



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: General Provisions (Title 101), Definitions (Section 1-7); Subdivisions (Title 106), General Provisions (Chapter 1); Standards (Title 108), Hillside Development Review Procedures and Standards (Chapter 14); and other sections of the Weber County Code to provide for administrative edits related to the names of the Planning Commissions and the planning areas.

**Agenda Date:** Tuesday, October 27, 2015  
**Staff Report Date:** Tuesday, October 15, 2015  
**Applicant:** Weber County Planning Division  
**File Number:** ZTA 2015-06

### Property Information

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

### Adjacent Land Use

<b>North:</b> Not Applicable	<b>South:</b> Not Applicable
<b>East:</b> Not Applicable	<b>West:</b> Not Applicable

### Staff Information

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**Report Reviewer:** SW

## Applicable Ordinances

The ordinance sections affected by this change are:

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

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances, however, considering that the vast majority of this amendment is to rectify an error in the adoption of a previously vetted and approved ordinance (as explained below), the criterion for approval may simply be that approval has already occurred and this amendment will provide for the County's intent of that previous approval.

## Background

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

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

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

## **Policy Analysis**

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

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

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

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

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

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

<sup>1</sup> See County Ordinance 2012-14 on file in the County Clerk's Office. Also attached as Exhibit D

<sup>2</sup> See [www.municode.com](http://www.municode.com);

[https://www.municode.com/library/ut/weber\\_county/codes/code\\_of\\_ordinances?nodeId=14935](https://www.municode.com/library/ut/weber_county/codes/code_of_ordinances?nodeId=14935)

<sup>3</sup> See proposed ordinance, Exhibits B and C

<sup>4</sup> See Senate Bill 199 from the 2015 Utah Legislative Session.

<sup>5</sup> See County Ordinance 2015-13 on file in the County Clerk's Office.

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

## **Conformance to the General Plan**

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

## **Past Action on this Item**

- The Western Weber Planning Commission recommended approval of the 2012 Subdivision Code on February 14, 2012.
- The Ogden Valley Planning Commission recommended approval of the 2012 Subdivision Code on March 27, 2012.
- The Weber County Commission adopted the 2012 Subdivision Code on August 7, 2012, as part of County Ordinance 2012-14.
- On October 13, 2015, the Western Weber Planning Commission re-heard and re-recommended approval of the subdivision ordinance changes of 2012, and the administrative changes provided herein. The motions was unanimous.

## **Noticing Compliance**

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

## **Staff Recommendation**

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

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

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

## **Exhibits**

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

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

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

This change addresses the following code sections:

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

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline



**Exhibit B: Code Changes [Redlines] – Subdivision Code**

Field Code Changed

1 **PART I - CODE OF ORDINANCES**

2 ...

3 **Title 16 - COUNTY FEE SCHEDULE**

4 ...

5 **CHAPTER 2. - FEES**

6 ...

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

8 The following are the fees for planning and zoning:

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

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

9 ...

10 **PART II - LAND USE CODE**

11 ...

12 **Title 101 - GENERAL PROVISIONS<sup>[2]</sup>**

13 ...

14 ...

15 **Sec. 101-1-1. - Short title.**

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

21 ...

22 **Sec. 101-1-7. - Definitions.**

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

25 ...

26 **Alley** means a public thoroughfare less than 26 feet wide.

27 ...

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

Field Code Changed

Field Code Changed

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

**Comment [c2]:** The 2012 sub code did not make these changes. They are being proposed here.  
  
The 2012 sub code only added an unintelligible sentence at the end of this former definition that stated "The horizontal distance between any two measured points shall not exceed 50 feet." This addition severely throws off the intent of the Hillside review 108-14-12.

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

39 ...

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

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

42 ...

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

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

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

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

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

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

**Comment [c4]:** 2012 subdivision code changes

57 ...

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

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

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

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

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

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

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

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

71 ...

72 | [Building area. See "buildable area."](#)

73 | ...

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

81

82 | ...

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

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

90 | ...

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

94 | ...

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

99 | ...

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

103 | ...

104 | **Lodginghouse/boardinghouse.** The term "lodginghouse/boardinghouse" means a building  
105 | where lodging only is provided for compensation in five or more guest rooms, but not exceeding  
106 | 15 persons.

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

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

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

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

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

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

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

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

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

116 ...

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

122 ...

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

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

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

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

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

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

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

143 ...

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

**Comment [c12]:** Duplicate definition (see above)

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

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

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

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

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

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

**Comment [c17]:**

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

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

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

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

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

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

151 ~~Minor subdivision means:~~

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

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

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

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

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

166 ...

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

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

171 ...

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

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

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

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

185 ...

**Comment [c19]:** 2012 Sub code deletes.

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

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

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

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

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

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

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

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

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

202 ...

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

210 Small subdivision. See "subdivision, small."

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

215 ...

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

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

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

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



228 ...

229 **Subdivision.**

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

234 (2) The term "subdivision" includes:

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

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

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

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

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

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

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

252 1. no new lot is created; and

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

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

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

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

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

261 1. An electrical transmission line or a substation;

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

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

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

**Comment [c26]:** 2012 sub code suggests altering this definition, but it alters it in a manner that does not comply with state code.  
  
All new changes here reflect state code except for the (2)c. and (2)d., which are modified versions of the 2012 provisions.

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

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

- 268 1. no new dwelling lot or housing unit will result from the adjustment; and  
 269 2. the adjustment will not violate any applicable land use ordinance;  
 270 f. a bona fide division or partition of land by deed or other instrument where the land  
 271 use authority expressly approves in writing the division in anticipation of further  
 272 land use approvals on the parcel or parcels; or  
 273 g. a parcel boundary adjustment  
 274 (4) The joining of a subdivided parcel of property to another parcel of property that has not  
 275 been subdivided does not constitute a subdivision under this Subsection (60) as to the  
 276 unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
 277 subdivision ordinance.

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

- 283 **Subdivision, small.** The term "small subdivision" means:  
 284 (1) A subdivision consisting of three or fewer lots and for which no streets will be created  
 285 or realigned;  
 286 (2) An amended subdivision consisting of five or fewer lots and for which no streets will be  
 287 created or realigned; or  
 288 (3) A subdivision phase consisting of five or fewer lots, which has a valid preliminary  
 289 approval by the planning commission and meets all conditions of preliminary approval,  
 290 including proposed street layouts and phasing plan. The county commission will have  
 291 to accept the roads and the financial guarantee, unless under \$25,000.00.

**Comment [c29]:** Replacing definition of minor subdivision.

292 ...

293 **CHAPTER 2. - PLANNING COMMISSION**

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

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

298 (Ord. of 1956, § 45-1)

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

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

**Comment [c30]:** This needs an adopted map.

305 (Ord. of 1956, § 45-2)

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

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

308 ...

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

311 ...

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

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

315 ...

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

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

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

322 ...

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

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

326 (Code 1985, § 6-21-2)

327 **Sec. 102-2-9. - Jurisdiction.**

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

331 (Code 1985, § 6-21-3)

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

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

335 (1) The planning division support staff;

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

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

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

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

344 (Code 1985, § 6-21-5)

345 ...

346 **CHAPTER 4. – PERMITS REQUIRED AND ENFORCEMENT**

347 ...

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

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

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

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

Comment [c31]: Quick amendment to recent changes.

