with Section 23-28 prior to the issuance of Land Use Permits or Building Permits.

23-29. Flag Lots

1. The Land Use Authority shall determine whether or not it is feasible or desirable to extend a street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five (5) acres or more in Western Weber County and ten (10) acres or more in the Ogden Valley for development.
2. The lot area exclusive of the access strip shall be a minimum of 3 acres.
3. Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.

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4. No access strip shall exceed 800 feet in length.
 5. A maximum of two flag lot access strips may be located adjacent to each other.
 6. No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.
-

23-30. Access to a Lot/Parcel Using a Private Right-of-Way or Access Easement

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria
 - a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
 - b. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.
 2. Conditions
 - a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
 - b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.
-

23-31. Access to a Lot/Parcel at a Location Other than Across the Front Lot Line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

1. The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
2. It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

Exhibit C

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CHAPTER 31

ADMINISTRATION

2009-28, 2010-20

- 31-1. Purpose and Intent
- 31-2. Administrative Authority
- 31-3. Fees for Processing Applications
- 31-4. Notice of Decision
- 31-5. Hearing and Publication Notice for County Commission
- 31-6. Permits and Licensing
- 31-7. Appeals
- 31-8. Temporary Exceptions
- 31-9. Penalties
- 31-10. Validity

31-1 Purpose and Intent

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by the Weber County Zoning Ordinance.

31-2 Administrative Authority

The Planning Director, or designee, is authorized to deny, approve, or approve with conditions an application for an administrative approval. Administrative approval can be given for the following applications: site plans with buildings under 10,000 square feet located on a parcel less than one acre in size, home occupations with or without visiting clientele, combining of lots within an approved subdivision which meet ordinance requirements, ~~and~~ minor subdivisions as defined by the subdivision definition, flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a lot/parcel at a location other than across the front lot line. The Planning Director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in this ordinance or if any of the required findings are not supported by evidence in the record as determined by the Director. At the discretion of the Planning Director, the Planning Commission can hear the request for an administrative approval.

The administrative approval process includes public notice and comment from adjacent property owners, as required by state code.

31-3 Fees for Processing Applications

Fees for processing applications shall be established by ordinance.

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Applications except subdivisions that have been deemed complete and have not been acted on by the appropriate board shall expire after six-months. The applicant will have to submit a new application and fees to restart the process.

31-4 Notice of Decision

After hearing the evidence and considering the application, the approving authority (Planning Commission, Planning Director or designee, Board of Adjustment, and County Commission on land use applications) shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A Notice of Decision can be either a new written notice, a copy of the administrative approval form signed by the Planning Director or designee, or a copy of the approved minutes. A decision by the approving authority is final ~~until the time for appeal expires~~ at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be effective final on the date the minutes from the meeting are approved by the approving authority. The Planning Division shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

31-5 Hearing and Publication Notice for County Commission

Before finally adopting any such legislative amendment, the Board of County Commissioners shall hold a public hearing thereon, at least fourteen (14) days notice of the time and place of which shall be given as per state code. The unanimous vote of the full body of the County Commission is required to overturn the recommendation of the Planning Commission, if there was a unanimous vote of the Planning Commission in favor or denial of the petition.

31-6 Permits and Licensing

All departments, officials, and public employees of Weber County, which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of the Ordinance, shall be null and void.

31-7 Appeals

All Appeals from administrative decisions shall be submitted to the Weber County Planning Division not more than 15 calendar days from after the date of the written notice of decision in accordance with Chapter 29 Section 5 of the Weber County Zoning Ordinance. Appeals from administrative decisions shall be heard by the Weber County Board of Adjustment.

31-8 Temporary Exceptions

The Weber County Commission has the authority to grant, by motion, temporary exceptions from any term or condition of the Weber County Zoning Ordinance for a period of not to exceed three (3) months in duration. Time may be extended for an additional three (3) months by the County Commission, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary

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exception may be made by the County Commission with or without a recommendation from the Planning Commission. Such temporary exceptions may be granted upon the County Commission determining that such a temporary exception is justified because of some extraordinary, or emergency situation, or act of God situation, and that the health, safety, convenience, order, and welfare of the inhabitants of Weber County will not be substantially affected, if such temporary exception is granted.