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

Comment [c32]: Quick amendment to recent changes.

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

Comment [c33]: Quick amendment to recent changes.

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Comment [c34]: Quick amendment to recent changes.

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366 ...

367 **CHAPTER 5. - REZONING PROCEDURES**

368

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

370 Every property in the unincorporated area of the county is legally zoned as a result of  
371 comprehensive zoning in Western Weber County in the 1950's and the Ogden Valley in the  
372 1960's. The purpose of this chapter is to establish a legislative means by which applications to  
373 the county are processed to change zoning. Rezoning is intended to implement the adopted  
374 general plans for the different ~~townships~~planning areas of the county.

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

376 ...

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

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

381 ...

382 **Title 104 – ZONES**

383 ...

384 | **CHAPTER 4. - GRAVEL ZONE G**

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385 ...

386 | **Sec. 104-4-4. - Additional requirements.**

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387 ...

388 | (b) Contractor storage yard.

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

403 ...

404 **CHAPTER 22. - MANUFACTURING ZONE M-1**

405 ...

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

407 ...

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

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415 ...

416 **CHAPTER 23. - OGDEN VALLEY MANUFACTURING ZONE MV-1**

417 ...

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

419 ...

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

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427 ...

428 **CHAPTER 24. - MANUFACTURING ZONE M-2**

429 ...

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

431 ...

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

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439 ...

440 CHAPTER 28. - OGDEN VALLEY SENSITIVE LANDS OVERLAY DISTRICTS

441 ...

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

443 ...

444 (2) Development standards.

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445 ...

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

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451 ...

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

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455 ...

456 Title 106 - SUBDIVISIONS<sup>[1]</sup>

Field Code Changed

457

458 CHAPTER 1. - GENERAL PROVISIONS

459

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

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

468 Sec. 106-1-2. - Variances.

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



476 | [not variances and are addressed in Section 106-1-7, "subdivision time limitations."](#) ~~Illegal~~  
477 | ~~division of land does not constitute an exceptional condition.~~

478 | **Sec. 106-1-32. — ~~Scope~~Subdivision Required.**

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

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

494 | (Ord. of 1952, title 26, § 1-2)

495 | **~~Sec. 106-1-3. — Reserved.~~**

496 | **Sec. 106-1-4. - Subdivision application requirements.**

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

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

- 506 | (1) A completely filled out subdivision application, signed by the property owners.
- 507 | (2) ~~42~~ [Five](#) full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one  
508 | reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in  
509 | this title. [This includes two 24 by 36 copies of the phasing plan. Once all preliminary](#)  
510 | [requirements have been met two 24 by 36 copies and a one digital copy shall be](#)  
511 | [submitted to the Planning Division. This requirement shall be met prior to the submittal](#)  
512 | [for final approval.](#)
- 513 | (3) All documents submitted in the subdivision application shall be accompanied by a PDF  
514 | file of the respective document. All plans (including but not limited to subdivision plats,  
515 | improvement drawings, architectural drawings, phasing plans, etc.), and subsequent  
516 | submittals and revisions, shall be accompanied by a full scale set of PDF, ~~DWG, DWF~~  
517 | ~~and JPEG~~ files of the respective plans. ~~Improvement drawings shall not be required to~~  
518 | ~~have accompanying JPEG files.~~

- 519 (4) A written statement of feasibility from the county or state health department which  
 520 states the recommendation of the health department regarding:
- 521 a. sanitary sewage disposal; ~~and~~
  - 522 b. culinary water availability; ~~and shall be provided with the submittal of any subdivision~~  
 523 ~~application.~~
  - 524 c. a project notification form from the Utah State Department of Environmental Quality,  
 525 Division of Drinking Water.
- 526 (5) An application fee. The payment of a partial application fee, or the submittal of plans  
 527 for a pre-submittal review, does not constitute a complete application. ~~A non-refundable~~  
 528 ~~fee made payable to Weber County;~~
- 529 ~~(6) A copy of the project notification form from the state department of environmental~~  
 530 ~~quality division of drinking water.~~

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

531 (Ord. of 1952, title 26, § 1-4)

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

- 533 (a) The preliminary plan shall be prepared in conformance with the requirements of this chapter  
 534 and all other county codes and regulations regulating the subdivision of land. The  
 535 preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless  
 536 specified otherwise by the County Surveyor, and shall show:
- 537 (1) A subdivision name, approved by the County Recorder, and the general location of the  
 538 subdivision in bold letters at the top of the sheet. The township, range, and quarter  
 539 section shall also be shown on the top of the plat. ~~The proposed name of the~~  
 540 ~~subdivision.~~
  - 541 (2) A north arrow, scale, and date. ~~— The location as forming a part of a larger tract or~~  
 542 ~~parcel, where the plat submitted covered only a part of the subdivider's tract or only a~~  
 543 ~~part of a larger vacant area. In such case, a sketch of the prospective future street~~  
 544 ~~system of the unplatted parts shall be submitted, and the street system of the part~~  
 545 ~~submitted shall be considered in the light of adjustments and connections with the~~  
 546 ~~future street system of the larger area.~~
  - 547 ~~(3) Sufficient information to locate accurately the property shown on the plan, including~~  
 548 ~~sections corner ties.~~
  - 549 (4) The individual or company names and addresses of the subdivider/applicant, the  
 550 engineer and registered land surveyor of the subdivision, and the owners of the land  
 551 immediately adjoining the land to be subdivided.
  - 552 (4) The surveyed boundary lines of the tract to be subdivided showing lot numbers,  
 553 measured and/or recorded bearings, distances, and other controlling data with ties to  
 554 section corners.
  - 555 (5) Contour map at intervals of one foot, two feet, five feet, or ten feet, as determined by  
 556 the planning commission with, unless specified otherwise by the County Engineer, two  
 557 foot contour intervals.
  - 558 ~~(6) The boundary lines of the tract to be subdivided showing bearings and distances.~~
  - 559 (7) The existing location, widths and other dimensions of all existing or platted streets and  
 560 other important features such as, but not limited to, railroad lines, sanitary sewers,

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

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

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

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

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

576 ~~(4210)~~ The location of percolation test holes on each lot.

577 ~~(4311)~~ Proposed plans or written statements prepared by a licensed civil engineer  
578 regarding the width and type of proposed pavement, location, size, and type of  
579 proposed sanitary sewers or other sewage disposal facilities, proposed water mains  
580 and hydrants and other proposed stormwater drainage facilities and other proposed  
581 improvements such as sidewalks, planting and parks and any grading of individual lots.  
582 ~~Engineering Improvement~~ drawings as required by the County Engineer may be  
583 required during preliminary approval in subdivisions where roads are proposed over  
584 ground that has an average slope of ten percent or greater.

585 ~~(4412)~~ Open space and common area improvements ~~shall be submitted~~ including but  
586 not limited to landscaping, structures, signs, parking, and other amenities.

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

592 a. all reference easements;

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

595 c. all boundary line agreements;

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

597 e. all current owners;

598 f. all outstanding liens, taxes, etc.

599 (b) Approval procedure.

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

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

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

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

616 | (Ord. of 1952, title 26, § 1-5)

617 | **Sec. 106-1-6. - Agency review and public notice.**

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

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

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

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

641 | (Ord. of 1952, title 26, § 1-6)

642 | **Sec. 106-1-7. - Subdivision time limitations.**

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

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

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

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

675 (Ord. of 1952, title 26, § 1-7)

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

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

680 (ab) Final plat required.

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

689 (2) The final plat and accompanying information shall be submitted to the planning  
690 ~~commission~~ division at least ~~305~~ days prior to a regularly scheduled planning  
691 commission meeting, ~~in order to be considered at said meeting.~~

692 (bc) Final plat requirements.

693 (1) Digital copies shall be submitted until the County Engineer and Surveyor gives their  
694 approval for a subdivision mylar to be submitted. The final plat shall ~~consist of~~ be a  
695 sheet of ~~approved tracing linen or Mylar with to the outside or trim~~ dimensions of 24  
696 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a  
697 space of a minimum of one-half inch or a maximum of 1½) inch margin on all four sides  
698 of the sheet. The final plat shall be signed and stamped by a licensed land surveyor  
699 licensed in the state. All lines, dimensions and markings shall be made on the ~~tracing~~  
700 ~~linen or Mylar~~ with permanent ink meeting industry ~~requirements~~ standards. The plat  
701 shall be made to a scale large enough to clearly show all details in any case not  
702 smaller than 100 feet to the inch, unless specified otherwise by the County Surveyor,  
703 and the workmanship on the finished drawing shall be ~~neat, clean cut and~~  
704 ~~readable~~ legible having a text size of not less than 0.1009 of an inch (approximately  
705 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (b) ~~g-h~~  
706 of this section, duly authorized and required to sign and shall contain the following  
707 information:

Comment [c37]: Verify reference.

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

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

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

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

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

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

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

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

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

- 763 1. Description of land ~~to be~~ included in subdivision;
- 764 2. Private Licensed land surveyor's "certificate of survey";
- 765 3. Owner's dedication certificate;
- 766 4. Notary public's acknowledgment;
- 767 5. County planning commission's certificate of approval; to be signed by the  
768 Planning Director for the chair;
- 769 6. County engineer's certificate of approval;
- 770 7. County attorney's certificate of approval;
- 771 8. Board of county commissioners' certificate of acceptance;
- 772 9. County clerk's certificate of attest;
- 773 10. County surveyor's certificate of approval;
- 774 11. Weber-Morgan Health Department certificate of approval.

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

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



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

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

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

- ~~(i) The purpose of the survey.~~
- ~~(ii) The basis on which lines were established. The surveyor should explain what decisions he made in formulating the boundary such as the basis of bearing for the description or the use of any proration methods.~~
- ~~(iii) The found monuments or deed elements that controlled the established or reestablished lines. If the description calls for any monuments in a broad sense of the term (right of way lines, subdivision boundaries, fences, etc.) the surveyor should indicate what he found relating to these calls.~~

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

- ~~(i) Location by quarter section or lot number, section number, township and range.~~
- ~~(ii) Date of survey.~~
- ~~(iii) Surveyor's stamp or seal and signature.~~
- ~~(iv) Surveyor's business name and address.~~

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

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

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

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

1. All easements.
2. Reference (the entry number and or book and page number) to all deeds in chain of title.
3. All boundary line agreements.
4. All rights of way whether the parcel is subject to or has reserve rights.
5. All current owners.
6. All outstanding liens, taxes, etc

- 821 | (2) ~~Reserved.~~ A note on the plat shall indicate the subdivision boundary and the lot corners  
822 | are set as required by state code and county ordinances.
- 823 | (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres  
824 | or greater, the remaining parcel boundary and ~~record~~ area, using record or measured  
825 | information will be shown, on the subdivision plat with the note: "Remaining Agricultural  
826 | Parcel, Not Approved For Development." The remaining parcel boundary need not be  
827 | labeled with bearings or distances nor is a description of the remainder parcel required.  
828 | Remaining parcels are not part of the subdivision.
- 829 | (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable  
830 | areas" as defined in ~~this title~~ Section 101-1-7, the following shall be required on the final  
831 | plat:
- 832 | a. Restricted lots shall be designated on the final plat by placing the letter "R"  
833 | immediately to the right of the number of the ~~said~~ lot and by including the following  
834 | notification on the final plat: "Notice ~~of to~~ Purchasers of Restricted "R" Lots. Lots  
835 | designated by the letter "R" after the lot number are restricted lots and building  
836 | development on such lots is subject to the provisions of ~~the Land Use Code~~ Title  
837 | 108, Chapter 14: Hillside Development Review Procedures and Standards.  
838 | Approval of a restricted lot does not guarantee the lot is buildable. A Hillside  
839 | Review as outlined in the Hillside Development Review Procedures and Standards  
840 | chapter of the Land Use Code shall be done to determine if a lot is buildable.
- 841 | b. For lots approved with "~~building~~ buildable areas" such ~~building~~ buildable areas  
842 | shall be designated on the final plat by short dashed lines. The buildable area shall  
843 | provide sufficient survey detail to make it locatable within the lot boundaries, with  
844 | dimensions and with distances to at least two lot lines to accurately indicate the  
845 | location of such building area and by placing the ~~The~~ words "~~building~~ buildable  
846 | area" shall be placed within the dashed lines and ~~by~~ the plat shall including  
847 | include the following notification ~~on the plat~~: "Notice to Purchasers of Lots with  
848 | Designated ~~Building~~ Buildable Areas. Lots with designated "~~building~~ buildable  
849 | areas" have been approved subject to the condition that building development  
850 | shall take place only within such designated areas."
- 851 | c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be  
852 | shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes,  
853 | and stream corridor setbacks.
- 854 | (5) ~~For S~~ subdivisions ~~that are~~ located in areas ~~of unincorporated areas of the county~~ which  
855 | are zoned for agriculture (A-1, A-2, A-3, and AV-3), shall have the following statement  
856 | ~~shall be required~~ on each page of the final plat: "Agriculture is the preferred use in the  
857 | agricultural zones. Agricultural operations as specified in the Land Use Code for a  
858 | particular zone are permitted at any time including the operation of farm machinery and  
859 | no allowed agricultural use shall be subject to restriction on the basis that it interferes  
860 | with activities of future residents of this subdivision."
- 861 | (6) Subdivisions that include lots that are partially or completely in the floodplain shall  
862 | show the floodplain boundaries and when available the floodway boundaries. The plat  
863 | shall also indicate the base flood elevations in one-foot increments within the  
864 | floodplain. In lieu of providing the base flood elevations, the floodplain shall be  
865 | designated as non-buildable for residential and commercial structures. Any  
866 | construction performed in the floodplain area will need to meet the requirements of  
867 | Title 12, Flood Damage Prevention Ordinance.

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

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

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

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

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

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

884 (de) Approval of final plat.

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

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

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

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

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

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

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

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

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

928 | ...

929 | **Title 108 - STANDARDS**

930 | ...

931 | **CHAPTER 3. - CLUSTER SUBDIVISIONS**

932

933 | **Sec. 108-3-1. - Intent.**

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

944 | ...

945 | **Sec. 108-3-3. - Approval procedure.**

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

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

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

951 | (3) A recommendation from the appropriate [township-planning area](#) planning commission  
952 | for final approval by the board of county commissioners; and

953 | ...