31-9 Penalties

Any person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted. Any person, firm, or corporation that violates the provisions of this ordinance shall be guilty of a misdemeanor and punishable as provided by law.

31-10 Validity

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

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Exhibit D

Chapter 1 Amendments (General Provisions)

APPEAL AUTHORITY: A person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance. ~~Any appeals of the Land Use Authority will be heard by the Board of Adjustment outlined in Chapter 29 of the Weber County Land Use Ordinance. Appeal of Conditional Use applications will be heard by the Board of County Commissioners.~~

LAND USE AUTHORITY: A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

LOT: ~~A parcel of land occupied or capable of being occupied by an allowed use, having frontage upon a street. Except where specified, not more than one (1) dwelling structure shall occupy any one (1) lot.~~ A parcel of land occupied or capable of being occupied by an permitted allowed use, building, or group of buildings (main and accessory), together with such yards, open spaces, parking spaces and other areas required by the Weber County Zoning Ordinance, and/or ~~the~~ Subdivision Ordinance ~~of Weber County~~, having frontage upon a street or having access upon a right-of-way, access easement, or flag lot access strip approved by the ~~Board of Adjustment~~ Land Use Authority. ~~Except for group dwellings, and Planned Residential Unit Developments, where specified, not more than one (1) dwelling structure shall occupy any one (1) lot.~~ 4-71, 14-73, 10-92, 2004-6

LOT, FLAG: ~~Any lot granted a special exception by the Board of Adjustment and meeting the requirements of Chapter 29. An "L" shaped lot comprised of a narrow access strip connected to a street (staff stem portion) which opens into the lot area (flag portion), contiguous with the flag portion thereof, the minimum width of the stem being 20 feet and a maximum of 30 feet.~~

1-1. Short Title

This Ordinance shall be known as the "Uniform Land Use Ordinance of Weber County, Utah." The Township Planning Commission or other entity designated herein ~~is to~~ shall be the Land Use Authority, with due responsibility to administer the Land Use Ordinance. ~~Any Appeals from decisions of the Land Use Authority will be heard by the Board of Adjustment Appeal Authority as outlined designated in Chapter 29 of the Weber County Land Use Ordinance. Appeal of Conditional Use applications will be heard by the Board of County Commissioners.~~

1-4. Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinance or laws, but shall prevail notwithstanding such provisions which are less restrictive. Where a conflict exists between various provisions of this ordinance, the ~~Planning Commission and/or~~ Board of Adjustment shall rule on which provision applies.

Chapter 36-B-2 Amendments (Hillside Development Review Procedures and Standards)

LOT: A parcel of land occupied or capable of being occupied by an permitted allowed use, building, or group of buildings (main and accessory), together with such yards, open spaces, parking spaces and other areas required by the Weber County Zoning Ordinance, and/or ~~the~~ Subdivision Ordinance ~~of Weber County~~, having frontage upon a street or having access upon a right-of-way, access easement, or flag lot access strip approved by the ~~Board of Adjustment~~ Land Use Authority. ~~Except for group dwellings, and Planned Residential Unit Developments, where specified, not more than one (1) dwelling structure shall occupy any one (1) lot.~~

Chapter 9-A-6 Amendments (Shoreline Zone S-1)

2. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as

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determined by the County Engineer wherein no buildings or structures shall be constructed or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this Ordinance, adequate measures must be taken as determined by the ~~Board of Adjustment~~ Weber County Engineer so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.

Chapter 24-2A Amendments (Parking and Loading Space, Vehicle Traffic and Access Regulations)

24-2A. Access to lots in Subdivisions

96-26

Access to lots in subdivisions shall be across the front lot line abutting a public or private street ~~approved by the county~~ or as otherwise approved by the ~~Board of Adjustment~~ Land Use Authority.

Exhibit E

Ogden Valley Township Planning Commission

July 26, 2011

MOTION: Commissioner Warburton moved to recommend approval to the County Commission of Chapter 34 as amended in their June meeting and this meeting. Commissioner Graves seconded the motion. A vote was taken and Chair Parson said the motion carried 7-0.