954 | **Sec. 108-3-8. - Bonus density.**

955 | The county may, in its discretion, allow for an increased number of residential lots by  
956 | awarding bonus densities to those cluster subdivisions developed within the Western Weber  
957 | County [TownshipPlanning Area](#). Cluster subdivisions within the Ogden Valley [Township](#)  
958 | [Planning Area](#) are not eligible for bonus densities. The following presents the bonus density  
959 | opportunities that are available to cluster subdivisions located within specific zoning boundaries:

960 | ...

961 | **CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

962 | ...

963 | **Sec. 108-5-4. - Use requirements.**

964 | ...

965 | (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum  
966 | acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to  
967 | the [township-planning area](#) planning commission and shall be stamped by a licensed landscape  
968 | architect certifying the following:

969 | ...

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

972 | ...

973 | **Sec. 108-13-4. - Temporary outdoor sales.**

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

977 | ...

978 | (10) All outdoor lighting, including temporary lighting, shall comply with chapter 39, Ogden Valley  
979 | Lighting, for outdoor sale sites located within the Ogden Valley [TownshipPlanning Area](#).

980 | ...

981 **CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS**

982 ...

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

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

991 ...

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

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

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

1000 ...

1001 **Sec. 108-14-12. - Lot; size requirements.**

1002 ~~Lot area and widths shall be increased as the lot or parcel slope percentage increases.~~  
1003 Pursuant to Section 108-14-6, the following tables shall be used to determine the area and  
1004 width of a lots, parcels or tracts of land that meeting-meets the criteria for definition of a  
1005 "restricted lot," or is required to contain a buildable area as defined in Section 101-1-7; or those  
1006 lots with a designated building area on a buildable portion of the lot which has an average  
1007 percent of slope of 25 percent or more:

**Comment [c40]:** Clarified.

1008 TABLE 1. "RESTRICTED LOT" SIZE REQUIREMENTS

1009 (1) 5,000 square foot minimum lot.

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

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

1010 ...

1011 TABLE 2. LOT SIZE REQUIREMENTS FOR LOTS WITH A REQUIRED 75-FOOT BY 100-  
 1012 FOOT "BUILDING-BUILDABLE AREA"

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

1013 Non-Restricted Lots with Buildable Areas

1014 (10) 15,000 square foot minimum lot.

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

1015 ...

1016 **CHAPTER 19. - ACCESSORY APARTMENTS**

1017

1018 ...

1019 **Sec. 108-19-4. - Application procedure.**

1020 The application for a conditional use permit for an accessory apartment shall follow the  
 1021 guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment  
 1022 of an accessory apartment:

- 1023 (1) A person seeking to establish an accessory apartment shall file an application for a  
 1024 conditional use permit and pay the associated filing fee. The application is to be  
 1025 accompanied by complete floor plans, elevations, and interior layout drawn to scale,  
 1026 including alterations to be made to the existing dwelling exterior. Also, photographs of  
 1027 the dwelling exterior are to be submitted with the application. The application shall then



1028 | be reviewed and either approved or denied by the ~~township~~respective planning area  
1029 | planning commission ~~in which jurisdiction the property lies.~~ In accordance with the  
1030 | decision requirements of Title 108 Chapter 4 of this Land Use Code.

1031 | ...

1032 | **CHAPTER 21 - AGRI-TOURISM**

1033 | ...

1034 | **Sec. 108-21-6. - Use/activity standards and limitations.**

1035 | To ensure considerate integration of agri-tourism operations into established rural  
1036 | neighborhoods, the uses listed below shall be subject to additional standards beyond any  
1037 | provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or  
1038 | requirements. One or more of these additional standards and/or limitations, may be waived by  
1039 | the Planning Commission upon finding that either: a proposed use poses no detrimental effects  
1040 | to neighboring properties due to unique circumstances or that a proposed use can be mitigated  
1041 | to an acceptable level due to the imposition of other more appropriate, site specific conditions  
1042 | that justify the use's/activity's approval.

1043 | ...

1044 | (3) Non-Agriculturally Related Uses/Activities.

1045 | ...

1046 | d. Hunting preserve.

1047 | 1. Limited to the Western Weber County ~~Township~~Planning Area.

1048 | ...

1049 | **Title 110 - SIGNS**

1050 | **CHAPTER 1. - WESTERN WEBER SIGNS<sup>(1)</sup>**

1051 | **Sec. 110-1-1. - Purpose and intent.**

1052 | The purpose and intent of the sign standards is to provide for reasonable display of all  
1053 | signage in the Western Weber ~~Township~~Planning Area to identify and advertise products,  
1054 | services, institutions, events, and business establishments for the information and convenience  
1055 | of the general public. These standards and criteria are designed to protect and promote the  
1056 | public health, safety, and general welfare of persons within the community. The standards are  
1057 | also designed to aid in the orderly development and promotion of business by providing  
1058 | regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of  
1059 | signs while protecting and enhancing community character in the unincorporated portion of the  
1060 | Western Weber ~~Township~~Planning Area.

1061 |

Field Code Changed

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

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

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

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

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

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

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

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

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

**CHAPTER 1**

**GENERAL PROVISIONS**  
**Filing of Preliminary and Final Plans**

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

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

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

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

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

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

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

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

1. "Average Percent of Slope": An expression of rise or fall in elevation along a line perpendicular to the contours of the slope connecting the highest point of a slope to the lowest point of the same slope within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred percent (100%) grade. The horizontal distance between any two measured points shall not exceed 50 feet. (Amd. Ord. #2-71, Feb. 25, 1971; #15-92, 12/16/92)
2. "Block": The land surrounded by streets and other rights-of-way, or land, which is designated as a block on any recorded subdivision plat.
3. "Bonafide division or partition of agricultural land for agricultural purposes": shall mean the division of agricultural land into lots or parcels of five (5) acres or more in area whose principal use is the raising and grazing of animals or agriculture as defined in the Weber County Zoning Ordinance and provided that:
  - a. No dedication of any streets shall be required to serve any parcels of agricultural land.
  - b. The agricultural parcels shall not be further divided into parcels of less than five acres without being subdivided in accordance with this ordinance.
  - c. No dwellings shall be permitted unless all subdivision, zoning and health requirements are met. (Amd. Ord. #20-72, #4-81)
4. "Buildable Area". As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance. (Amd. Ord. #2-71, 2/25/71, #2002-03, 3/05/02)
5. "Easement": That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.
6. "Lot Combination": A Lot combination recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow creation of additional lots, and the original lot lines as recorded do not change. The lots have to conform to current zoning or be part of a cluster subdivision. If the lots do not conform to current zoning then an amended subdivision plat is required. The Planning Director can administratively approve Lot Combination Application that meet current zoning.
7. "Lot Line Adjustment": Allows owners of lots within approved subdivisions to adjust ownership lines between lots. An Amended Plat is required to do a Lot Line Adjustment. Non-conforming lots cannot become more non-conforming. (Ord. #2002-3, 3/05/02)
8. "Non-Buildable Area": As defined in the Hillside Development Review Procedures and Standards in the Weber County Zoning Ordinance. (Amd. Ord. #9-88, 5/9/88)



9. "Protection Strip Line": A Protection Strip is a line that acts as an encumbrance by which certain land, lying adjacent to a dedicated road right-of-way or other transportation facility, is restricted from having access. The Protection Strip Line, having no specific width, is shown on a subdivision plat as a unique line-type on the edge of a dedicated right-of-way and has the general purpose of controlling access until such time that the original financier and adjacent landowner can effectively negotiate terms of equitable reimbursement. The Protection Strip Line shall expire after 10 years in accordance with a separately written and recorded agreement.
10. "Small Subdivision":
  - a. A subdivision consisting of three (3) or fewer lots and for which no streets will be created or realigned, or
  - b. An amended subdivision consisting of five (5) or fewer lots and for which no streets will be created or realigned; or
  - c. A subdivision phase consisting of five (5) or fewer lots, which has a valid preliminary approval by the Planning Commission and meets all conditions of preliminary approval, including proposed street layouts and phasing plan. The County Commission will have to accept the roads and the financial guarantee, unless under \$10,000.
11. "Streets":
  - a. "Street, Public": A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-six (26) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.
  - b. "Street, Major": A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Master Street Plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
  - c. "Street, Collector": A street existing or proposed of considerable continuity, which is the main means of access to the Major Street System.
  - d. "Street, Standard Residential": A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
  - e. "Street, Frontage": A street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
  - f. "Street, Private": A minimum of a 50 foot wide thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the County and maintained by the developer or other private agency.
  - g. "Cul-de-sac": A terminal street provided with a turnaround.
12. "Subdivision":
  - a. Means any land that is divided, resubdivided, or proposed to be divided into one or more new lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
  - b. "Subdivision" includes the designation of existing parcels as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance. "Subdivision" also includes the designation of two or more existing parcels combined together as one, as individual subdivisions in order to comply with the requirements of the Weber County Zoning Ordinance.
  - c. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.
  - d. "Subdivision" does not include a bona fide division or partition of agricultural land for

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

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

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26-1-5 Subdivision Application Requirements.

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

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

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

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

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

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

1. A subdivision name approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The Township, Range, and Quarter Section shall also be shown on the top of the plat.
2. North point, scale, and date.
3. The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or record bearings, distances, and other controlling data with ties to section corners.
4. Contour determined by the County Engineer.
5. The individual or company names and addresses of the applicant, engineer, and land



surveyor of the subdivision.

6. The existing location, widths, and other dimensions of all streets and other important features such, as but not limited to railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, flood plain, fence lines, or other lines of occupation, exceptional topography, easements, and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.  
(Amd. Ord. #2002-3, 3/05/02)
7. The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, parks, pathways, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
8. Neighborhood circulation plan showing how future roads can connect to provide circulation to future neighborhoods.
9. Lots classified as "restricted" by placing the letter "R" immediately to the right of the lot number.  
(Amd. Ord. #2-71, 2/25/71)
10. The location of percolation test holes on each lot. (Ord. 2007-1, 1/09/07)
11. Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed storm water drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the County Engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent (10%) percent or greater.  
(Amd. Ord. #4-86, 3/10/86, #2007-1, 1/09/07)
12. Open space and common area improvements including but not limited to landscaping, structures, signs, parking, and other amenities.
13. A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
  - a. All easements.
  - b. Reference (the entry number and or book and page number) to all deeds in chain of title.
  - c. All boundary line agreements.
  - d. All rights of way whether the parcel is subject to or has reserve rights.
  - e. All current owners.
  - f. All outstanding liens, taxes, etc.

(B) Approval Procedure.

1. With the exception of small subdivisions, the preliminary plan/plat including the phasing plan shall be presented to the Land Use Authority, in this section Planning Commission, for their determination, based upon compliance with applicable ordinances.
  - a. The Planning Commission's recommendation may be appealed to the County Commission by filing an appeal within 15 days of the Planning Commission's recommendation.

- b. If the Planning Commission's recommendation is not appealed to the County Commission, the Planning Commission's recommendation shall stand as the County's decision on preliminary approval. (Amd. Ord. #2002-3, 3/05/02, #2007-1, 1/09/07)
2. Grading Limitation. No large-scale excavation (more than 5,000 sq. ft.), grading or regrading shall take place on any land for which a preliminary subdivision plan has been submitted until such plan has been given preliminary approval by the Planning Commission.

26-1-7

Agency Review and Public Notice.

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

- (A) Distribution of Preliminary Plan. The Planning Division shall distribute a copy of the Preliminary Plan to each of the following for their information and recommendations: County Engineer, Fire District, County Health Officer, County School Board, County Surveyor, County Treasury, and utility companies furnishing telephone, electric, water, sanitary sewer and/or gas service. The Planning Division may distribute copies of the Preliminary Plan to other agencies and organizations to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return any information and recommendations to the Planning Division.
- (B) Notice. Notice of the proposed subdivision shall be mailed on subdivision as a courtesy, not less than seven calendar days before the Planning Commissions' public hearing on the proposed subdivision to the record owner of each parcel within 500 feet of the property.
- (C) Notice for an amendment or vacating a subdivision: For an amendment to a subdivision, the Planning Division shall provide notice of the date, time, and place of at least one public meeting, at least 10 calendar days before the public meeting. The notice shall be mailed and addressed to the record owner of each parcel within 500 feet of the property. The notice requirement shall not be required for vacating a subdivision if all property owners have signed a petition to vacate.
- (D) Notice challenge: If the notice is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

26-1-8

Subdivision Time Limitations.

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

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

(Amd. Ord. #2002-3,

3/05/02)

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



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

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

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26-1-9 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 applicant shall submit five (5) full size, 24 x 36, one (1) reduced size, 11 x 17 copy of the final plat, and one (1) 8 1/2x11 copy of the final plat, meeting the remaining requirements listed in this ordinance and any additional requirements set by the Land Use Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Zoning Ordinance. Digital copies shall be submitted as listed for preliminary plan.

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

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

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

(B) Final Plat Requirements.

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

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

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

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

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



Subdivision”.

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

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

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

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

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

- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the County Surveyor marked on each lot to face the street frontage. Corner lots shall have a house number assigned for both frontages. Homes that are built on approved flag lots or rights of way shall have the address assigned and posted at the access point from a County Road or private road. (Amd. Ord. #3-73, 11/30/73; #3-82, 1/26/83; #4-86, 3/10/86; #2002-3, 3/05/02)
- g. Parcels of land to be dedicated as Public Park or to be permanently reserved for private and/or public common area shall be numbered and labeled in accordance with policies of the County Recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:

1. Description of land included in the subdivision;
  2. Private licensed land surveyor's "Certificate of Survey", which meets the minimum requirements of UCA 12-27a-603;  
(Amd Ord. #4-86, 3/10/86)
  3. Owner's dedication certificate;
  4. Notary public's acknowledgment;
  5. Planning Director Certificate of approval, The Planning Director shall sign for the Township Planning Commission Chair
  6. County Engineer's certificate of approval;  
(Amd. Ord. #3-82, 1/26/82)
  7. County Attorney's certificate of approval;
  8. Board of County Commissioners' certificate of acceptance;
  9. County Clerk's certificate of attest;
  10. County Surveyor's Certificate of Approval;  
(Amd. Ord. #4-86, 3/10/86)
  11. Weber-Morgan Health Department Certificate of Approval.  
(Amd. Ord. #3-96, 10/09/96)
- i. A three (3) inch by three (3) inch space in the lower right hand corner of the drawing for recording information.
  - j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot corners may be permanently referenced in curbs after completion of the streets construction. The subdivision boundary corners, lot corners, and centerline street monuments shall be noted on the final plat in conformance with the County ordinances.  
(Amd. Ord. #2-88, 1/8/88)
  - k. The map shall contain a written narrative, which complies with state code (17-23-17), and county ordinance, Chapter 12 Technical requirements for surveys.
  - l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.
  - m. All easements observed, recorded in the Recorder's Office, or included in a preliminary title report unless legally vacated by all easement holders.
  - n. If no preliminary plans are required a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
    - a. All easements.
    - b. Reference (the entry number and or book and page number) to all deeds in chain of title.
    - c. All boundary line agreements.
    - d. All rights of way whether the parcel is subject to or has reserve rights.
    - e. All current owners.
    - f. All outstanding liens, taxes, etc.
2. A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
  3. Remaining Parcel:  
When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: REMAINING AGRICULTURAL PARCEL NOT APPROVED FOR DEVELOPMENT. The remaining parcel boundary need not be labeled with bearings or distances, nor is a description of the



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

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

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

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

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

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

5. Subdivisions located in areas, which are zoned for Agriculture (A-1, A-2, A-3, and AV-3), shall have the following statement on each page of the final plat:

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

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

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

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

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

- (D) Approval of Final Plat. (Amd. Ord. #2002-3, 3/05/02)
1. After final approval, the Planning Division shall submit the plat for signatures to the County Surveyor, County Health Department, and County Engineer.  
  
After approval and signature by the County Engineer, the plat and financial guarantee shall be submitted to the County Attorney and the County Commissioners respectively, for their approval. The County Engineer can approve financial guarantee under \$10,000. Financial guarantees can be granted a time extension by the County Engineer and or the Planning Director if the change in the financial guarantee is less than \$10,000 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the County Recorder at the expense of the applicant. (Amd. Ord. #3-82, 1/26/82; #2002-3, 3/05/02)
  2. No street improvements or utilities shall be installed until approval of the improvement plans by the County Engineer. No lots shall be purchased, sold, exchanged, nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded. (Amd. Ord. #3-82, 12/6/82)
- (E) Final Plat Approval - Small Subdivisions. The Land Use Authority in this section the Planning Director, is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions, which warrant its submittal to the Planning Commission. Administrative approval of subdivisions does not require County Commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by, the Planning Division. If the subdivision is not offered for recording within this period, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land. (Amd. Ord. #4-86, 3/10/86; #98-32, 11/26/98; 2007-1, 1/09/07)
- (F) Additional Documents. Unusual conditions of development or other restrictions to the use of a lot or lots resulting from topography, geologic, environmental conditions, or potential hazards, location or zoning regulations, etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing, and shall be recorded as a protective covenant attached to the lot or lots affected (Amd. Ord. #6-91, 4/1 8/91)
- (G) Tax Clearance: The County may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (H) A copy of the subdivision Mylar shall be filed as a Record of Survey in the County Surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

**Section 2:**

**Chapter 6 of the Weber County Subdivision Ordinance: PENALTY, VALIDITY, AND REPEALER**

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

**WEBER COUNTY PLANNING COMMISSION APPROVAL**

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

\_\_\_\_\_  
Weber County Planning Director for the Township Planning Commission Chair

**Section 3:**

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

Floodplain: The land within a community, subject to a one percent or greater change of flooding as defined by FEMA  
Exhibit D, County Ordinance 2013-11 (original format) Page 11 of 12  
 Subdivision Code Re-Write Complete Packet Page 44 of 54

flood insurance rate maps in any given year.

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

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

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

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA Weber County Clerk



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

Old Business

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

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

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

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

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

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

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

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

7. **Staff Communications:**

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

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

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

8. **Work Session Agenda Items:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Commissioner Warburton asked staff if the appeal process would come into play either way, and Mr. Gentry replied yes.

Commissioner Howell asked if once there is an easement shown on the subdivision plat is it there forever. Jim Gentry indicated yes until it is vacated or ordered to be removed by the courts.

Commissioner Warburton said on 26-1-2 the planning commission should make a recommendation on any variances. Jim Gentry said the appeals would be heard by the planning commission first.

Commissioner Hollist said he believes that he has changed his opinion. Much of what they do is react, and they try to apply the best judgment that they have. He believes that their neighbors are counting on them to have the vision of what is to occur in the future. He believes that is where their concentration should be. He believes that they should leave to the staff as much as they possibly can and only get involved only if there is a variance or a large amount of acreage.



Commissioner Warburton said she also agrees that developing ordinances is where their efforts should go. Commissioner Howell said that his concern of the ten lots was the amount of property it could conceivably be. Commissioner Warburton said that is the beauty of developing a master plan and having guidelines. Commissioner Graves said that even if it a large piece, it is just one house with a lot of open space. Jim Gentry said that it is getting harder to find large tracts on existing roads today.

Commissioner Warburton said on Page 1-9, she said if they are not required to notify by state law. She is all about including the public so if they are going to take the notice away, she would like the Planning Commission to have a lesson on Miradi as well as lessons for the public. She believes it is a great idea to educate the public.

Commissioner Miller said she believes that they really have to learn it. Staff will set it up with Justin Morris so that the Planning Commissioners can learn the program.

Steve Clarke said he feels obligated to speak about administrative approval. A great many people in the Ogden Valley have a deep mistrust of county government. They often feel that county government is out to do things behind their back and to their detriment. He believes that the Planning Commission sits in a position of trust and believes they owe it to the citizens to learn as much as they can about the items they are to make recommendations or decisions for. He believes that the Planning Commission should look at making the best use of their time.

On Page 1-8 26-1-5-6-113 said it is his understanding that prior to this change, all the title work has been done by the staff. If in fact they are now asking the developer for the title report, is that cost deducted from the old filing fee for subdivision developers?

Regarding Miradi, said he learned today to not expect too much because computerized tools have their limits. It is a good tool, but he believes property owners should still be noticed.

Commissioner Howell said communication is the key. He believes that if they get more information into the Ogden Valley newspaper or the Standard about the current issues, he believes that would be a great tool. Commissioner Warburton indicated that the Ogden Valley News would print this information free.

Jim Gentry as part of the application currently, the county surveyor is doing the surveying work and it takes an exorbitant time to research the entire property history. It puts the liability back on the title company and not on the county. The fees that we do cost never covers the entire cost for the reviews, the County Commission structured the fees that way.

**MOTION:** Commissioner Hollist moved to recommend approval to the Commission of Zoning Text Amendment ZTA 2010-8, an amendment to Chapter 1 of the Weber County Subdivision Ordinance (General Provision – Filing Preliminary and Final plats) subject to items contained in the staff report packet. Commissioner Graves seconded the motion. A vote was taken and Chair Parson said the motion carried with a unanimous vote of all members present voting aye.

### 3. Public Comments:

### 4. Planning Commissioner's Remarks:

Commissioner Hollist said Sean Wilkinson as well as Steve Clarke attended the Wasatch 2040. By Year 2040, they would receive a 65% population increase. He does not know if real estate will handle a 65% increase. It will therefore squish out into the Wasatch Back, namely Snyderville and the Park City Area, Tooele, Ogden Valley, Brigham City and points north, etc. He believes that they need to really start and move aggressively to implement their vision. His vote is to move aggressively to do the planning. He likes the idea of using the Bear River model for updating their General Plan and obtaining public input. He believes that there will never be more than three access points to the Ogden Valley. If they can stop the people coming from the Salt Lake area in commercial nodes in the Ogden Valley and provide them an acceptable plan for immediate access shopping, etc. rather than have the people spill out all across landscape haphazardly.