3.2. ZO 2010-10 An Ordinance to amend Chapter 29 Board of Adjustment of the Weber County Zoning Ordinance

Sean Wilkinson stated that the correction has been made in reference to when a final decision actually took place and when the time expires to file an appeal. A decision of the Board of Adjustment is final upon notice of receiving the notice of decision. Commissioner Howell said on 29-4 it indicates 15 calendar days to appeal: What was it before? Staff said they had to go by the State's minimum of at least 10 calendar days. Now it will be 15 calendar days. Sean Wilkinson indicated that they do not allow variances to be extended.

Commissioner Warburton commented that she had spoke with Steve Clarke further about his concerns which he previously spoke to the PC about regarding fair representation for those who appealed to the BOA. She indicated that she wanted it on record that she did research state law and found that we could easily adjust our BOA process to include an ombudsman but that would take considerable work and while she recognizes the need, she felt it was best to pass this ordinance as is and work on that project at a later date.

Sean Wilkinson said State Code does allow them to designate more than one appeal authority and they actually have two; the Board of Adjustment and the County Commission which acts as an appeal authority in some decisions; however, they are not precluded from having just a hearing officer.

Commissioner Warburton asked if it would be considered ex parte communication to speak with the Planning Staff regarding other things than what is listed in the staff report. The Ombudsman would read the record and they could listen to the tape and write a brief that is given to everyone at the same time. She believes that it may help with legal issues to have a hearings officer.

As a policy issue, the County Commission would adopt the policy for a hearings officer. Commissioner Hollist said not having been part of past discussions, he wanted to voice that he believes that Mr. Clarke is wrapping the issue in bureaucracy. In the end, there is the Board of Adjustment and the County Commission and he believes that is adequate.

Chris Allred said he believes Mr. Clarke submitted his comments to the Board of Adjustment.

Sean Wilkinson stated that the ordinance was taken to the Western Weber County Planning Commission and he included their recommendations in his staff report. In Chapter 31 section 2 they added flag lots and private rights of way as administrative approvals for the Planning Director to make. They added the Planning Director or designee as approving authorities. In section 7 they clarified the process for appeals.

Commissioner Howell asked if under Item 6 people outside of unincorporated areas of the County should be allowed as members. He believes they should not. Sean Wilkinson indicated that the Western Weber County Planning Commission believed they should not.

MOTION: Commissioner Graves moved to recommend that they adopt the proposed amendments to Chapters 29, 23, and 31 as presented by staff. Commissioner Warburton seconded. A vote was taken and Chair Parson said the motion carried by a unanimous vote.

4. Public Comments:
5. Planning Commissioner's Remarks:

Commissioner Warburton said she is very impressed with the Miradi Program that will help organize and communicate. Employees created the program and they were not paid for it. She also praised staff for getting the staff report out so quickly.

Exhibit F

To: Weber County Planning Commission

July 3, 2011

Subject: Board of Adjustment Ordinance Amendments

Reference: My comments in the Planning Commission meeting 6/28

I offer the following to clarify my comments and suggest modifications to the proposed changes. The Weber County Board of Adjustment (BOA) is organized according to State law. I recently witnessed the Planning Commission hearing and decision of the Green Valley Academy application for a design review followed by the appeal hearing by the BOA. The applicants and/or appellants endured a process no citizen should endure.

ISSUE: The County Planning Division has all the power in these situations. They mentor, advise, and befriend members of both the Planning Commission and the BOA. They analyze the application, interpret the law, plead the case, decide what issues are permissible to hear, and ask for concurrence from the citizen Planning Commission and BOA. To suggest the Planning Commission or the BOA has real power is a stretch. To suggest, as the proposed ordinance modification does, that more power should be given to the Planning Staff to administer decisions administratively rather than bring the application to the Planning Commission further reduces the limited independent oversight and application of land use law in the County. The applicants and/or appellants are not well served by this process. They are attempting to appeal to the very persons who defined and pled the case in the first place.

POSSIBLE REMEDIES: The most obvious remedy would be to introduce an independent person or group who would handle the appeal case. Perhaps State law could be changed to have a State ombudsman oversee the appeal process with land use experts from another jurisdiction presenting the County case. In addition, the BOA should be supervised by the County Commission directly.

A second and more easily achieved remedy would be to use the existing process with a few modifications:

1. Require different Planning Division staff to present the appeal case to the BOA than the one who had worked with the application and Planning Commission.
2. Have the County Commissioners provide an experienced ombudsman (I think of Craig Call) to oversee the appeal, advising both parties.
3. Introduce a new appeal step to permit a hearing with the County Commission before going to District Court.

A minimal remedy would be to require all land use applications to be heard by the Planning Commission and reject the current suggestion of moving further in the direction of staff administrative approvals.

I ask you to carefully consider the implications of the proposed BOA ordinance modifications, rejecting those aspects which increase administrative approval opportunity.

Sincerely, Steve Clarke, 5824 E. 2200 N., Eden, Utah 84310 – 801.745.1348 – sdclarke@oValley.net





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Amendment to Chapter 1 (General Provision – Filing preliminary and final plats)
Agenda Date:	Tuesday, February 28, 2012
Applicant:	Weber County Planning Division
File Number:	ZTA 2010-08

Property Information

Approximate Address:	Click here to enter text.
Project Area:	Click here to enter text.
Zoning:	Click here to enter text.
Existing Land Use:	Click here to enter text.
Proposed Land Use:	Click here to enter text.
Parcel ID:	Click here to enter text.
Township, Range, Section:	Click here to enter text.

Adjacent Land Use

North:	Click here to enter text.	South:	Click here to enter text.
East:	Click here to enter text.	West:	Click here to enter text.

Staff Information

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

Applicable Ordinances

- Weber County Subdivision Ordinance Chapter 1 (General Provision – Filing preliminary and final plats)

Background

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 outlines the requirements for submitting preliminary and final subdivision plats.

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 bring the subdivision reviewing process current with state code and to make administering the Subdivision Ordinance more efficient and productive. Policy issues have been discussed with the County Commission.

During the work sessions, both Planning Commissions address the policy questions and recommended other changes. The changes are listed in the section below.

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. One of the recommended changes was to have the criteria for time extensions listed in 26-1-8 Subdivision Time Limitations.

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. This section will have more cleanup as part of the code service reviews. Terms that are defined in the zoning ordinance are referred to in order to have consistent definitions. Under the small subdivision definition it lists the number of lots that can be approved administratively by the Planning Division. Staff is suggesting the numbers are increased as follows:

Small 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.

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

A ten lot subdivision in the Forest F-5 (50 acres), F-40 (400 acres), and the Agricultural AV-3 (30 acres) zones would require Planning Commission approval because of roads that would have to be built to serve development of this size. The only time administrative approval of 10 lots will take place is on an amended subdivision, where all of the improvements have been installed.

26-1-5: The change to Subdivision Application Requirements section made 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, because of the ability to send drawings electronically.

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 departments 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 review agencies not listed that projects are sent to. The public notice requirements changes are as required by state code. Since subdivision approvals are an administrative decision, notices to property owners are not required by state code. The Planning Commissioners had many opinions on noticing of small subdivision. Some commissioners felt that notices should be sent on all subdivisions, while others thought that notices should be sent after three lots, while other thought notices should be sent after 10-lots. Staff recommendation as a compromise (since noticing is not required) is subdivisions with more than 5-lots will have notices sent.

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. Instead of allowing subdivision to never expire (since closure is needed) staff is allowing one additional time extension for preliminary approval. Preliminary time extension beyond two will have to be approved by the planning director. Any extension request beyond the two needs to be based on other issues besides financial, economic, or self-imposed hardship. Time extensions for final approval remain the same.

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 proposed change is to have

escrows under \$10,000 dollars approved by the County Engineer. Another change requires an electronic copy of the improvement drawings.

Summary of Planning Commission Considerations

- Are the reasons for amending the ordinance clearly stated?
- Are there additional amendments that should be addressed at this time?