Commissioner Graves said staff has been looking at this and has been responding. He believes they need to be a little patient.

Commissioner Warburton asked why isn't there a county presence on the Wasatch 2040, and Rob Scott said the Wasatch 2040 project grant is more of a Salt Lake County orientation. The real impact of that project will be mostly in Salt Lake County.

Commissioner Howell said in areas with enormous growth all the infrastructure is concentrated in certain areas. As a result, the growth will go up instead of sprawl.

Commissioner Hollist said in one of the questions of the Wasatch 2040 plan to have metropolitan centers, urban centers, town centers, etc., all of which goes up, was, "How many of you would be willing to live in one of these vertical communities?" Thirty percent responded that they were willing. Commissioner Hollist said he believes they should have their definition of what "up" means.

Commissioner Graves said he believes they will get into that with the node study.

**5. Staff Communications:**

**5-1. Planning Director's Report**

Rob Scott said there would be a work session this next week. Chair Parson said he would be gone next week.

**5-1. Legal Counsel's Remarks**

Chris Allred said gave an update on the residential facilities issue and discussions they had a lengthy discussion with Dan McDonald where he asked for a model ordinance. He replied no. He did say that there were a couple of good city ordinances out there. The landscaping is changing right now with the cases pending in the 10<sup>th</sup> Circuit. Maybe they should start initially with one of the good city ordinances and just tweak it from there.

Green Valley went to the District Court (it went to three different judges) (one was a friend of the applicant, another had to recuse himself, and the final judge was Judge Hadley. He ruled that it was a school and they had no other say. Essentially, the District Court said under the broad definition of school, it did constitute a school. The petitioner could appeal to the appeals court or to the State Supreme Court.

Commissioner Warburton said the ruling was on their ordinances as written not based on ADA or other regulations. Chris Allred replied yes.

**6. Adjourn**

The meeting was adjourned and a work session convened at this time.

**WS1. Revisions to the Agricultural AV-3 Zone**

Jim Gentry indicated from the staff report that indicated that staff is proposing some revisions to the Agricultural AV-3 Zone. He reviewed the proposed changes with the Planning Commissioners.

Commissioner Warburton asked what is meant by *permanent structure*. There was a discussion about not being able to build a hay barn on a one-acre parcel in an agricultural zone.

- It was decided to change the ordinance language to allow mobile butchering including packaging.

Concerns were raised regarding 5B-2 and the livestock feed lot only allowed September through April.

Page 5B-4 Dog Training/Breeding, why are the allowing only 10 pups, where a litter could be 12 or more pups. What is the harm?



**MINUTES  
OF THE BOARD OF COMMISSIONERS OF WEBER COUNTY**

**Tuesday, August 7, 2012 - 10:00 a.m.**  
2380 Washington Blvd., Ogden, Utah

*In accordance with the requirements of Utah Code Annotated Section 52-4-7(1)(d), the County Clerk records in the minutes the names of all citizens who appear and speak at a County Commission meeting and the substance "in brief" of their comments. Such statements may include opinion or purported facts. The County does not verify the accuracy or truth of any statement but includes it as part of the record pursuant to State law.*

**COMMISSIONERS PRESENT:** Craig L. Dearden, Chair, Jan M. Zogmaister and Kerry W. Gibson.

**OTHERS PRESENT:** Ricky D. Hatch, County Clerk/Auditor; David C. Wilson, Deputy County Attorney; Fátima Ferneliuss, of the Clerk/Auditor's Office, took minutes.

**A. WELCOME -** Chair Dearden

**B. PLEDGE OF ALLEGIANCE -** Fátima Ferneliuss

**C. THOUGHT OF THE DAY -** Commissioner Gibson

**D. REPORT ON THE COUNTY SEAT PUBLIC AFFAIRS TV PROGRAM**

Chad Booth, producer of The County Seat, updated the Commission on the television program outlining the issues covered in this season, which include jail funding, condition of probation, county road funding, local county issues with Senator Hatch and congressman Bishop, indigent defense, planning and zoning, the election process, droughts and wildfire management. Mr. Booth invited the Commission and other elected officials to make suggestions of topics that they would like discussed. Commissioner Gibson expressed appreciation for the work in this worthwhile cause to educate citizens about their county government.

**E. PRESENTATIONS OF THE "CRYSTAL BOWL AWARDS" TO RECOGNIZE CITIZENS OR GROUPS THAT HAVE MADE SIGNIFICANT CONTRIBUTIONS IN WEBER COUNTY**

Commissioner Zogmaister noted that National County Government Week started in 1991 to raise awareness of the role of counties. Weber County's goal is to protect and enhance the health, welfare and safety of citizens and this is the criteria the county uses to honor a citizen and a County department/agency. Commissioner Zogmaister explained the symbolism of the quartz crystal bowl, which produces pure and powerful sounds that resonate, which is also symbolic of the people that amplify community service. Larry Slater was honored for his volunteerism with the Friends of the Weber-Morgan Children's Justice Center and the County Roads Department was honored for all the hard work during the 2011 severe flooding season. Lance Peterson, of County Emergency Services, showed a slide presentation depicting the Road Department's hard work, dedication and heroic efforts during the severe flooding problems throughout the county. They worked tirelessly at all hours and helped prevent further damage, and their efforts are ongoing. The commissioners expressed thanks for their dedication. Kelly Hipwell, of the County Roads Department, thanked the Commission for their recognition noting that staff put in a lot of hard work and long hours. The whole community came together.

**F. CONSENT ITEMS:**

1. Purchase Orders for \$694,792.33
2. Warrants #288521 - #288651 for \$1,837,369.00
3. Warrants #287942-#288149 for \$1,385,123.63 dated July 24, 2012
4. Minutes for meeting held on July 31, 2012

Commissioner Gibson moved to approve the consent items; Commissioner Zogmaister seconded, all voting aye.

**G. ACTION ITEMS:**

**1. CONTRACT WITH BUCK CONSULTANTS TO PROVIDE AN ESTIMATE OF THE TOTAL COST OF COUNTY RETIREES HEALTH INSURANCE BENEFIT FOR CURRENT & FUTURE RETIREES - CONTRACT C2012-166**

Dan Olsen, County Comptroller, stated that the contract is for \$15,000, the same price as two years ago.

Commissioner Zogmaister moved to approve Contract C2012-166 with Buck Consultants to provide an estimate of the total cost of County retirees' health insurance benefit for current and future retirees; Commissioner Gibson seconded, all voting aye.

**2. INTER-AGENCY AGREEMENT AMENDMENT WITH THE STATE OF UTAH, DEPARTMENT OF WORKFORCE SERVICES (DWS), TO EXTEND THE PERIOD OF PERFORMANCE FOR AN ADDITIONAL 12 MONTHS - CONTRACT C2012-167**

Dan Olsen, County Comptroller, noted that two years ago the county entered into an agreement with DWS for the county to act as a conduit of State funds that go to the Ogden Community Foundation. The State simply wishes to extend that contract to 6/30/2013.