Conformance to the General Plan

The proposed ordinance amendment will comply with the goals/objectives of the General Plan and will promote property rights.

Staff Recommendation

Staff recommends approval of the proposed amendments to Chapter 1 of the Subdivision Ordinance. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

Exhibits

- A. Proposed ordinance

CHAPTER 1

GENERAL PROVISIONS Filing of Preliminary and Final Plans

February, 2012

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

26-1-1	Purpose and Intent
<u>26-1-2</u>	<u>Variances</u>
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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. Subdivision time extensions are not variances and will address in section 26-1-8 Subdivision Time Limits. Illegal division of land does not constitute an exceptional condition.

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)

26-1-3 4 Definitions. The following words and phrases used in this Ordinance shall have the respective meanings hereinafter set forth, unless a different meaning clearly appears from the context:

1. ~~"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.~~
20. ~~"Minor Small Subdivision": (Ord. #2007-1, 1/09/07)~~
- a. ~~A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned.~~

- b. ~~An amended subdivision consisting of ten (10) or fewer lots and for which no streets will be created or realigned;~~
 - e. ~~A subdivision phase consisting of five (5) or fewer lots which has a valid preliminary approval and meets all conditions of that preliminary approval, including proposed street layouts.~~
211. ~~"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.~~
12. ~~"Protection Strip": A line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, is restricted from having access. The no access 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. The Protection Strips shall expire after 10 years.~~
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.~~
13. ~~"Small 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 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 preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee.~~
2614. ~~"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.
2715. "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)
2816. ~~"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).~~

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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 unless approved by the County Surveyor 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)

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~~ small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority, in this section Planning Commission, for their ~~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.
- (B) ~~Public~~ Notice. Notice of the proposed subdivision shall be mailed as a courtesy, not less than seven calendar days before the Planning Commissions' public hearing on the proposed

~~subdivision to the record owner of each parcel within 500 feet of the property proposed for subdivision; or posted not less than three calendar days before the public hearing, on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.~~

- (C) Notice for an amendment or vacating a subdivision: For an amendment to a subdivision, the Planning Division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate. Notice for subdivisions is required only for vacating or amending a subdivision plat.
- (D) Noticing of Small Subdivisions: Notices will be sent adjacent property owner when small subdivision have more than five (5) lots.

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 two time extensions for preliminary plan/plat extension will be granted. The Planning Director shall deny any requested time extension beyond the two that are based on financial, economic, or self-imposed hardship. (Amd. Ord. #2002-3, 3/05/02)

- (B) Time Limitation for Final Approval. A final subdivision plat ~~or a phase 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~~ The registered land surveyor's certification on such plats shall indicate 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 unless approved by the County surveyor and the workmanship on the finished drawing shall be neat, clean-cut and readable legible having a text size of not less than 0.09 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 and/or public common open space area shall be numbered and labeled with policies of the County Recorder, included in the lot numbering system and shall also be titled "Public Park" or "Private Common Open Space", whichever is applicable.
- h. The standard forms approved by the Planning Commission A signature block conforming to state code and county ordinances shall be 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 which complies with state code (17-23-17) 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.~~
 - c) ~~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.~~
 - c) ~~Surveyor's stamp or seal and signature.~~
 - d) ~~Surveyor's business name and address.~~(3) ~~The map and narrative shall be referenced to each other if they are separate documents.~~
- l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.
- m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holders.
- n. If no preliminary plans are required 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 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.
- (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 County Engineer can approve financial guarantee under \$10,000. The final plat, bearing all official approvals, as above required, shall be ~~deposited~~ recorded in the offices of the County Recorder for ~~re-recording~~ 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~~ Small Subdivisions. The Land Use Authority in this section the Planning Director, is delegated administrative authority to approve ~~minor small~~ subdivisions if in his discretion there are no conditions, which warrant its submittal to the Planning Commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by, from the date of the submittal to the Planning 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) Noticing 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 ~~or included in the owner dedication, 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:

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 3:

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.

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

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

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

Chair

ATTEST:

Ricky Hatch, CPA Weber County Clerk