Commissioner Gibson moved to approve Contract C2012-167, Inter-Agency Agreement Amendment with the State of Utah, Department of Workforce Services, to extend the period of performance for an additional 12 months; Commissioner Zogmaister seconded, all voting aye.

**3. APPROVAL OF A TEMPORARY EXEMPTION FOR TWO SPECIAL EVENT OFF-SITE SIGNS**

Rob Scott, County Planning Division Director, noted that last week the County Commission discussed amending the Ogden Valley Sign Ordinance and Steve Clarke, representing the Community Foundation of Ogden Valley, requested two off-site signs for a special event. The ordinance provides for granting temporary exceptions allowing the County Commission to determine if such an exception is justified due to an extraordinary, emergency or act of God situation and the health, safety, convenience or welfare of citizens will not be substantially affected. Justification may include that the Commission is in the process of reviewing an ordinance amendment to allow for these signs. The county's code enforcement officer received a telephone call from a citizen stating that signs had already been put up over the weekend, and the county verified it. Commissioner Zogmaister noted that the county was trying to accommodate the request, had placed the item on the agenda for action today and expressed displeasure that the signs went up without approval, asking that Mr. Scott convey that to the petitioner.

Commissioner Gibson moved to approve a temporary exemption for two special event off-site signs; Commissioner Zogmaister seconded, all voting aye.

**4. APPROVE THE WEBER COUNTY 2012 POLLING LOCATIONS**

Jennifer Morrell, County Elections Director, stated that after reviewing feedback from poll workers, facility managers, voters, and others associated with the June Primary, it has become necessary to amend the list of polling locations. Voter turnout is anticipated at 75% in November, about a threefold increase from June. It is essential to have the appropriate facilities that are ADA compliant, have adequate parking, and can accommodate the number of poll workers, voters, and voting machines. The county has used many schools but because they are overcrowded and do not have the space to accommodate the process some church buildings will be used.

Commissioner Zogmaister moved to approve the Weber County 2012 polling locations; Commissioner Gibson seconded, all voting aye.



5. **SECOND READING TO AMEND AN ORDINANCE (TITLE 25, SEWERS) TO INCREASE SEWER FEES**

Chad Meyerhoffer, of County Engineering, noted that the first reading occurred last week. The Central Weber Sewer District has increased its fees from \$30 to \$37/month and the county collects the fees. Commissioner Zogmaister asked if any feedback was received since the letters were mailed with the billings and Mr. Meyehoffer had not, however, County Property Management received 1-2 calls but not in opposition to the increase. The county's portion increased by 90 cents. No ordinance had been prepared and this item will be handled next week.

6. **CONTRACT WITH THE STATE OF UTAH, ATTORNEY GENERAL'S OFFICE, FOR SERVICES AS APPROPRIATED BY THE UTAH STATE LEGISLATURE AND ADMINISTERED BY THE UTAH ATTORNEY GENERAL'S OFFICE-CHILDREN'S JUSTICE (CJC) DIVISION - CONTRACT C2012-168**

Rod Layton, Children's Justice Center Director, presented this annual contract noting that the State funds some of the CJC program. The contract amount is \$223,076. Chair Dearden noted that the contract amount on the Contract Summary sheet showed \$223,246 and Mr. Layton will look into it. Commissioner Zogmaister moved to approve Contract C2012-168 with the State of Utah, Attorney General's Office, for services as appropriated by the Utah State Legislature and administered by the Utah Attorney General's Office, Children's Justice Division; Commissioner Gibson seconded, all voting aye.

7. **RATIFY CONTRACT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR WEBER COUNTY TO PAY THE 6.77% MATCH AND ANY OVERRUNS. THE FEDERAL MATCH IS \$1,230,837 AND THE COUNTY WILL PAY \$89,379. THIS IS MONEY THAT WE RECEIVED TO FIX PARTS OF THAT ROAD THAT WAS DAMAGED DURING THE 2011 SPRING RUNOFF. – CONTRACT C2012-169**

Jared Andersen, County Engineer, noted that Old Snowbasin Road has been closed for over one year and this contract is for federal funds to repair parts of it that were damaged during the 2011 Spring flooding. Commissioner Gibson had previously signed this contract. Commissioner Gibson moved to ratify Contract C2012-169 with Utah Department of Transportation for Weber County to pay the 6.77% (\$89,379) match and any overruns for the Old Snowbasin Road project; Commissioner Zogmaister seconded, all voting aye.

8. **VACATION OF LOT 25 OF THE LEGENDS AT HAWKINS CREEK, A CLUSTER SUBDIVISION, INCLUDING ALL PUBLIC UTILITIES THEREIN AND FOR FINAL APPROVAL OF THE LEGENDS AT HAWKINS CREEK 2<sup>ND</sup> AMENDMENT A CLUSTER SUBDIVISION (1 LOT) - ORDINANCE 2012-13**

Ben Hatfield, of the County Planning Division, noted that when this subdivision was originally platted some lots had steep slope and were classified as restricted lots and some were left in question. For the final plat they did not remove the buildable area requirements, restricting those lots unnecessarily. The new owners wish to build a home that sits outside of the currently defined buildable area and this is to enlarge it.

Commissioner Zogmaister moved to adopt Ordinance 2012-13 vacating lot 25 of The Legends at Hawkins Creek a Cluster Subdivision, including all public utilities therein, and granting final approval of The Legends at Hawkins Creek 2<sup>nd</sup> Amendment a Cluster Subdivision; Commissioner Gibson seconded.

Roll Call Vote:

Commissioner Zogmaister.....	aye
Commissioner Gibson .....	aye
Chair Dearden .....	aye

9. ACTION ON A PUBLIC HEARING TO AMEND THE WEBER COUNTY SUBDIVISION ORDINANCE, CHAPTER 1, GENERAL PROVISION-FILING OF PRELIMINARY AND FINAL PLANS, CHAPTER 6, PENALTY, VALIDITY, AND REPEALER (SIGNATURE BLOCK SECTION), AND COUNTY ZONING ORDINANCE, CHAPTER 1, GENERAL PROVISIONS, SECTION 1-6, DEFINITIONS - ORDINANCE 2012-14

Jim Gentry, of the County Planning Division, noted that the public hearing was held last week. This item was held to give the County Engineer an opportunity to review a section of the ordinance relating to the definition of "floodplain" which has now occurred and a minor clarification was made. Commissioner Gibson moved to adopt Ordinance 2012-14 amending the Weber County Subdivision Ordinance, Chapter 1, General Provision-Filing of Preliminary and Final Plans, Chapter 6, Penalty, Validity, and Repealer (signature block section), and the County Zoning Ordinance, Chapter 1, General Provisions, Section 1-6, Definitions; Commissioner Zogmaister seconded.

Roll call vote:

Commissioner Zogmaister.....aye  
Commissioner Gibson.....aye  
Chair Dearden.....aye

H. ASSIGN PLEDGE OF ALLEGIANCE & THOUGHT OF THE DAY FOR TUESDAY, AUGUST 14, 2012, 10 A.M.

I. PUBLIC COMMENTS: None

J. ADJOURN

Commissioner Gibson moved to adjourn; Commissioner Zogmaister seconded, all voting aye.

Attest:

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Craig L. Dearden, Chair  
Weber County Commission

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor