

## WESTERN WEBER PLANNING COMMISSION

### MEETING AGENDA

June 12, 2018

5:00 p.m.

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

1. **Approval of minutes for December 13, 2016, March 13, 2018, and May 8, 2018.**

2. **Consent Agenda:**

2.1 DR 2018-08: Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden

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

3.1 **Legislative items**

a. **New Business**

1. ZTA 2018-02-Public hearing to discuss and take comment on a proposal to amend the following section of the Weber County Code: Standards for Detached Single-Family Dwelling (Chapter 108 Title 15) to add standards for single family dwellings with secondary kitchens.
2. ZTA 2018-01-Public hearing for consideration and action on a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.
3. ZTA 2018-02 public hearing for consideration and action on a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning.
4. ZTA 2017-17 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

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

5. **Remarks from Planning Commissioners**

6. **Planning Director Report**

7. **Remarks from Legal Counsel**

8. **Adjourn**

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

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

*A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.*

*No decisions are made in the pre-meeting, but it is an open, public meeting.*

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

## Meeting Procedures

### Outline of Meeting Procedures:

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

### Role of Staff:

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

### Role of the Applicant:

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

### Role of the Planning Commission:

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

### Public Comment:

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

### Planning Commission Action:

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

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

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

### Speak to the Point:

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

### Handouts:

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

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
  - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
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Minutes of the Western Weber Planning Commission meeting of December 13, 2016, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT

Members Present: Mark Whaley, Chair  
Jannette Borklund  
Roger Heslop  
Blake Hancock  
John Parke  
Jennifer Willener

Member Excused: Wayne Andreotti

Staff Present: Rick Grover, Planning Director; Ronda Kippen, Principal Planner, Chris Crockett, Legal Counsel; Sherri Sillitoe, Secretary

- Pledge of Allegiance
- Roll Call

Chair Whaley indicated that the members have indicated that they do not have any conflicts of interest or exparte communication for the items on the agenda.

1. Administrative Items

Approval of the November 15, 2016 meeting minutes

Commissioner Heslop indicated that he had some amendments to the minutes. On Page 4, the presenter was Brad Blanche who spoke about adding the amenity for the sprinkler systems. On Page 6, 3<sup>rd</sup> Para., there is no reference to Doug Hansen's comments. Sherri will need to listen to the recording to make those amendments. Commissioner Borklund asked if they wanted to review the minutes after the amendments have been made and Commissioner Heslop agreed they should table. Chair Whaley stated that the minutes were tabled until the corrections are made before the next meeting.

2. Consent Agenda Items

**2.1. LVV041116 Consideration and action on a request for final approval of Vaquero Village Cluster Subdivision for 13 lots located at approximately 7100 West 900 South, West Warren - Dean Barrow Applicant**

Neal Davis, 7212 W. 900 S., indicated that that at the previous meeting where this subdivision was addressed they were told it would be reported when it comes back to the Planning Commission. They felt there were a few items that were not resolved and he wanted to know how many water shares would be given to the property owners. Who will own the pond because it is on adjacent property and not part of this proposal for their secondary water? Where will the point of diversion for the canal be? Will livestock be allowed to roam in the open space areas? There was a piece of property that was sold, so was that 1/3 acre taken off the lots for the open space?

Ronda Kippen stated that they have adequate proof of irrigation shares to be provided by Warren/West Warren Irrigation. The Engineering Division has approved this and the Engineering Division is also okay with the secondary pond being part of the subdivision. As far as animals allowed in the open space; they are not part of the plan, but it is their open space. Regarding the trail system was going to be allowed; the three feet hard surface and three feet crushed gravel was proposed so that they could walk horses along the trails through there. It is anticipated that animals will be going through there but not necessarily be pastured there. There will be a landscape plan with trees and turf grass that would be beneficial for animals.

Commissioner Borklund clarified that since it is a cluster subdivision, large animals would be allowed in the open space if they choose to. Ronda Kippen indicated that if they designate the open space to agricultural parcels, they can. She

has a letter from the Health Department and the West Warren/Warren Improvement District has given their approval. She also has proof of Warren Irrigation Company for 30 shares of water.

Ronda Kippen stated that the title report does not reflect the sale of any property. If there has been a transaction that has been recorded, they would be part of this plan. The County Recorder's Office at the time of recording will check the vesting and map this out. We can get an updated title report prior to recording to make sure that is okay. Justin Barrow, one of the applicants, stated that no property has been sold. There was 1/3 acre sold a year and a half ago, but it was not part of this proposal.

**2.2. Approval Consideration and action for approval of the Amended Planning Commission Rules of Order dated November 21, 2016**

**MOTION:** Commissioner Heslop moved for approval of the Consent Agenda for Agenda Items 2.1 and 2.2. Commissioner Borklund seconded the motion. A vote was taken and Chair Whaley indicated that the motion carried by a unanimous vote with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

**Administrative Items**

**3.1. CUP #2016-18 Consideration and action for a conditional use permit for a Stealth Verizon Wireless Cell Tower, located at approximately 1770 East 6200 South in the South Ogden area – Verizon Wireless, Applicant; Nefi Garcia, Agent**

Rick Grover, Planning Director, introduced the item and indicated that the property is within the RE-15 Zone. As a conditional use, the Planning Commission would decide which conditions they would like to see imposed on this use. They will want to see how the use is compatible with the area. They are not required to take public comment on this, but if they choose to, they can.

Nefi Garcia, with Technology Associates and Agent for Verizon Wireless, stated that Verizon for their client, the Washington Heights Church, looked at many spots to find a good location for the cell tower site on the south end of their property and they decided it would be best to have a stealth site along the frontage on Highway 89. It will be a three-legged pylon sign will be a triangle basically and the top will be three sides with the cross and their logo on it and the antennas will be hidden behind that. It is modeled after a catholic church in Boise, Idaho, and people don't even know it is a cell site. He spoke with the property owner today and they asked if the color could be a darker blue with the cross being white. He wanted to bring that to staff's attention because a different color was presented before. Commissioner Borklund asked if the blue color was shown on the diagram they have in their meeting packet. Mr. Garcia replied no, it would be a darker blue with a white cross and would match their logo. The banding that is around the tower would match.

Commissioner Willener asked if it would be a lit cross, and Mr. Garcia replied no.

Felix Lleverino, planner, presented a PowerPoint presentation that showed the location. It is a well-thought out design. The cell tower would be located on the top of the ridge. There will be a fence around the site and the proposal will be landscaped and have an irrigation plan. A couple of conditions that the planning staff and the applicant worked through; one of which was that the vinyl enclosure material would be a tan color and have a maximum 6 ft. fence height. The site will maintain a good visual appearance and have a structural integrity. After conducting a review, it is staff's recommendation to approve the cell tower design, a stealth design, based on conditions that are listed in the staff report:

Commissioner Heslop asked how high the tower would be and Felix Lleverino replied 60 ft.

Commissioner Borklund indicated that there is a landscaping plan so she asked if there was water. Mr. Lleverino replied that there is a drip water system that would water the landscaping.

Tony and Deborah Atkinson stated that there are many RF frequency studies that are not financed by government and cell phone companies. They are about 60 ft. on the bluff from the site and the proposed tower would be right in front of his bedroom. Deborah Atkinson stated that there are scientific studies showing that there is some detriment to these transmitter frequencies. There are scientific studies showing that there is some transmitter radiation from 500 meters to a mile. They are within 500 ft. of the proposed site. These studies have shown that cancer rate has gone up; neurological and physiological problems associated over a course of over time are being realized. They are finding out through different studies and different countries that agriculturally, livestock aren't producing milk, etc.

She is susceptible to this radiation and cannot be on a cell phone for more than a few minutes without getting a headache. She believes it is devaluing the property value of her home.

Chair Whaley indicated that they have to make their regulations through the standards in their code.

Commissioner Parke stated that in the recommendations to staff it states that they need to find that it would not be detrimental to the safety, health and welfare but he doesn't see where the Health Department has given their review. Chair Whaley indicated that they have to have proof and a standard that they have to compare it to. Commissioner Borklund indicated that if there are factors that can be mitigated, they can find ways to mitigate those on a conditional use permit. If there are ways to lessen the effects, they can mitigate any detrimental effects that they find.

Chair Whaley stated that they have to have a way to measure the issues. If there are issues that can be addressed and designated by the County staff, then they have a way to measure; other than that, they cannot. Commissioner Parke asked if it wouldn't be prudent to have the health department review the proposal.

Planning Director Grover stated that they could ask them to do a range study or look at co-location and also work with the health department for finding impacts that we don't have. If they do not feel comfortable with the proposal, they can ask the applicant to provide further information.

Chris Crockett stated that Land Use Code 108-4-5 indicates that any conditions that they must pose must be based on credible evidence and part b. states that the Land Use Authority must consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions. The Planning Commission has the ability to ask those experts. Mr. Atkinson stated that all the experts have something to gain and everyone will be making money off of it.

Commissioner Heslop stated that in looking at the conditional use review, they have considerations with traffic, landscaping, building and site lay out, considerations related to utility easement, drainage and engineering, considerations to any zoning, but he doesn't see any considerations for any health, safety, and welfare. Commissioner Borklund stated that this is the finding that they need to make.

Chris Crockett stated that in the code, there are provisions that allow them to impose conditions/standards relating to safety for persons or property.

Nefi Garcia indicated that there are valid concerns that are brought up in these hearings. He reminded them that under Federal Telecom Act of 1996 which states that a facility cannot be denied for health reasons. As long as the carriers operate within that frequency or threshold regulated, then they are obeying the law. The internet is full of evidence. They know that FCC tells carriers how they can operate and under what threshold. If they follow these regulations, then they are operating under Federal standards.

Commissioner Borklund asked if they have looked at other locations. Would the tower work at less height?

Nefi Garcia stated that typically when he gets a new search area, he looks for structure locations that they can use. In this case, there is a Wendy's with a power substation and an ATT&T tower there and also there is a south Weber water tank on the hill with antennas. He presented these two locations to Verizon to see if that would work for them, but they indicated that for what they have to cover in this area, those locations do not work. Once you get 50 ft. or

lower, you have trees and other obstructions and they wanted to be in this proposed location. Sixty to 70 ft. is about the standard height for such towers. The facilities are getting closer together and the height is being lowered in some instances.

**MOTION:** Commissioner Borklund moved to table CUP #2016-18, a conditional use permit request for a Stealth Verizon Wireless Cell Tower, located at approximately 1770 East 6200 South in the South Ogden area – Verizon Wireless, Applicant; Nefi Garcia, Agent, in order to ask for information on range studies and information from the health department as to what effect this proposal would have on the public health, safety and welfare. Commissioner Parke seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous vote, with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

**3.2. AE #2016-09 Consideration and action on an alternative access request to use a private right-of-way as the primary access and frontage for three-lot subdivision located at approximately 6260 South 2125 East – Somerset Lands, LLC, Applicant; Sharon Clark, Representative**

Rick Grover, Planning Director, introduced the item. He indicated that there is no vesting of approval. They are looking only if access can be given to this property. The back portion backs onto Highway 89 and a portion is surrounded by an existing subdivision development. It is located in and RE-15 Zone. The Planning Commission can take public comment on this. The applicant has changed his application for approval of 3 lots, but the lots are not being reviewed at this time; that would be at the subdivision level. They are only looking at whether access can be given. This is an access request, not an access easement.

Sharon Clarke, 2408 Lamborne Avenue, Salt Lake City, indicated that she has asked Donald Fulton to speak for her. Donald Fulton, 266 E 7845 South, Midvale Utah, stated that they both work for Somerset Lands LLC. They have demonstrated how it is not practical or feasible to extend access to this lot from the access on Highway 89. There is historical access through a private right of way through the backside and they are asking that it be acknowledged as an alternate access to this land.

Commissioner Borklund stated that right now it is recorded as one lot, but they will be pursuing three lots.

Ronda Kippen presented a staff report and indicated that this is a very conceptual level of the development process. They are asking tonight for an alternative access for the Hidden Oak Subdivision. It is currently approved as a flag lot. The applicant has requested to divide this into three separate lots. Per the County standards, we have some criteria that the application would have to meet for approval for access without frontage. Mrs. Kippen read the criteria listed in Land Use Code 108-731-1b. The applicant's site meets two of those standards at this point. The topography does not allow for a connecting street to go through there. It has frontage along Highway 89. The applicant has tried to gain access along 89 for access to this site, but UDOT has denied that. We are bound to a private right of way and it meets the standards for that. Based on this, staff is recommending approval. At subdivision we will be looking at a geotechnical report, a geologic report, engineered improvement plans, and engineered improvement drawings for the structure and private right of way. This property is located in an area that has been identified as a potential natural hazard area. The geologic and geotechnical reports will be required and all of the engineering drawings will need to have certifications that they are designing them to meet the recommendations from the geologist and the geotechnical engineer. They are at a conceptual state right now so they cannot ask for this information, but they can at the subdivision state. They will have to prove that the property is safe for three lots. The code requires that a condition of approval be put on all alternative accesses that if the county ever deems they want to put a right of way through there, they would have to pay a proportionate cost of developing the street in the future.

Commissioner Borklund asked how they can ask for three lots when they don't know if the property can handle three lots. Don't they have to prove the site can handle three lots? Ronda Kippen stated that it all comes down to design and it is premature to ask for that information.

Commissioner Heslop asked if it will be extended through the total parcel as proposed on the conceptual drawing. Will it be wide enough to access for fire safety, additional cars parking along the street, etc.? Ronda Kippen stated

that the private drive will more than likely be developed at 29 ft. However, the cul-de-sac or turnaround would have to be designed to handle the fire truck apparatus, etc. They will have a shared driveway and will have to maintain that driveway so that emergency services can get in there.

Commissioner Borklund asked if they are approving the access shown as a dashed line. Is the dashed line what they are proposing? They are not approving a survey level detail at this point.

Larry Garrett, 6254 S 2125 E, asked the requirements and what exactly they are trying to approve today. Chair Whaley explained the request and the sequence of events. Mr. Garrett asked why they would try to gain access to something that isn't there. Ronda Kippen stated that they are asking for frontage for three lots. The Code requires as part of the subdivision process that you have not only access, but frontage and lot width. There is access for one lot based upon it being a flag lot, which is one of the alternative access tools in our code. The other one is access by a private right of way and the other is access across a lot other than the front property line. The applicant is asking that they create a private right of way that will connect of 2125 E. and provide frontage and access to lots 1, 2 and 3. Currently, there is access for one lot. We would need soil samples saying it would handle the weight of a fire truck. The code allows for it to be an unimproved surface but it would need to withstand the 75,000 lbs. There will need to have a cul-de-sac or a hammerhead at the end.

Chris Crockett stated that in order for them to submit to them to have connection to three lots, they will have to demonstrate that they have that access. Rick Grover, Planning Director, stated that a lot of things would have to be addressed per the subdivision ordinance. They are looking at access at this point. It is only a conceptual plan right now; all they are doing is looking at three lots. There are many things that they don't know that right now; the details will be flushed out at subdivision approval.

Chair Whaley suggested that they could modify the application to say: "Consideration and action on an alternative access request to use a private right-of-way as the primary access and frontage for a proposed three-lot subdivision located at approximately 6260 South 2125 East – Somerset Lands, LLC, Applicant; Sharon Clark, Representative." He asked if that would satisfy the applicant and Mr. Garrett. Larry Garrett stated that he does not understand, it was rejected at six lots so why would it be approved at three lots? Commissioner Borklund stated that it would be helpful for the public to know the history of what happened since their last approval. Ronda Kippen indicated that submitted an application for six lots in late fall and it was approved for only one lot. It went to the Board of Adjustment and they upheld the decision. The applicant missed the deadline to appeal it to District Court. The only way we could bring it back to the Planning Commission was if substantial changes were made. Based upon there being a substantial change, we were able to bring the application forward for consideration on a new application to the Planning Commission. Per the State Ombudsman, the applicant had the right to submit a new application if there was substantial change. What they are looking at this time is only if it is impractical and unfeasible to extend a county road down into there to create access for three more lots. Per staff's review, yes it is. There are standards for that and the applicant will need to design the subdivision so that it is safe per whatever geologic and geotechnical standards there are at this state.

Mr. Garrett indicated that he would hope they would take safety into consideration. People buy homes on a cul-de-sac for safety for their kids. He is still confused as to how access can be granted here to more than one lot.

Deanne Adams, 2167 E., 6225 S., indicated that she lives above this property. This is basically her back yard. She gets to enjoy the wildlife that comes up from Highway 89. This owner has asked for it to be a six lot subdivision and now a three-lot subdivision. She would like to see the historical data of this property and what has been asked of it.

Ronda Kippen stated that according to County records, there has been an access other than frontage from Highway 89 approved for one lot in 2003. In 2004, a private access without frontage for two lots approved, and in 2016 a one-lot subdivision was approved, the Hidden Oaks Cove Subdivision. In 2016, they did a private access without frontage for six lots but that was approved for one lot. As far as past information in those files, those were based on Board of Adjustment which varied part of the code. This is now part of the code and not a variance any longer and those reports are outdated. We will go off the more up-to-date reports going forward to subdivision approval.

Commissioner Borklund asked if nothing has changed since it was originally recorded in the late 1980's and Ronda Kippen replied no, with the exception of the Hidden Oaks Subdivision being recorded.

Chair Whaley asked Legal Counsel to explain their duty regarding these applications: Chris Crockett stated that the question is going to be what can be identified in the staff packet; you apply the standards and then the appropriate criteria as Mrs. Kippen outlined.

Commissioner Borklund stated that it is difficult to come up with a different finding than what they have already approved. Based on what staff is telling them, they cannot make any findings to deny access, but they don't know what they can or cannot do based upon how that access can be defined or how the lots can be configured or whether the lots are even safe to be developed. Ronda Kippen stated that their consideration tonight is based upon the information that has been provided, has it been shown that it is not practical or unfeasible to extend a street to serve such lot or parcel. Commissioner Borklund asked that if it is unfeasible for the County to extend access to serve such property, why is does it then become feasible to have a private access to do that same thing? Mrs. Kippen stated because County standards are 66 ft. width and they only have 29 ft. If they cannot meet that County standard, they have an alternative process that they can create that access by a private right of way, by a flag lot, or come across the front lot line of your property as access. This used to be something that was an exception to the rule, but now they have rules. They have to meet the exceptions in the code and if they can do that, then they should be granted approval. The actual evidence as to whether it can be done comes at subdivision. We cannot require that level of detail at this stage.

There is a subdivision at the top of Powder Mountain with an 18 ft. right of way that serves probably 10 lots with an additional 12 next units (approximately 20 lots on an 18 ft. right of way). Is 29 ft. adequate, she doesn't know, this will be addressed by the County agencies in step 2. Commissioner Borklund asked if slope will matter and Ronda Kippen replied yes it will; they cannot have more than a 15% grade.

Commissioner Parke stated that based on the criteria in the code that they have and the evidence that has been submitted, there is no other way that they have other than to approve it.

Chris Crockett stated that they are limited to what County Code provides and that is found in LUC 108-7-30.

**MOTION:** Commissioner Parke moved to approve File AE 2016-09 based on the findings that it is unfeasible to extend a lot to serve such parcel and approval of a private right of way or easement, based on topographic cited in 108-7-31-1b. Commissioner Hancock seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous vote with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

### **3.3. Sketch Plan Discussion and action on a conceptual sketch plan endorsement request for the Giovanni's Legacy Cluster Subdivision located at approximately 2267 South 3500 West in the Taylor area of Western Weber County – Bob Favero, Applicant**

Robert Favero stated that their neighbors have asked that they be allowed to bring their sewage line through their property over to meet the main line. They have shown on the sketch plan where they want to put the sewer line. In addition to that, they want to get some sort of clarification as to the pattern, the number of lots they could have, and get their opinion on the existing homes that are there. Between Lots 109 and 108, there would be a sewer line that would come through there that would serve the property to the south and then it would follow the street over to the main line. The main line comes up from the east, makes an angle turn and then goes to the northwest, makes an angle turn and then follows the street beyond their property across the canal.

Mr. Favero laid out a pattern and indicated that Lot 100 is Gary Farr's home and north of that is also Gary's land. He would be joining in the subdivision if they go forward with it. North of that is his family's ground. He has a duplex there, his deceased Father's home and then another duplex north of that so Lots 119, 120 and lot 121 have existing buildings on them. Gary has access to sewer and they would then want to sewer Lots 119, 120 and Lot 121 in this process. This is a cluster subdivision and they are asking for some bonus density to put more than what would



normally be 16 lots there and they are basing that request upon landscaping. They are going to landscape both sides of the main road that goes back in plus some entry ways there. In addition to that, they will put a landscaped path there and plant more trees in that other. They would need about probably 30% higher bonus density than what would normally be there. They include some of the suggestions that have been made and they are trying to make it more pleasurable.

Commissioner Borklund indicated that she believes it would make more sense to have the triangle attached to what is on the back of the cul-de-sac or to the duplex lot. Bob Favero indicated that he would do that if he was allowed to go below the 40,000 requirement. Commissioner Borklund indicated that if Mr. Favero did this as a PRUD, he could do what he is asking for. Chair Whaley asked if sewer would make a difference in this.

Commissioner Willener asked if Mr. Favero anticipates a timeline. Bob Favero stated that they anticipate in the spring to submit the subdivision. On the front of that, there is a property that has its own tax id. number. They received a variance and it was then put on their own property number. That lot would come to the canal and then go back to the canal.

Rick Favero stated that typically they don't like to create unusual lot configurations like that. Maybe they could shift the cul-de-sac to the west. Where this is conceptual, maybe they could look at some things like this.

Felix Lleverino stated that sewer has been relegated to the southern subdivision Gallop Bend. It was mainly just discussion as to connections; , running that line from the south up into the Giovanni Cluster Subdivision. We don't have much information on the future sewer route or line. Commissioner Borklund likes the lay out but believes the smaller lot should be removed from the subdivision.

Commissioner Hancock stated that there is that access point down toward the west end; doesn't that run into the canal and isn't that the canal that runs back in there. He asked if it was for additional frontage for the corner lots. Bob Favero stated that it was more for connectivity to the rest of the ground in the future. The only walking trail they would have is connecting the two subdivisions.

Felix Lleverino stated that when an applicant would like to develop a subdivision there is the 30% of open space designated but also reduced lot sizes that would have to be earned through bonus density, trails, open space, the roads in some instances they would provide a community garden or something of that nature, etc.

**MOTION:** Commissioner Borklund moved to give Sketch Plan approval and ask the applicant to scrub the small lot or include it in the PRUD. Commissioner Heslop seconded the motion. A vote was taken and Chair Whaley stated that the motion carried by a unanimous vote with Commissioners Borklund, Hancock, Heslop, Parke, Willener and Chair Whaley voting aye.

Under the current cluster subdivision ordinance, it is really difficult to get bonus density. There is not much there to use. He urges the Planning Commission to take another look at that ordinance. Commissioner Whaley asked for any input Mr. Favero would like to give on this issue.

Bob Favero stated that the 2" caliper trees that are required are \$180 each. The requirement is for too many trees of that nature.

#### **4. Public Comment for Items not on the Agenda - None**

#### **5. Remarks from Planning Commissioners - None**

#### **6. Planning Director Report**

- Planning Director Rick Grover introduced Steve Burton, a new staff planner. Steve Burton stated that he was originally from Layton Utah. He was in Rexburg going to school for a couple of years. He graduated from BYU Idaho and that is where he met his wife. He was a planner for Franklin County for a year and a half and he wanted to move closer to home and gain more planning experience. He is excited to work at Weber County.

- Rick Grover asked if they can ask for public comment and then have staff address all of those issues. It keeps a little more order.
- The Annual Planning Commission Dinner is scheduled for January 11, 2017 and will be held at Bella's in Farr West. Please R.S.V.P. Sherri before January 5, 2017.
- Rick Grover announced Sherri Sillitoe's retirement party on January 12, 2017 at 2:00 p.m. Comments were made that she will be missed.

**7. Remarks from Legal Counsel**

**Chris Crockett stated that he believes there is a provision in the LUC that prevents Sherri from retiring. He is pretty sure that it cannot be appealed either.**

**8. Adjourn**

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,

Sherri Sillitoe, Secretary  
Weber County Planning Commission

DRAFT

**Minutes of the Western Weber Planning Commission meeting of March 13, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.**

**Members Present:** Blake Hancock-Chair  
Jennifer Willener-Vice Chair  
Roger Heslop  
John Parke  
Wayne Andreotti  
Jannette Borklund  
Mark Whaley

**Staff Present:** Rick Grover, Planning Director; Charles Ewert, Principle Planner/Long Term Planner; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel

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

**1. Approval of the 2018 Planning Commission Rules of Order:** Mr. Crockett states that he will go over the rules of order in detail through them in the Work Session.

**MOTION:** Commissioner Hancock motions to table the Rules of Order until next meeting. Commissioner Heslop Second. Motion passes (7-0)

**2. Administrative items**

**a. New Business**

**2.1 LVB100114: Reconsideration and action on preliminary and final approval of Cameron Crossing Subdivision (Formerly known as Blue Acres Subdivision Phase 4)**

Mr. Lleverino goes over the proposal and he recommends approval based on conditions and recommendations as listed in the staff report.

Commissioner Borklund asks if condition number one has been met. Mr. Lleverino states that it has and that condition one can be stricken as a condition of approval since it has been met. Commissioner Parke asks if this item has an open space preservation plan. Mr. Lleverino states that Cameron Crossing does not require one because it is a standard subdivision.

Jason Hamblin 2500 W 900 N Layton states that its phase 4 standard 1-acre lot within the county boundaries.

Commissioner Hancock opens to public comment

Brady White 4043 W 2200 S states that his concern is that when they put the road in it is 2 ft. higher than his backyard. He asks if there is going to be a retention wall put in. Mr. Lleverino states that he is not aware of anything being put in. Mr. Hamblin states that there is no plan to put in a retention wall when they did site plan all the and the topography for the layout of the land. All the storm drains were issued by the engineer and review by the County Engineer. There has never been a discussion about putting in a retention wall or the need to put one in. Commissioner Borklund asks if there is a County Engineering requirement that drainage should not be allowed to the street to adjacent property. Mr. Lleverino states that as part of the design the stormwater is managed within the subdivision which is why they created the two detention basins that are located in Cameron Cove which will manage that. Commissioner Borklund asks if they will make sure that the drainage of the street doesn't go to the adjacent property owner. Director Grover states that it's something that engineering looks at as part their review. He states that the Planning Commission can table the item until this can be addressed or they can add it as conditional approval to make sure it's addressed. Commissioner Andreotti states that he agrees with Commissioner Borklund and states that if it doesn't get addressed and done it will never get addressed and done.

**MOTION:** Commissioner Borklund makes a motion to table until they can get information from engineering about the drainage from the road and the public right of way on to adjacent right of ways. Commissioner Andreotti seconds. Motion passes (7-0)

**2.2 LVC101127: Consideration and action on a request for final approval of Cameron Cove Cluster subdivision, consisting of 27 lots**

Mr. Lleverino states that Mr. Hamblin is requesting final approval, he was granted preliminary approval from the Planning Commission on 12-12-2018. He goes over details as listed in the staff report. He states that final subdivision plat requirements have been met as well as conforming to the standards of the Weber County cluster subdivision code. All lots within the proposal contain an area of 15,000 to 20,000 sq. ft. and range in width from 65 to 150 ft. before going to the County Commission for final approval the applicant is required to provide a cost estimate for the remaining subdivision improvements. The cost estimate must be finalized by and approved by the Weber County Engineering Department. The Weber County Planning Division recommends final approval of the Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is based on meeting all conditions and recommendations as listed in the staff report.

Commissioner Andreotti asks regarding the open space.

Mr. Lleverino states that in this case the open spaces would be owned and managed by the HOA. Director Grover states the HOA is an approved body that can be associated with the open space.

Jason Hamblin 2500 W 900 N Layton states that this is an extension of Cameron Crossing. There will be 27 lots with several parcels incorporated as open space for public use.

Commissioner Borklund asks if the parcel C is going to be landscaped like the other parcels. Mr. Hamblin states the reason why it's not going to be landscaped on that parcel is that it is going to be used as a detention basin. He states that they decided against trees because of flooding possibilities, but there will likely be grass there.

Commissioner Borklund asks regarding detention basin and allowing animals on them. Mr. Hamblin states that there will be fencing to prevent animals from deteriorating the area.

Commissioner Willener asks with regards to the preservation plan do we need to specify the restriction of grazing animals as a line item. Mr. Lleverino states that it is specified.

Commissioner Andreotti asks how much is outside the detention ponds. Mr. Lleverino states that on the subdivision plat each open space parcel shows the combined acreages. He points out that on page 14 of the packet shows the detention basins. Commissioner Borklund states it doesn't show how deep they go or if the animals are or are not allowed. Mr. Lleverino states that the way these detention basins are designed to hold the water and slowly release. Commissioner Borklund states that they can be multipurpose you can have a soccer field in the middle for example. Commissioner Andreotti asks if the agriculture preservation plan allows for the grazing of animals.

Mr. Lleverino states that it does allow for the grazing of animals. Parcel A is landscape grass. The preservation plan describes uses within each parcel. Commissioner Borklund states that there are a lot of questions to be answered regarding the agriculture preservation plan. Commissioner Willener states that based on the landscaping plan what she sees as agriculture is parcel C. All of the other ones looks like they are being groomed for other public uses. Parcels A and B have a landscape plan there are detention basins on both of them. Is it agriculture preservation because it's not presented that way? Mr. Lleverino states that parcel D is included as agriculture type open space as well. Commissioner Borklund asks if its big enough to use for agriculture. Mr. Lleverino states that yes it could be and it could be used to keep animals.

Commissioner Hancock opens to public comment

Greg Bell 4023 W 2100 S Taylor asks if there is going to be a park doesn't it have to be approved by the park committee. He asks if there is a plan for the HOA and what they are required to maintain. Is there supposed to be a plan before final approval is granted? Director Grover states that this a private park so it does require approval from the park committee. Commissioner Borklund asks if it will be open to the public or if it is only for the residents. Director Grover responds that at this point it's for the residents that live in the subdivision, but the public could use it. There are no restrictions. It's not a public park that is being taken care of and dedicated to the county. As far as

the HOA it will need to be addressed as part of the CC&R's when they look at how it's going to be maintained. When a certain number of lots are sold they have to have an HOA set up and they have to maintain the HOA.

Commissioner Borklund states that it was her understanding that part of the reason they were getting the bonus density was the public park, but it's a private park. Are we giving them bonus density for something that's not there?

Director Grover states that as far as the public element it will be discussed in the new ordinance. When the old ordinance was developed there was no park district so we were not able to accept it as a public park. The new ordinance will be looking at that.

Member of the audience that did not state their name asks doesn't it have to have public access to be awarded bonus density. Director Grover points out that access will be granted to the public but it's not a public park. The HOA is responsible for maintaining it. All the CC&R associated with it have to be recorded as part of the final subdivision plat. He states that the subdivision plan is separate from that, it can be included with the CC&R's but typically it's not done because it's part of the cluster subdivision ordinances. He states that there are some confusions as far as the landscape plan versus preservation plan. There are some discrepancies that need to be taken care of. It can be conditioned or have the developer make it consistent.

Commissioner Hancock asks if there are any other comments. There are none.

He asks if there is a motion

Commissioner Willener states that before she makes the motion she wants to make sure to get a clarification from staff. She wants to include that parcel D which isn't addressed in the agriculture preservation plan. It only addresses A-C. She wants to make sure that there is a clear delineation between what's being considered agriculture preservation versus what parts of the parcel are going to be dedicated for park use since the bonus density is dependent on that.

**MOTION:** Commissioner Willener makes a motion to table the request with the condition that when final approval is requested in the future parcel D that is being asked for inclusion in the agriculture preservation plan be included in the documentation as it not now, and the parcel that will be agriculture preservation be clearly identified and separated from the landscape parcels and the parcels that are going to be part of the park that the bonus density is being requested for. Commissioner Borklund adds that there should be two separate plans for the separate plans of parceling and that it should be clarified that it's a private park. Commissioner Borklund seconds. Motion passes (7-0) Item is tabled until issues are resolved.

**3. Public Comment for Items not on the Agenda-none**

**4. Remarks from Planning Commissioners-none**

**5. Planning Director Report-** Director Grover states that on March 28<sup>th</sup> at 6:30 at the West Weber Elementary School we are going to be having West Weber Visioning. He states that there is concern about where development is happening. He states that we are getting standard subdivision or cluster that aren't meeting the needs of the residents. He is hoping that this eventually translates to a start of amending the general plan out there. He points out that they are trying to get feedback from the residents and showing them what could happen with standard subdivisions in the area. If we leave it how it is standard quo without doing any major nodes or where development should happen there will be no agriculture land out there. We will be showing them scenarios, if they did 1 acre lots or what standard zoning would allow. He states that this is something they did in the Ogden Valley. Ogden Valley recognized that they need the nodes, and pointed out where they want village areas. These are things that they can consider. We are going to be having a series of meetings until July until there is a formal vision plan of what we want to see happen out there. He states that they are hoping that will translate into starting the process of doing a plan amendment in that area. He states that the Planning Commissioners are invited and to spread the word. He states that they want input on where they would like to see nodes, roads, and development. He states that if we don't plan and make this happen it's going to continue like it is right now. He states that he wants everyone to come together and envision how we want this area to grow. He states that right now it's not part of the general plan but it's something that we hope morphs into getting synergism to amend the actual general plan.

**6. Remarks from Legal Counsel-none**

**7. Adjourn to work session-5:44****WS1. DISCUSSION: Open meetings training and Planning Commission Rules of Order**

Mr. Crockett states that if the Commissioners have a question to bring them up as he goes through it. He states that regarding the appointment of Chair and Vice Chair, it is important to come prepared with a name. He points out that regarding the chair duties there is a list of those duties. Commissioner Borklund points out that Chairs and Vice-chairs need to ask for opposing votes because it makes the record skewed. Mr. Crockett states that it is important for clarity of the minutes but also under the Rules of Order, Commissioners are not allowed to abstain. Commissioner Heslop asks isn't there a rule in case the Commissioners would like to reconsider. Mr. Crockett states that it's toward the back when recording the votes. He states that he will come back to this item. Mr. Crockett adds that other things to keep in mind are when receiving the motions and putting to vote all the questions, to make sure that it is orderly. He points out that all Planning Commissioners have the ability to ask advice of staff or legal, specifically there is a provision that chairs have the authority to ask legal. He reiterates that when in doubt always ask questions. Regarding maintaining order at the meetings there are provisions in the open meetings act that allows the Chair to remove people if there is disorderly conduct. If the meeting is getting bogged down the Chair has the ability to set time limits. If it is required for there to be public comment, then the Chair must by law allow an opportunity for the public to give their opinion. The Chair can set the time limits to allow other members of the public time to speak.

He points out that if a member of the public offers a document, a letter, or a physical item that needs to be considered they need to make a particular note on whether or not it will become part of the record. Commissioner Borklund asks if it needs to be done by motion. Mr. Crockett states that there is always a level of protection when you do it as a motion. He states that if the Chair is unavailable it falls to the Vice Chair. He points out that they can appoint a temporary chair if both are going to be out of town. This particular Planning Commission has been very good about reading the material, coming prepared and having questions prepared. If you can't attend a meeting, make sure to call so that you can be excused. Keep in mind that three unexcused absences are cause for removal. He points out that regarding conflicts of interests near the beginning of meeting the chair will ask whether any member of the Planning Commission has a conflict of interest. A member who knows that he or she has a conflict of interest must state that such a conflict exists. If a member has doubts they should bring it up. A member who believes that he or she or other members of the Commission may have a conflict of the interest on any matter of the agenda they shall explain it to the Commission, the Commission will vote to decide whether an actual apparent or foreseeable conflict of interest exists. He states that his advice is to air on the side of caution. Avoid the appearance of impropriety if you feel there is a potential conflict disclose it, because it might not be a conflict but protects the integrity of the decision and possible subsequent challenges to make sure it's fair to everyone. If you do have a conflict the member shall not participate in the discussion, they should leave during the time the matter in question is being discussed and being voted on, and shall not attempt to influence other Commissioner before or during the meeting except as allowed in the subsection. There are a few narrow exceptions that allow you stay during the comment of that matter where you speaking in your individual capacity as opposed your official capacity as a Planning Commissioner. No member of the Planning Commissioner shall participate in the discussion of an application when any action of the following conditions exists. There is a list, stating familial relations if you have a direct or financial interest. If you feel at any time that you cannot be impartial and render a fair and objective decision recuse yourself and not participate in the matter. Commissioner Borklund asks if this relates to motions or the whole discussion. Mr. Crockett states that there is the exception that allows you to speak in your individual capacity. He points out that even though they are speaking in their own individual capacity their mere presence could influence the vote, so be mindful. Commissioner Willener states that it would be difficult to make comment on something where you haven't heard the whole discussion. Mr. Crockett agrees and states that it would restrict an open discussion if there might be a hesitation because you could hurt somebody's feelings or you don't want to ask some questions because the individual is there. It might cause discomfort. Having the individual leave the room will open up discussion and make sure that the issues are fully vetted.

An ex parte contact is any communication with a party or person outside of the planning commission regarding administrative applications. You really need to distinguish between administrative and legislative action. Legislative items we do encourage contact but there are limits, for example, don't accept bribes. Once the law has been passed and there is an ordinance governing the particular type of application that is before you it is

important to make sure that the process adheres to everybody's due process. It is important they have an equal opportunity to address the Planning Commission, that they know that an applicant has not gone and spoken to an individual Planning Commissioner because it's not fair to the other side. He points out that sometimes it can't be avoided they will call you or sometimes it might be a neighbor asking for a particular application but it might not be an issue but it should be disclosed. Commissioner Borklund states that it's okay to talk about what time it's going to be on the agenda. She states that regarding the other items would it be better in that to say "I'm not going to talk about it." Mr. Crockett states that Commissioners can direct them to the Planning staff. He points out that in an administrative matter a specific provision that contact with Planning staff is not ex parte contact because the Planning staff is not a party they are there to help facilitate the application. They take any information and make recommendations on whether it meets code. Mr. Crockett asks the Planning Commissioners how they feel the pre-meetings are going. He points out that if it is a public meeting, there needs to be a notice sent out on it, and no decisions. The purpose is to review and address the agenda and to have staff answer questions. Commissioner Borklund states that the one thing that she wonders about is when the public comes and they expect that can talk during the meeting. Also if something asked in the pre-meeting and it is addressed in the pre-meeting but it's not brought up during the public meeting, it becomes a concern. It needs to be put on the public record.

Mr. Crockett states that based on Commissioner Heslop's concern regarding the cluster subdivision ordinance there is a statutory expiration of when it has to be done 180 days or it goes back. There are provisions for special meetings. A special meeting may be called by the Chair or by a majority vote by the Commission. The notice shall be given to each Commission member of the time and purpose of any special meeting at any regular meeting at least 24 hours prior to the meeting. Commissioner Borklund asks if they can add email as a form of notification. She points out that it just says it may be given to the Commission personally, by telephone or by U.S. mail. Mr. Crockett agrees that a provision can be added. He points out that part of the reason that email is not included is that the notice and provisions under The Open Meeting Act does not include email. There needs to be a legislative update.

He states that even in a special meeting quorum requirements have to be met. He states that under the length of the meeting if the Commissioners make a motion to adjourn at a certain time it no debatable.

He points out that under the order of business it is general follows the order but they are designed to be flexible. They are more like guidelines. He points that approving the minutes upon hearing from the Commission they are either approved as presented, as amended or postponed until next meeting.

He states that regarding the consent agenda they are items that do not require discussion or debate, when you look at the application it clearly meets the land use code in our opinion if not there is a way to get it removed from the consent agenda, because they are routine items or because it is believed they are noncontroversial and will be unanimously supported. The Planning Director will decide who will be on the consent agenda. The question will be asked if any Commissioner wants any item removed to allow that item to be discussed and voted on separately. If there is a request to remove an item, it has to be taken off the consent agenda because it has to be unanimous or there is no consent. If an item is removed the Chair will make the determination on what time the item will be heard. When there are no more items to be removed the Chair will call for a vote. Commissioner Borklund states that she believes the Commissioners understand it but the public might not. Mr. Crockett asks if having it listed in the Planning Director remarks in the beginning. Commissioner Borklund states that yes or when you identify the consent the agenda to make the public more comfortable. Commissioner Willener adds that often the discussion of the consent agenda happen in the pre-meeting. All of the questions get answered in the pre-meeting and then we move on to the public meeting and it gets a blanket pass. Mr. Crockett states that they are welcome to discuss it during pre-meeting, if it doesn't come up during the pre-meeting there is really no issue, but it's always good to ask whether anybody wants the item removed.

Mr. Crockett states that regarding the special order of business the Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

Mr. Crockett explains the Order and decorum. Commissioner Borklund states that she believes we are mixing up B. and D. She states that sometimes the staff gives the full staff report in the beginning and when they should only be giving an overview and then make the developer sell the project. Commissioner Hancock agrees. Mr. Crockett states that this is one of the flexible standards, because depending on the particular application they may need to

lay a little bit more foundation. He agrees that generally, it should be short on detail and that the responsibility lies on the applicant to prove to the Planning Commission that the application meets the requirements. Commissioner Borklund points out that it comes across to the public that the staff is proposing it. The applicant needs to make their presentation first. It gives the public the wrong idea and makes the County look bad because of the way it's presented. Commissioner Andreotti agrees and states that the initial overview should not have the staff's recommendation for approval it should come later. It should only say to introduce the item and talk about the criteria of the item. Commissioner Willener agrees that they are getting such thorough presentations that the developers are not having to say a whole lot.

Mr. Crockett asks the public if they have any comments regarding the way the items are introduced.

Greg Bell 2100 S 4032 W Taylor agrees with Planning Commission. He states that the impression of the public is that the Planning staff has the responsibility to sell every development that comes across because it appears that they work hard to prove that the subdivisions meet the code, and the developers just sit back and rake in all the money. He states that the Planning staff does it all for them. Mr. Crockett that maybe we need to temper that let the developer sell it and then as questions arise from the Planning Commissioners and direct them to staff. Chair Hancock states they could save the recommendations until the end of the public comment. Mr. Crockett states that perhaps he can bring it up with Director Grover, so that he can include it in his staff meeting, to see how the staff feels and then Director Grover can address any issues. Commissioner Heslop states that as part of the staff initial report it is good if there is a bit of history or background. Mr. Crockett states that this may help protect the Staff from criticism when really it's not their application. Commissioner Borklund states that the staff is limited also because if the application meets the ordinance requirements, the Staff can't say no and the Planning Commission can't say no. Mr. Crockett adds that they need to be cognizant, just because the applications are entitled to approval doesn't mean the staff or Planning commission advocate it. He states that speaking for legal their idea as to whether it's a good idea or not doesn't matter. If it meets the legal requirements, then their opinion ends there. Commissioner Borklund reiterates that the developer needs to sell it and the Staff just tell them what the requirements are and whether it meets them or not. Commissioner Hancock states that staff needs to let the developer know to come prepared instead of just one line it should be 5 to 10 minutes long. Mr. Ewert states that as a former director this was how it was done, for the exact reasons mentioned. He states the staff does tend to get invested in the projects they are working on. He states that they are pretty rigorous with the developers, by the time the project is ready they do around 5 reviews. He states that the advice they give to staff is not to get attached, run the process, and be a professional. Keep the emotional investment out of it and if it is there don't show it.

Mr. Bell states that going back to their earlier comment regarding the pre-meetings. When The Planning Commissioners get their all their questions answered in the pre-meeting when the public comes to the meeting and the Planning Commission doesn't have any comments or questions it looks like it was just rubberstamped. It looks like the Planning staff sold it really well and answered all your question in the presentation. Mr. Crockett states that there is a balance, they have to be careful. Under the law, there is no requirement to take public comment on certain matters. It can be useful because it can help answer questions and concerns. If there is a thorough discussion on a matter that is important to the public, perhaps there will be information that will help resolve some concerns. He states there are times when there is valuable information brought forth by the public. On the other side, one of the problems is that it is an invitation to listen to public clamor. Which is not evidence. If it is found in a record and challenged in court the decision would be found arbitrary. Commissioner Willener states that going back to the last meeting and the concerns of the public, they understood that those items would be addressed down the line but the public might have felt like they weren't being heard. It's difficult for the public to understand.

Mr. Bell states that he understands the process better now, but when he first received notice he felt like his everything was being approved and granted and the public opinion did not matter. He did not understand what was the point of handing out the notices of the meeting for public comment when it seemed like nobody really wanted to hear it.



Mr. Crockett states that if it seems that a lot of people are expressing interest in a certain item it would be good to have some public discussion, but it's important to be mindful of the tools that you have to get a meeting back under control. Commissioner Willener states that there is always going to be cycling new community members with every new project. She points out that you're always starting the education process over and over. Chair Hancock states that this is why item B. is so important. He states that staff rather than give recommendation talks about the criteria and what as a Planning Commission they can do. They can state that the engineering department handles this and it not part of what they are there to discuss or to make a motion about. They can point out the things that we have influence over. He states that if we do every time the public might understand the items that they can take action on and the criteria that they have to measure it by. Mr. Crockett states that they also need to be mindful that the law presumes that the general public is aware of ordinances, statutes, and law, but they have a responsibility as staff members to answers questions from the public. It might not be the appropriate time during the meeting but they need to make ourselves available so that people can contact them and the process can be explained. He states that if he feels that a question needs to be answered he likes to give them his card so that they can sit down and have a discussion.

Commissioner Whaley asks what are the notices that are being received in the mail? Mr. Bell states that they are usually sent out to the public that lives 500 ft. around a new development. The notices say the open public hearing will be held to address this subdivision bring any concerns. Mr. Ewert states that it is very inviting but it doesn't say to come and speak your mind. It should say open public meeting not hearing. Commissioner Whaley states that he disagrees with this. He states that if the Commission puts themselves in that position to explain everything to the public they are going to be there all night it is not their duty. He states that their jobs as Commissioners is to review the applications, the staff, and the developers make the presentation and then the Commissioners make a determination. He states that the public notice has to be addressed. He states that it has to be made clear that these are public meetings, not hearings. He states that the Planning Commission has no responsibility to listen to anything the public has to say. They have to deal with the public because it is a public meeting, that being said it is not unreasonable to allow the public to come out. He states that he would like to see one of those cards. This is something that it needs to be followed up on, it should say that it's a public meeting not hearing and that the public needs to be given enough time. It should say if you have questions comments or concerns about this to see the staff. Mr. Ewert states that it does have the staffs email address and phone number. Mr. Crockett states that it should have two distinctions between what has needs to be done on those notices there is a legal distinction which is by law you are only required 24 hours' notice, as a policy matter you can give more advanced notice if you want.

Mr. Bell states that he has a notice and he reads the notice. The notice states "to the owners within 500 ft. of the property located approximately 4075 W 2200 S the Weber County Planning office has received a request for preliminary approval of Sunset Equestrian Cluster Subdivision consisting of 180 building lot consideration of the application and action on this request will take place during an open and public Weber Planning Commission meeting which will be held in Weber County Commission Chambers 1<sup>st</sup> floor date time subject to change please call to confirm the new time and schedule." Mr. Bell states that this was the first indication that to the public that this development was happening. He states that it was a shock to hear that 180 homes were being built next to his home, and it was frustrating that he only received a 3 days' notice to go and have a discussion about it. He reiterates that it was a complete shock and when the time came for meeting every one of the public members was passionate and confused. He states that they showed up thinking it was a public meeting, he believed it was meant to be a public forum where they could express their concerns, but it wasn't. Commissioner Whaley asks Mr. Crockett to makes sure all of those notes go out from this point forward. He would like to make it clear to the public that they are invited to attend the meeting but it is not an open hearing. Commissioner Borklund states that it is dangerous to not take public comment. Mr. Crockett states that it is contrary to the training that was received from the state it's important to have a balance. Mr. Bell states that he would like to make a suggestion. He states that it would be good if they can get a notification when a draft comes up so that the public doesn't have to fight preliminary approval. Mr. Ewert states that it important to keep in mind that there is an intricate administration that occurs in the Planning Office. He adds that this is not a bad idea but it is also not new. He states that if notification goes out when an application is received the neighbors come and get worked up before there is enough to even talk about. When you get any type of application in the neighbors wants to come and see what it is but at the point, the application comes in there isn't enough information it might be 180 lot it might be 150 lot. He

states that at that point they haven't checked all the boxes. Once all the boxes are checked they need to verify that it complies with the law. He states that at this point they are ready to talk to the neighbors and send notice. He states that when it comes to due diligence from the applicant's perspective we can do 7 days before the meeting. The further out ahead of that we get the more time it takes to get the applications in. He states the County Commission has given them the responsibility to make it a streamlined process and get things through as fast as possible. He states that it is a balancing act. Commissioner Borklund states that it is tough because you want to make the developer happy but you also want to make the public happy and it hard to be in the middle. She states that she suspects the tonight the developer was not happy. She states there were so many questions that the only action was to table both items. Mr. Crockett states that he believes it is appropriate to sit down with Director Grover and address the concerns of the Planning Commission. He adds that he is more than happy to bring the concerns to Director Grover. Commissioner Andreotti states that nobody likes to do double the work. Now the items need to be brought back and the developer has to wait longer.

Commissioner Whaley reiterates that it is important for the notices to inform the public if they have questions to contact staff. Mr. Ewert agrees and states that perhaps they can change the verbiage to say "contact staff before the meeting if you have questions" and the notices he used to send out said, "you are hereby invited to observe the Planning Commissions deliberations." Mr. Bell states he now understands the Commissioner's point of view. He states that he also has the perspective of someone who didn't feel like they were getting heard. He felt like he didn't have enough time to get his thoughts together.

Mr. Crockett states that when it comes to the notices it's a process that he is happy to work on. He states that he is going to be mindful that in the legal recommendation. He wants to make sure that the Planning Commission and staff don't go outside their statutory responsibilities. The determination of whether there is going to be more notice is going to be a policy decision and could come through an ordinance change. He states that they have to adopt minimum standards established. He points out that until that happens he advises the Planning Commission and the staff to be mindful that the departments do not go out of their statutory responsibilities, because it would then be their responsibilities and you would accept the consequences. He states that they would then need to apply it fairly. He points out that if they give more notice on one application and less on another they are setting themselves up for a big problem. They can look at the language in the notification, there are specifics that are required by statute, but there is some flexibility as far as how those sentences are crafted. He states that this is where they can enhance clarity.

Commissioner Andreotti states that as the Planning Commission they do the best they can based on the information they have. Commissioner Borklund points out that they have to test the ordinance. Commissioner Andreotti adds that the public does have some input before the mail goes out. Mr. Bell states at this point he just wants to know what is in the code. He can't just sit by and allow others to make the decisions without his input.

Commissioner Whaley states regarding the draft application and the preliminary application. If the developer is submitting a draft application and it goes out the public, what's going to happen is we are going to confuse the issues. If notifications go out they should not go out at draft level. Mr. Crockett states that state law establishes certain things that have they need to have notices sent out, there are certain things that don't need to have notices sent out. He points out that the state sets the floor. It is a difficult balance. Mr. Ewert states that this can be addressed in the staff meeting in the morning.

Mr. Crockett states that regarding page 8 consideration of items. *A ruling of the Chair may be challenged by any member of the Planning Commission present at the time of the meeting. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.*

Mr. Crockett adds that he hasn't seen it happen.

Regarding Procedures and motions, he states that they more like guidelines. He adds that they are very detailed, and when in doubt they can ask legal. The main things to remember is motion, seconded, and have a discussion, make sure the chair states it and call for the vote and ask for the opposed as well. There is a section regarding tie votes and what happens with that. Mr. Crockett states that he has been asked if people can vote by proxy and the answer is no. He also states that you cannot abstain from voting unless there is a conflict of interest.

He states that if there is a question about amending a motion they can refer to page 11 section 5.

*Page 12 motion to reconsider proposes no specific change in the decision but simply proposes that the original question is reopened. It required a majority vote and cannot be reconsidered.* Commissioner Borklund adds that it has to be in the same meeting. Commissioner Willener states that it requires a majority vote just to reconsider.

Commissioner Borklund states that they have had legal in the past ask them to make the motions and then have

the discussion. Mr. Crockett answers that there is a set forth process on page 9 section F A-E it opens it up for a motion, the chair can outline the possible actions, the motion comes, there are certain things that can happen before a second, once there is a second the chair states the motion and then opens it up for a discussion. Mr. Crockett states that he believes these came from Roberts Rules. Commissioner Borklund states that she doesn't like making the motion and then having the discussion. Mr. Crockett states that you can get a lot of discussion through the questions, and there are provisions as far as the Planning Commission having question among each other. Once the motion has been made and the conditions have been set and requirements. He points out there is nothing that prevents them from discussing or debating the issue before the motion. Commissioner Borklund states that it may be good to ask if there is any discussion on the motion before the vote is taken, to make sure everybody understands the motion.

Commissioner Whaley asks how many changes have been made. He suggests that they should highlight the changes made. Can they be made available to the public on the internet?

Commissioner Willener states that it would be good to make the information available for the public to give them a way to educate themselves before they come to the meetings. It would help address a lot of the concerns that are brought before the Planning Commission.

Mr. Crockett states that he knows that the Planning Commissioners take their jobs seriously by the level of input and the discussions.

**WS2. DISCUSSION: Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.**

Mr. Ewert states that he wants to address some of the questions and highlight some of the changes. Mr. Ewert goes over value comparisons. He states that it's not a huge difference in the numbers and he is surprised that developers are making it look like it's a lot more. They are also talking about how they can't put their product on a 9000 sq. ft. lot. He states that even with 50 percent if you configure it right, you should be able to get 3<sup>rd</sup> acre lots. This is perfectly configured square broken down into perfectly configured squares, the real world is not like that. It should at least give them room to play between 9000 and a 3<sup>rd</sup> of an acre to be able to get as many lots as the ordinance allows. Chair Hancock states that there are additional cost savings to them as they cluster. Mr. Ewert states that that is correct and he was going to run that analysis as well and he can run a cost per linear foot of streets with infrastructure sewer and water and look at the difference. He states that what he has found in looking at Weber Counties infrastructure system was we that we are looking at 10 percent less road infrastructure. It wasn't as much they've been sold on. This is because our cluster subdivisions have been saying put these pockets and run a road all the way through them as opposed to have a pocket and run a road through it. Chair Hancock asks if with that savings the 30 percent it would be equal to the standard subdivision. Mr. Ewert asks do we want equal or do we want more, because if it's equal or more then we might lose clusters to standard. Mr. Bell asks with the 50 percent bonus density do you really get 50 percent open space or is it 30 percent with landscaping and trails. Mr. Ewert asks if he means 50 percent agriculture space as opposed to 50 percent in the trail and in parks. Mr. Bell agrees and asks really they only have 30 percent open space, but they get up to 50 percent. Mr. Ewert points out that if they want 50 percent bonus density they have to have 50 percent open space. He states that it is a one for one. One percent bonus and means one percent extra open space.

He states that the math is pretty much the same just a bit more reduced on 50 acres because the lot size stays about standard. Commissioner Heslop asks if his example excludes roads, the right of ways, parking, trees, and landscaping. Mr. Ewert states that it wouldn't exclude the open spaces within the subdivision that has landscaping but it would on the road right of way. Commissioner Heslop asks if there is a 50-acre tract will the average lot acreage remain the same, and where does the landscaping come out of, is it reduced from the number of lots? Mr. Ewert states that with this scenario to keep it as simple as possible, he just pretended that they were dealing with 50 acres without the roads. In this scenario may be the total is 55 acres and 50 acres in developable lot area. He adds that Commissioner Heslop's question emphasizes a few points road configurations is going to cut off access to some lots. They are not going to get perfect configurations, the calculus and the configurations are not going to be perfect in all cases. Commissioner Borklund asks if the topographies are going to matter. Mr. Ewert states yes because no piece of property is equal. He states that fortunately in Western Weber they are not as inhibited as they are in the Ogden Valley. This a way to look at this to see why the developers feel they need the bonus density. Commissioner Willener states that the issue she is having is based on the things they've seen come across. She states that it's great that Mr. Ewert is showing them a 100-acre tract versus a 20-acre tract. She states that they rarely see 100-acre tracts. She points out that they are seeing 10-acre tracts and 20-acre tracts. She states that

they aren't seeing 3<sup>rd</sup> acre lots, they are seeing quarter acre lots or smaller and this is where her concern lies. The bonus density allows for it but when she speaks to people and this with regards to her as well she moved out to Weber County for a bit of elbow room. The elbow room includes the open space, but it also includes the lot size. She states that she doesn't want to be living on top of her neighbor in a quarter acre lot. A 3<sup>rd</sup> of an acre is maybe the border. She points out that they moved off of a 3<sup>rd</sup> acres because they felt it wasn't enough. It's the draw out to Weber County you can say you go out for the agricultural and want the big tracts, but when you start going down to quarter acre lots in order to hit 50 percent bonus density it's too tight. A 3<sup>rd</sup> acre doesn't tract with what is being approved. Mr. Ewert states that he agrees. Chair Hancock states that it may be what the Planning Commission wants, but it may be what the public wants. It might be a someone coming from an apartment looking for a smaller lot.

Commissioner Willener states that when they throw out these numbers in the public meetings and it is said can they go up to 30 percent bonus density versus 50 percent bonus density, 50 percent sound like a big number and it benefits the developer but the reality of what it lays out in terms of land and layout on the land, and the development itself it contributes to the aesthetic. She states that she just doesn't like the arbitrary nature of them throwing out the number 30 percent and if that doesn't make people happy let's say 40 percent. What does that actually mean? Commissioner Hancock agrees and states that that was his next comment. He asks can't it be more defined? Commissioner Borklund asks why the Ogden Valley doesn't allow any bonus density. Mr. Ewert states that they say their max build-out is already too high. They have already allocated way too many development rights. Ogden Valley right now has 4,500 homes give or take since it has come out it's probably closer to 5,000. They have 5,250 on the Weber County side entitled through Snow Basin and 2800 entitled through Powder Mountain and on the Valley floor they have another 4,000. They have between 15,000 and 18,000 rights for homes, and right now they've only built 4800 of them. They agreed that they aren't going to look anything like they do now if they build out 18,000 homes. Mr. Ewert states that he did the math and without septic, it would be between 18,000 and 20,000. If you put a sewer system, it becomes 20,000 to 24,000. He points out that if you look out west 1 sq. mile can fit about 690 or so homes in the A-1 zone under the existing zoning.

Mr. Ewert states that going back to Commissioner Heslop point earlier they may not be able to exclude the roads, he may need to go back and look at the numbers again. He is going to go back and see how they are actually calculating density right now if the roads aren't excluded and that area has to be incorporated all the numbers are going to drop. Commissioner Willener states that trying to balance the large tracts of land versus the smaller bits of open space does it make sense in any way. She points out that they deal primarily with small developments 10 to 20 acres at a time. Is there any reason or motivation that they would take a development that is like a 100 acres and allow something that large to have a 50 percent bonus density but have a smaller ceiling for a 30 percent bonus density for something like a 20-acre tract? This might encourage a developer to buy area and leave larger tracts of land. If there is a motivation to combine tracts and preserve larger land, larger field, farms, and open space, it might accomplish what 5 acre caps are meant to accomplish with the rewrites of the ordinance. She asks if it's a larger development do they allow higher bonus density and if it is a smaller development would they allow a smaller bonus density? Commissioner Parke asks if they need to set a minimum size for the cluster. Mr. Ewert states that right now the way it fleshes out there is a minimum size and it is about 6 acres. It's not specifically stated, but if you run the math and fit as much as possible with 50 percent bonus density it's about acres under the current code. Commissioner Parke points out that they would need to have 20 acres to get the 6 acres with 30 percent and 6 is cutting it close to not being big enough to farm. Mr. Bell states that according to the math Mr. Ewert presented it still incentivizes the developers to go to 30 percent bonus. They would still be making more than a standard subdivision. Commissioner Parke states that if there is a 20-acre minimum for a cluster we might be preserving a piece that can be utilized. Mr. Ewert states that if we do a minimum cluster size they are automatically excluding some of the other tracts of land from clustering and those just become acre lots if that an okay externality then by all means let's do that. There is a possibility that some opportunities will be missed to grab some significant open spaces. Especially if there is a 15-acre subdivision next to a 15-acre subdivision and combined the contiguous area would be more. He asks what if they go with a graduated scale, the bigger and bigger it get the more density the developer gets to a cap. Commissioner Borklund states that she like that idea, but if the developers get a 100 acres are they going to phase it. They need to make sure that each phase has the amenities. Mr. Ewert states that if there is a phasing plan every phase has to have a proportion amount of open space and amenities, so that if none of the other phases happen it can at least stand on its own. Commissioner Parke asks can it be written so it has to be proportional, and contiguous or they have to get the open space done

first. If they are going to develop 20 percent, then they have to dedicate 20 percent of the open space whether it touches that phase or not. Commissioner Willener states that she has some concerns where small tracts are coming in front of the Planning Commission. She states that they can set aside 5 acres or 10 acres in a larger tract. In terms of farming it's not going to be significant enough. If a developer is going to put an investment in, if they have something like a 100-acre tract being able to give them some incentive to preserve large tracts of farmland, not just small pockets. She states that it gives her the balance between the larger open spaces and the community feeling and still offer the elbow room and room to grow. Commissioner Parke states that if they have 10 acres and they want to cluster it with no density. Then they can have their HOA pockets it can be clustered with no density. Mr. Ewert states that what he is hearing is that they want clusters and 10 acre minimums, if they don't have 10 acres then it's just a standard subdivision. He asks at what threshold they want to start graduating up, do they want to graduate per acres. Commissioner Parke states that if they do 20 acres they ought to get 30 percent, 10 acres shouldn't get any just let them recognize the savings in clusters. Mr. Ewert asks if they would be comfortable to allow it to go up to 50 acres, 50 percent open space and 50 percent bonus density. Commissioner Andreotti states that when farmers come in and comment they usually say they want big tracts of land they don't care if the houses are on top of each other. At the end of the day it's not an agriculture area anymore so when the time comes and the 10 or 40 acres turns into weeds and where do they go from there. He feels that in the end it will be filled with houses. He state regarding the smaller tracts and a house on every acre okay with that. He adds that in order to sustain agriculture operations, there is a need to sustain neighborhoods for people to live there. One of the problems the County has now is CAFO's. They are going to be there until the buildout comes they won't be able to take it anymore. He believes that the biggest tracts of land ought to be reserved. Mr. Ewert agrees and states that agriculture is a dying industry. He adds that the response that he wants to give the public when they bring this up is that it is dead if you take that approach. Its dead if they build everywhere. There might be some vertical agriculture in the future possibly in other areas.

He adds that he does like this concept but it needs to be fleshed out. Commissioner Willener states that another thing to think about with the smaller tracts and have 1 acre to 5 acres it's not going to farmable. Most likely people are going to put animals on it, without the large tracts to farm alfalfa and other animal food sources people won't be able to sustain their animals. If there is a graduated way of encouraging large tracts to preserve more space in as tight of an area as possible or the clustering in as tight of an area as possible. This might leave the larger areas available for large-scale farming. She states that she is not comfortable arbitrarily saying 30 percent sounds good until she can see what it does. Commissioner Parke states that with a 20-acre tract at 30 percent you have 6 acres its big enough to farm, below that it's a waste of time. Above that, it should go 30 to 40 to 50 and cap at 50. Mr. Ewert states that he will work on something else because the Ogden Valley they are going to put bonus density back in the cluster, the developer has to buy it. The developer would need to go out to an agricultural farmer and the development rights and put it in. Mr. Bell states that in the further west you go you can't have any more agriculture. He adds that if they are going to go out there and buy open space or agricultural land so they can develop the farmable property it's defeating the purpose. Mr. Ewert states that in that case, they could say they need to buy it within a certain amount of miles from the subdivision that they are in so that the people in that community has the benefit of more open spaces. Commissioner Borklund states that what Mr. Bell is trying to say is that we need to make sure that the land that they are trying to preserve is actually able to sustain agriculture. Commissioner Willener states that it is written in with the soil sampling. Mr. Bell added that when you are talking about transfer rights it has to be like for like. Commissioner Parke states that if Commissioner Andreotti is correct and all the agricultural land does go away and does become residential at least we will have those parcels and there will be somewhere to put a grocery store and school, that wouldn't be available if it's not done in this manner. Commissioner Willener states that in the long run if they have larger tract 30 or 40 years in the future it will be easier to look at a large tract and see the potentials.

Mr. Ewert shows the Planning Commissioners some samples from a developer so that they can get a conceptual idea. Mr. Ewert states that the one thing everybody agrees on is the one-acre lots aren't going to work financially and community wise. Mr. Bell adds that if it's turned into something the developer needs it going to become unsustainable. Mr. Ewert sums up that they are going to stick to open space, bonus density and overall acreage in a graduated scale and the one for one. There will be some limitation and it will cap out. Commissioner Willener asks if it is going to cap out at 50 percent bonus density. Mr. Bell states that they won't be able to get much higher with the 9,000 minimum sq. footage. He adds that if you can get 60 percent bonus density with 60 percent open space and still maintain 9,000 sq. ft., why not do it. Mr. Ewert states that the Ogden Valley requires 60 percent

open space they have a larger minimum lot size but the current discussion is a one for one. They are at 60 percent, not 30 percent the open space requirement would need to be bumped up. He adds that he likes the one for one. Commissioner Parke asks where the one for one would start. Mr. Ewert answers that it would start at 10 acres. Commissioner Parke agrees and adds that up to 10 they shouldn't get any density. Commissioner Borkland adds that they could do a cluster with no bonus density.

Mr. Ewert states that he will work on it and bring back at the public hearing if it's not ready at public hearing it can be tabled and brought back another time until a decision can be made. He that it has to be adopted in within the 180 days and there are developers who are chomping at the bit and the way it's looking they may have to accept their applications under the old code and postpone any kind of review because if it is adopted it has to comply.

Mr. Crockett states that they do have to take them in but it's a wait and see period. If these changes go through they are still entitled to receive review under the old code. If the new the changes don't affect their application the review would be under the new code. He adds that they could a land use regulation prohibiting certain types of applications for a six-month period but it would have to be done under the ordinance.

Mr. Ewert gives a quick overview of changes made in the Cluster subdivision code. He states that on page 6 line 281 it refers to open space developments and standards and ownership regulations. There is a small section about the small open space area within a cluster. He points out that the Ogden Valley had a hard time with what was in the previous proposal. He asks the Planning Commissioners to imagine a cluster and the corner is a park or an area of open space for a trail. The bigger those are the less acreage you have to the big open space parcels. To maximize those open space parcels those should be pretty small if they are within a cluster if they meet the requirements of a large open space parcel anything less than what meets the requirements that are inside of a cluster has to meet certain standards. The Ogden Valley wanted to soften that quite a bit, they aren't as focused on agriculture. They are pro-agriculture but they are more focused on open space. They have less growing time than Western Weber. They are pro-agriculture because it maintains the open space. What the new verbiage on line 281 says is if you have more open space parcels inside of your clusters than you are required by the minimum percentage of a whole. He states that regarding line 298-304 he changed some of the languages to make it clearer and more consistent with the language in the code. It basically says that the large open spaces should be contagious unless prime agriculture land would merit it to be noncontagious. 313-316 states that the contagious open space area shall be no less than 450 ft., this in reference to a previous conversation regarding the three turns of the combine. It gives an out to properties that are configured oddly, that have environmental constraints, or topographic features that merit it difficult to run a combine through it.

Mr. Ewert states 328 is regarding the small open space parcels between lots, basically, it says to make it as small as it can possibly be to facilitate efficient and meaningful use.

Mr. Ewert states regarding the estate lot 5 and a ¼ acre 80 percent of that has to be encumbered by an open space easement to be included as open space, and you could build your house on a building envelope that is closer to the other houses. He adds that he had a request from one of the surveyors who asked why not open it up for anything that is 1 or 2 acres. He states that he did 5 and ¼ because its green belt he thought it would be a benefit and it might not have to be regulated if someone wants to do 2 acres and has 80 percent of that in open space. He asks the Planning Commissioners how they would feel about that a larger parcel and a portion of that is considered open space. It has to be contiguous with the big open space area. The Planning Commissioners agree that they want to see a visual. Mr. Ewert draws them a visual. Commissioner Andreotti asks if that changes the green belt. Mr. Ewert answers that they would not get the benefit of green belt.

Regarding line 441 he states what he would like to see is the open space easement in favor of the County. If it is done under the current code is in order to make changes to the easement there would need to be approval from everyone who has interest in that easement this would include everyone who owns a lot in that subdivision, and the county and the HOA. It makes it too complicated for a changing future. Commissioner Willener asks isn't that redundant? If you have to get approval from the lot owners and the HOA. Mr. Ewert states that in most cases, and there might be some carve-outs. Mr. Crockett asks if Mr. Ewert is referring to the vacation statute. Mr. Ewert answers that no, but the county would have to go through vacation. Mr. Crockett adds that there would have to be a public hearing and they can't vacate anybody's separate interest. Mr. Ewert agrees and adds that every individual that still holds an interest in that open space. Mr. Crockett interjects that if there is no other document giving them that interest they don't have the interest. Mr. Ewert agrees and states that this is a good point because the way it's written states that the plat shall create the interest. The plat can only transfer land from private to public, it can't transfer from private to private. He states that he would rather see this be an open space

easement in favor of the county and then have an open space plan that runs separately. It could be amended from time to time. There wouldn't be a need to amend the whole subdivision plat if it doesn't affect the whole subdivision plat. There wouldn't be a need to get approval from a neighbor if it only affects the individual parcel. A negative aspect of this action is that if the subdivision is approved with glamorous open space plan and those open space parcels are sold off and all them come in with a different idea of what they want to do with their property, they wouldn't otherwise be able to change that in the future without some huge hurdles. Commissioner Willener points out there would be hurdles either way. Mr. Ewert agrees and states that this way they only have to change the open space plan as it relates to their property. He added that he does want the neighbors to hold one another over a barrel if there is a neighborhood dispute.

Mr. Ewert states that he has added some changes in format throughout. He adds that next time it will be scheduled for a hearing. There might be a couple of landowners who submit a PRUD application, they will be entitled to the old PRUD. There might be 2 or 3 cluster subdivisions. There might be the need for a special session. He adds that he will have some sort of solution for the next meeting.

**WS3. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action.** -Postponed

**WS4. DISCUSSION: Modifications to the definition of “Height of Building” and additional clarification regarding standards and regulations governing the height of a building and Public Utility Substation.**

He states that he believes it is ready for public hearing. Regarding cell phone towers, *the disguise shall be designed by a licensed architect and shall replicate natural features found in the natural environment within 1000 ft. such that the average person cannot discern that it is not a natural feature from a distance greater than 200 ft.* Mr. Ewert adds that it was pointed out that this doesn't work with deciduous trees only evergreens.

*If it replicates vegetation it shall be located no greater than 20 feet from, and be no greater than ten feet taller than, three other native plants of the same species. Any proposal for new vegetation intended to satisfy this requirement shall: be located no more than 1000 ft. from the same species naturally occurring in the area; Cluster the new planting around the tower in a natural-appearing manner; and demonstrate sufficient availability of soil nutrients and soil moisture necessary for species survival. A planting that dies shall be replaced no later than fall or spring, whichever comes first, with a plant of equal or greater size as the originally proposed planting.*

*The requirement for the disguise may be waived by the appropriate land use authority in cases where the disguise is inconsistent with existing or future-planned land uses onsite or in the area.*

The concern was what happens if one of the fake trees even if it looks real, what if it gets planted in the middle of a farm field. If it doesn't make sense and it's going to be obnoxious and intrusive. He states that this is an attempt to address these issues.

Commissioner Borklund asks if there has been any pushback from the cell phone companies. Mr. Ewert states that they may not be aware it's happening. There have been public hearings about it. There was a lot of action, they are trying to exempt any regulation of them in any public right of way. The FFC has special rules on cellphone towers they are contemplating changing them to exempt any zoning regulations which would invalidate everything that's being worked on here. The cell industry is very active and it takes a county like us to impose a rule that they don't like and they are upgrading fairly frequently. There is an FFC rule that states that if they are going to upgrade and they are not changing the side scope or the height of the building the county or the jurisdiction cannot require them to submit permits, except electrical, but not building.

**WS5. (Time pending): Continuation of General Plan Review and Training.** -Postponed

**Work session Adjourned-8:10 PM**

Respectfully Submitted,

*Marta Borchert*

**Minutes of the Western Weber Planning Commission meeting of May 8, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.**

**Members Present:** Blake Hancock-Chair  
Jennifer Willener-Vice Chair  
Roger Heslop  
Jannette Borklund

**Members Excused:** Mark Whaley  
John Parke  
Wayne Andreotti

**Staff Present:** Rick Grover, Planning Director; Felix Lleverino, Planner II; Chris Crockett, Legal Counsel

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

**1. Approval of minutes for April 10, 2018 minutes.**

Chair Hancock asks if there are any changes to be made on the minutes for April 10, 2018. Commissioner Heslop states that page 6 it was Commissioner Andreotti who made the comment regarding the cow and the green matter on his car. On the last page under the Directors report the word and was inserted between Chair and Hancock. It should be removed. Chair Hancock asks if there are any other corrections. There are none.

**MOTION:** Chair Hancock motion to approve minutes with noted corrections. Motion carries (4-0)

Chair Hancock turns the time over to Director Grover. Director Grover states item number 2.1 LVC101217 is an administrative item. He states that they don't need to take public comment but they can. He adds that Felix Lleverino will give a quick orientation and the developer will stand up and explain the project. The agriculture preservation plan has changed since last time.

Chair Hancock asks if there is any ex parte communications or conflicts of interest to declare. There is none.

**2. Administrative items**

**2.1 LVC101217- Consideration and action on a request for final approval of Cameron Cove Cluster subdivision, consisting of 27 lots.**

Mr. Lleverino states that this item is being brought back for final approval. It is a cluster subdivision in Western Weber it is in the A-1 zone. Mr. Lleverino gives an overview of the project as listed in the staff report. He asks if the Planning Commissioners have any questions.

Commissioner Willener asks if it has two open space lots and two agriculture preservation lots. Mr. Lleverino answers that every open space parcel is just that an open space parcel, not agricultural. Commissioner Borklund asks regarding the open space lot, can no buildings be built on that? Mr. Lleverino states that there is no plan to put buildings on those lots. Commissioner Borklund asks if a toolshed might be built there if a community garden is put in. Mr. Lleverino states that that is a possibility, with the cluster ordinance it is required that on the open space parcel they build what is called a building envelope and that is where that shed might be placed. Commissioner Borklund states that it would be good to let some buildings be acceptable for example a picnic shelter or buildings of that nature. She adds that the description just says no buildings at all. She just wants to clarify that.



Chair Hancock turns the time over to Mr. Douglas Hamblin to present his application.

Douglas Hamblin 2335 E 2400 N Layton states that as he has gone through the design and tried to figure out the best use for the open space he feels that he has been able to accomplish that. He adds that as far as the residents that will buy there, he believes a community garden will work very well. Parcel B will be a large open space parcel. He adds that with the lot size they have been able to meet the requirements for cluster zone. The plan is to have some nice homes. Commissioner Borklund asks how big the lots will be. Mr. Hamblin states that they are going to be 15,000 sq. ft. or bigger. There will be a 100ft frontage.

Mr. Lleverino states that Mr. Hamblin is requesting final approval of Cameron Cove subdivision. This proposal was granted final approval by the Planning Commission during a meeting that was held on Dec 12, 2017. He states that there were some items added to the plat to make it meet zoning requirements. The first one is the agricultural note. The second one is the public trail easement it runs along the Hooper line. The subdivision proposal is located within the A-1 zone and was reviewed against the uniform land use code of Weber County zoning and the subdivision plat requirements and the cluster subdivision standards. Final subdivision plat requirements have been met by this proposal as well as conforming to site development standards of the Weber County cluster subdivision code. All the lots within this proposal contain an area of 15,000 to 20,000 and ranges in width 65 to 150 ft. he states that before going to the County Commission for final approval the applicant is required to submit a cost estimate for the remaining improvements. The cost estimate will be reviewed by County engineers and approved by the attorney and the County Commission. The Weber County Planning Division recommends final approval of Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is conditioned upon meeting all requirements from the county reviewing agencies and conditions stated in the planning staff report.

Chair Hancock asks if the Planning Commissioners have any questions.

Commissioner Willener states that she would like some clarification in the open space preservation plan it talks about parcel C and D pretty extensively as far as the community garden goes, and it talks about 2 open space parcels. She adds that she sees 4 parcels A, B, C, and D. Parcels C and D are the community garden, and A and B being the private park. She states the A and B aren't necessarily laid out in the open space plan, and there has been discussion in past meeting that parcels A and B would have a landscape plan, and that there would be a private park, and it does talk about the path that would be around parcel B and connect to the trail system. She adds that although it's not specified in the open space plan for parcels A and B, she just wants to make sure they are consistent with what was presented previously. Mr. Lleverino states that parcel B will have the tot lot and for residents within the cluster subdivision, there is also the public trail and the community garden, those are the two amenities they are available to the general public.

Chair Hancock asks if there are any other questions from the Planning Commissioners. There are none.

Chair Hancock opens the public hearing. There is none.

Chair Hancock close the public hearing.

**MOTION:** Commissioner Heslop moves to approve the Cameron Cove Cluster Subdivision consisting of 27 lots. This recommendation is based upon the following conditions as part of the final subdivision requirements the Owner's Dedication shall contain language that grants and conveys easements to the appropriate parties, including showing all stormwater easements leading to the stormwater detention basin. Prior to recording the final plat, the applicant shall establish a Home Owner's Association as described in the LUC §108-3-9 and provide the County a copy to review and approve. The developer shall provide a financial guarantee for all improvements that have not been completed prior to going before the County Commission for final approval as described in LUC § 106-4-3. The recommendation is based on the following findings. The proposed subdivision conforms to the Western Weber General Plan. With the recommended conditions, the proposed subdivision complies with the applicable ordinances. A bonus density of 22 percent was granted during preliminary approval on December 12, 2017. Commissioner Willener seconds. Motion carries (4-0)

**3. Public Comment for Items not on the Agenda-None**

**4. Remarks from Planning Commissioners-** Commissioner Borklund states that perhaps they should have added that the open space plan satisfied what the Planning Commission was looking for, because that's why it was tabled last time. Chair Hancock states that as he had mentioned in the pre-meeting they had a pretty good outline for the agriculture preservation plan. Chair Hancock asks if there are any further questions from the Planning Commissioners. He states that since none of the other Planning Commissioners have any comments he would like to take a few moments and talk about the ordinance and the APA meeting that he had the opportunity to attend. He states that they had some hydroponic farms, and it was an interesting tour to take. It was amazing to see the pipes sticking straight up into the air with holes in it and plants coming out of it. He there was also a culinary school that took a lot of damage from flooding hurricane Katrina and they provided the herbs and vegetables that were used in their school. There were also a few local gardening communities, he adds that he was extremely impressed. one gardening community was a 7-acre parcel that was granted by the city park, and the group it was 60 youth members of the community ages ranging 10-18 years of age that were committed for a year to work on the farm. 20 percent of the children were high achievers 60 percent were average and 20 percent that were at risk. They had to work 9 hours a week 7 of those hours was on Saturdays. They planted, watered, weeded, harvested, and sold the product. They were paid a minimum wage and if they attended and exceeded their goal they got a bonus. He adds that it was amazing to see that in the middle of a city park. He notes that there was another gardening community that was impressive, it was placed in a vacant lot that was unbuildable, they had a raised garden on an elevated growing platforms. It was about 30 ft. long 10 or 12 ft. wide. The plants were growing on rock no soil. They had fish ponds and each family gardens had rabbits and chickens. They grew worms for fertilizer and to feed the fish. They would pump the water out the fish pond take it up to the top of the elevated planters and it would trickle down through the rocks and go back to the fish ponds. He states that he was amazed. Commissioner Borklund asks if there was any information regarding the at-risk youth versus the high achievers. Chair Hancock states that there wasn't but everything was very positive they were given 3 chances and the money was a good motivator. He states that it was an awesome program. He asks if there is are any further comments or questions from the other Planning Commissioners. There are none.

**5. Planning Director Report-** Director Grover states that on May 15<sup>th</sup> and also on May 29<sup>th</sup> at the West Weber Elementary school the Western Weber Visioning follow up open houses will take place at 6pm. Please mark those dates on the calendar. Commissioner Willener asks if the same information will be presented at both meetings. Director Grover states that it won't be the same information, on the 29<sup>th</sup> they will come back with additional information and comments. He notes that they will take the new information and add it to the presentation, and will generate a map and a conceptual plan, it won't be a part of the General Plan but it can be used towards the General Plan when the process begins. He adds that it may instigate some small amendments based on the comments they receive, there might be a need to look a possible text amendments or rezoning.

**6. Remarks from Legal Counsel-None****7. Adjourn to Work Session-5:37pm****WS1. DISCUSSION: A discussion regarding a proposed General Plan map amendment and rezone from M-1 to A-2 for several parcels located at approximately 7900 West 900 South, West Warren, Utah.**

Mr. Lleverino states that he has a proposal to rezone M-1 to A-2 at approximately 7900 West 900 South West Warren, Utah. The intent of this proposal is to extend the A-2 zone. The current acreage is M-1 with the entire Weber County is 1103 acres. This proposal would reduce the area to 838 acres. Commissioner Borklund asks why not bring it all the way to 900 S. St and get rid of the A-1 that is in the middle? Mr. Lleverino answers that that is a great question and that's part of the reason for the presentation at this meeting, to get some feedback.

Chair Hancock states that the applicant John Price may address the Planning Commission.

John Price 400 S 6700 W West Warren states all of the land is being used for agriculture. He adds that as West Warren has grown the map has become outdated. It has become more for residential use. He states that as it sits right now it is limiting him on the uses for his property specifically for future use. He adds that there is no logical use for M-1, he won't be able to sell it to a manufacturer. It would make more sense to make it for residential use. It would be a more beneficial use and most of the neighbors agree and have asked to be added to the application for a zone change.

Commissioner Heslop asks when it was originally classified as M-1. Was it the property owners that originally requested it or was it part of the general service district that some government entity set up and automatically says this is going to be what it is.

Mr. Price states that that is correct they just drew it out because all the property owner have been property owners for years. Nobody would have said they wanted it as M-1, everybody would have preferred it be an A-2 another reason why their children haven't built out there is that they can't handle 5 acres they may only be able to handle 2 acres. He adds that it has prevented a lot of families from staying home on the farm. Not a single one of the neighbors were opposed to the change.

Commissioner Heslop states that as he drove down there along 900 South on the map just above where the 900 is he saw a manufacturing shop or a welding shop.

Mr. Price states that that building it was built in an agriculture zone, and it is located just to the right.

Commissioner Heslop states that he was just concerned about making changes where a business has already established and moved the business out of an area where the owner has already bought into.

Mr. Price states that ironically the only manufacturing owner is located in the agriculture zone.

Commissioner Borklund states that even if they did change the zone on the business owner, it would be his legal right be there, he wouldn't have to move.

Commissioner Heslop asks if it would change his tax bases? Director Grover states that it would most likely change the business owners tax bases if he was in the M-1 zone and it was rezoned to A-3 but this is not the case since he is in an agricultural zone. He adds that typically commercial zones have higher taxes.

Commissioner Borklund asks if this requires an amendment to the plan or does the plan they have an option for this. Mr. Lleverino states that that was something he alluding to, it would require a map amendment and a rezone. Commissioner Borklund asks if it can be done concurrently. Mr. Lleverino states that it can and they are looking at doing some General Plan text amendments as well. He adds that he will go more into detail when he gets further along with the review. Regarding the compatibility with the General Plan, there are a couple things that need to be done. The first one is the zoning map, and the next would be to removing residential uses as a permitted use from the M-1 zone. This would remove that use from every manufacturing zone. Support for this action is in the General Plan, where in the manufacturing section it talks about eliminating permitted single-family uses in all manufacturing zones it is an implementation action found in the General Plan to reduce the potential conflict between residential and agricultural uses and manufacturing uses. Throughout Weber County, it may require new zones or an amendment that specifically states it applies to the West Central Weber County area. He adds that part of the review was looking at different effects the rezone might have. A-2 sharing a boundary line with M-3, currently throughout the county there is almost a buffer. A-2 going to light manufacturing, going to heavy manufacturing. In some portions there is A-3 which is more intensive agriculture that share a boundary directly with heavy manufacturing. This rezone would create a boundary with between A-2 and M-3 which is heavy manufacturing. This is a possible negative result of the rezone. There is a tax base potential M-1 zone has more tax revenue manufacturing properties than for residential. Designating this area as A-2 would open up the land for residential development. This proposal is in line with the desires of the local residents. Arable soil in the area is better suited for agricultural and residential uses. Land further west is more sought after by manufacturing companies due to land price. This was something that was brought up by Mr. Price a manufacturing company wants to come in and buy some land it would be more economical out west where the land is cheaper than in the M-1 zone. Another effect that would occur is the M-1 zone would be reduced from 1103 acres to 838.

Commissioner Willener asks are there other M-1 areas that fall into this consideration and at some point would there be a risk of further reducing M-1, because of somebody's boundary conflict issues? Mr. Lleverino answers that there is another implementation action where it talks about a rezone approximately 20 acres along Union Pacific railroad which is not contiguous to any major manufacturing zones. Some of those items would be covered by public input, it will be a new General Plan including a new General Plan zone map. Commissioner Willener asks if there is going to be a need for M-1 zone. She asks are we going to be shorting ourselves as a community, or is there opportunity to rework. Is there opportunity to regain some of that designation somewhere else.

Commissioner Heslop states that after driving around out there he proposed they take some of the M-3 area that is on the west side of the street that is there. the cattle that are feeding out there at the present time are classified more agriculture than M-3. Mr. Price states that they can still operate in M-3 its cheaper and they can still purchase that land. M-1 land limits what can be done. It's easier and its right next to it. He adds that even though the M-1 ground is being reduced it doesn't reduce the M-1 opportunities. Commissioner Willener states that she

appreciates that explanation. She adds that she just wants to know if it's going to limit the community and making sure that those designations are available at some locations. Commissioner Borklund asks are there lot size differences between A-1 and A-2 and A-3. Mr. Lleverino states that once you get to A-3 there is. It's about 2 acres. Commissioner Borklund states that she is wondering is it should split and have part of it be A-1 and part of it be A-2. She adds that the goal is to keep all the lots in the same zone. Chair Hancock asks if Mr. Price has specific ideas about what to do with the land. Mr. Price states that Barbara Higgs place is under contract, and they want to know that they could eventually build on it, they don't have a set plan. They have a plan they eventually want to be able to develop it. Commissioner Borklund asks if it would be residential. Commissioner Heslop asks if the A-3 zone is already developed. Mr. Price states that the middle section where it U's that where Cliff Bells built all the homes along 7900. He adds that that is what led to wanting the change. Director Grover states that one scenario to keep in mind is thinking about development that's happened along Midland drive, where Wheelwright lumber is. That area is zoned M-2 and the other side of the street there is a recycling facility is zoned M-2. He adds that area is heavy manufacturing very similar to the M-3 Zone. He states that when you start thinking about future uses. How are they going to coexist, and the contextual element integration of the area? If there are residences that build right up to that street and if there is a potential for junk and salvage yards on the other side of the street; it important to think about what is being set up for the community, there if development does come in. It might be what the residents want, but it could set up for what they don't want. He states that it might be good as Mr. Ewert mentioned to look at M-1 on the other side of the street so that a transition is made and then step back in to agriculture. He adds that the step back in a piece needs to be rezoned as viable M-1. A good example of this is on Wall Ave by the American Nutrition there is a commercial area that stays vacant because it's not deep enough to make it viable commercial. If you look at M-1 in the area in question, maintaining an M-1 strip to make a transition it needs to be deep enough to make it viable manufacturing. It might be a smart thing to look at some light manufacturing in the area to make that transition, so that residents don't go up to the road and have the potential for some type of junkyard. Contextual there needs to be sensitivity to how will be fully laid out. Commissioner Heslop asks in the General Plan in the M-3 zone how many acres are involved in the M-3 zone. Mr. Lleverino states that he is not sure. Director Grover adds that they can look up that information for him. Commissioner Heslop states that having driven that road today, along the 100 North St because of the distance it has to be designated as a street. He states there has to be one designated about midway at the start of the subdivisions. That would be consider two blocks as far as the depth of the whole area. If that same designation going along 900 West and designate it as an M-1 zone, there is plenty of area there. He adds that one of the things that concern him is that there is one landowner out there. He came in and his land was designated under agriculture protection not too long ago. Commissioner Borklund asks if manufacturing zone allows for commercial uses. Mr. Ewert states that it does allow some commercial uses. Commissioner Borklund adds that there is not much commercial in that area at all. Commissioner Heslop agrees that there is nothing commercial there at all. Director Grover states that this is something should be looked at down the road. If it's going to be used for manufacturing uses typical there is also a need to look at the commercial uses to see if there are supporting manufacturing uses or if they are taking away from another commercial core that they are trying to create down the road. There should not be a lot of commercial uses in a manufacturing zone. It should not be a combination of both. There are many areas in Weber County that have done that. That is not what should happen here. Commissioner Borklund points out that if there is an industrial park out there and there are 1000 employees they are going to need to go to lunch. Director Grover states that there could be supportive commercial uses such as a gas station, a convenience store, or a restaurant. You don't want a JCPenney for example. It is something to think about. Commissioner Heslop states that his concern is that if the local residents didn't have a voice to label it M-3 to begin with and it was just included as part of the industrial park proposal, then there would be some grounds to take it and say they want it to be agricultural. Everything all the way around it agricultural. Chair Hancock states that that it sticks out like a sore thumb, everything around it is agricultural. Commissioner Willener adds that then there is a narrow strip of residential. Director Grover states that Mr. Lleverino should do an overlay of how the West Weber corridor will be located in this area, so that when it comes before the Commission they can see the relationship. Chair Hancock asks if there are any other comments. Mr. Ewert states that he wants to do a quick recap. He states that number 1 the General Plan states that the little island across from the railroad tracks needs to be rezoned. As a part of this the applicant has been asked to talk to the landowners and see how they feel about it. If they are comfortable with it, it can get done. Number 2 the General Plan also says remove residential uses from manufacturing zones. If it's done in the zone its self, that box can be checked. He adds that there is a bit of clean up and administrative work. If any event

in it becomes consequential to Mr. Prices request, there will be a need to start separating those, so that he can get what he is looking to get.

Chair Hancock states that he hopes that in sharing their opinion, it has given the applicant and staff some ideas or thoughts. Commissioner Willener asks that if in supporting the idea to go to A-2 zone does it preclude any support for doing an A-1 and A-2? Is it still on the table?

Commissioner Heslop Points out this is some of the most established residences that have been there.

Chair Hancock calls to adjourn the meeting

**Adjourned- 6:13 PM**

Respectfully Submitted,

*Marta Borchert*

DRAFT



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden
<b>Agenda Date:</b>	Tuesday, June 12, 2018
<b>Applicant:</b>	Eric Shields
<b>Agent:</b>	Kenton Wall
<b>Type of Decision:</b>	Administrative
<b>File Number:</b>	DR 2018-08

### Property Information

<b>Approximate Address:</b>	2100 N Rulon White Blvd, Ogden
<b>Project Area:</b>	133 acres
<b>Zoning:</b>	M-1
<b>Existing Land Use:</b>	Manufacturing
<b>Proposed Land Use:</b>	Manufacturing
<b>Parcel ID:</b>	19-041-0076
<b>Township, Range, Section:</b>	7N 2W 36 7N 1W 31 6N 2W 01 6N 1W 06

### Adjacent Land Use

<b>North:</b>	Manufacturing	<b>South:</b>	Harrisville City
<b>East:</b>	Pleasant View City/ Harrisville City	<b>West:</b>	Manufacturing

### Staff Information

<b>Report Presenter:</b>	Steve Burton sburton@co.weber.ut.us 801-399-8766
<b>Report Reviewer:</b>	RK

## Applicable Ordinances

- Title 104 (Zones) Chapter 22 Manufacturing (M-1)
- Title 108 (Standards) Chapter 1 (Design Review)
- Title 108 (Standards) Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations)

## Background and Summary

The applicant is seeking approval of a design review application for a warehouse addition to the Kimberly Clark Building located at approximately 2100 N Rulon White Blvd, Ogden. The proposed addition is 164,300 square feet in size and requires Planning Commission approval, as outlined in the Weber County Land Use Code (LUC) Section 108-1-2. The proposed addition is in compliance with the applicable sections of the LUC.

## Analysis

**General Plan:** The proposed use conforms to the Western Weber General Plan by increasing light industrial/ manufacturing uses in the existing industrial areas of the Western Weber planning area. (West Central Weber County General Plan, 2003, Page 2-1).

**Zoning:** Warehouses are a permitted use in the Manufacturing M-1.Zone. The parcel is approximately 133.48 acres, meeting the minimum lot size requirements outlined in LUC §104-22-4. The proposed structure meets the zoning setbacks as described in LUC 104-22-4. The building height of the proposed addition is approximately 44 feet and the zoning maximum height is none.

**Design Review:** The proposed manufacturing use mandates a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of buildings remains orderly and harmonious with the surrounding neighborhood. As part of this review, staff has considered the applicable matters based on the proposed use and imposed conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* The proposal includes hard surface paving for the loading/unloading areas, as shown on the site plan (see Exhibit B). Traffic safety concerns and congestion are not anticipated given the distance from the proposed loading/unloading areas to Rulon White Blvd is approximately 1,000 feet.
- *Considerations relating to outdoor advertising.* The proposed signage will be a wall sign with the company logo that has an area of approximately 127 square feet. The logo will be on 2 sides of the building, as shown on the building elevation (See Exhibit C). The proposed signage is in compliance with the Western Weber Signage Chapter (LUC 110-1).
- *Considerations relating to landscaping.* The site maintains the ten percent landscaping requirement with turf grass and deciduous trees.
- *Considerations relating to buildings and site layout.* The proposed addition will consist of similar colors and materials as the existing building. The structure will maintain the existing manufacturing neighborhood feeling and concept.
- *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant is not proposing any parking within the public utility easements on the lot. The applicant will need to adhere to all conditions of the Engineering Division.

### Staff Recommendation

Staff recommends approval of the design review application for a warehouse addition to the Kimberly Clark building, located at approximately 2100 N Rulon White Blvd, Ogden. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Prior to starting construction, the design review must be approved and a land use permit must be issued.
2. As a requirement of state law (Title 10 Chapter 2, Part 4, Section 402) the adjacent municipalities shall consent in writing to the development; or within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and the county responds in writing to the municipality's objections.

This recommendation is based on the following findings:

1. The proposed use conforms to the Western Weber General Plan.
2. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
3. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
4. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

### Exhibits

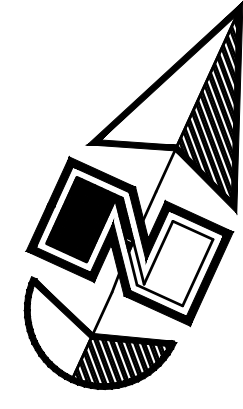
- A. Design Review Application
- B. Site Plan
- C. Building Elevation

# Area Map 1

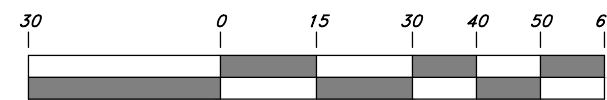




<b>Weber County Design Review Application</b>			
Application submittals will be accepted by appointment only (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed 5-23-18	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) Kimberly-Clark representative Eric Schields		Mailing Address of Property Owner(s) 2010 Rulon White Blvd Ogden, Utah 84404	
Phone 801-786-2245	Fax		
Email Address eschield@kcc.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) Kenton Wall (Big-D Construction Corp )		Mailing Address of Authorized Person 5768 S 1475 W Ogden, Utah 84403	
Phone 801-430-0479	Fax		
Email Address kwall@big-d.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name Kimberly Clark Warehouse Addition		Current Zoning	Total Acreage
Approximate Address 2010 N Rulon White Blvd Weber Industrial Park		Land Serial Number(s)	
Proposed Use Warehouse addition			
Project Narrative 164,300 Sq Ft. Tilt-up Concrete Warehouse addition			



Scale: 1" = 30'



- General Site Notes:
1. Stalls designated as handicap will require a painted handicap symbol and sign. (See Details)
  2. Fire lane markings and signs to be installed as directed by the Fire Marshall.
  3. Aisle markings, directional arrows and stop bars will be painted at each driveway as shown on the plans.
  4. Building sidewalks, ramps, and bollards are building contractor responsible items. See architectural plans.
  5. All dimensions are to back of curb unless otherwise noted.

ALL CONSTRUCTION TO CONFORM TO CITY STANDARDS AND SPECIFICATIONS IN RIGHT OF WAY

### Legend

(Note: All items may not appear on drawing)

- San. Sewer Manhole
- Water Manhole
- Storm Drain Manhole
- Electrical Manhole
- Catch Basins
- East. Fire Hydrant
- Fire Hydrant
- East. Water Valve
- Water Valve
- Sanitary Sewer
- Culinary Water
- Gas Line
- Irrigation Line
- Storm Drain
- Telephone Line
- Secondary Waterline
- Power Line
- Fire Line
- Land Drain
- Power pole w/guy
- Light Pole
- Fence
- Flowline of ditch
- Overhead Power line
- Corrugated Metal Pipe
- Concrete Pipe
- Reinforced Concrete Pipe
- Ductile Iron
- Polyvinyl Chloride
- Top of Asphalt
- Edge of Asphalt
- Centerline
- Flowline
- Finish Floor
- Top of Curb
- Top of Wall
- Top of Walk
- Top of Concrete
- Finish Contour
- Exist. Contour
- Finish Grade
- Exist. Grade
- Ridge Line
- Direction of Flow
- Existing Asphalt
- New Asphalt
- Heavy Duty Asphalt
- Concrete
- Open Face
- Curb & Gutter

Existing Building  
FF=100.00

Proposed Building Addition  
FF=100.00



8 May, 2018

SHEET NO.

**C101**

Exhibit C





# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Public hearing to discuss and take comment on a proposal to amend the following section of Weber County Code: Standards for Detached Single-Family Dwellings (Chapter 108 Title 15) to add standards for single family dwellings with secondary kitchens.
<b>Agenda Date:</b>	Tuesday, June 12, 2018
<b>Applicant:</b>	Weber County Planning Division
<b>File Number:</b>	ZTA 2018-02

### Staff Information

<b>Report Presenter:</b>	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
<b>Report Reviewer:</b>	RG

## Applicable Ordinances

- Weber County Land Use Code, Title 108, Chapter 15 (Standards for Detached Single-Family Dwellings).

## 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. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

The current Uniform Land Use Code of Weber County, Utah (LUC) does not define “Second Kitchen” and does not specify its permissibility in Detached Single-Family Dwellings. A recent change to the County Land Use, Development, and Management Act (H.B. 232) states “If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.” By adding specific standards for more than one kitchen in a detached single family dwelling to the LUC Title 108, Chapter 15, the County will be able to regulate that the secondary kitchen is for the benefit of one family and will not be used to turn a detached single family dwelling into a multi-family dwelling. A detached single family dwelling is defined in LUC §101-1-7 as “a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit”. A single-family is defined as “one or more persons related by blood, marriage, or adoption, plus domestic employees serving on the premises, or a group of not more than four persons who need not be so related, living together as a single nonprofit housekeeping unit”. Detached single family dwellings should only be occupied by a single family unit unless authorized by a conditional use permit for an accessory apartment.

## Policy Analysis

Detached Single-Family Dwellings are considered a permitted use in most zones in Weber County and it is permissible to have more than one kitchen in the dwelling as long as the dwelling is only being occupied by one family unit. Weber County has had a policy of recording a “Second Kitchen Covenant” when a building permit is being issued that has more than one kitchen to ensure that the dwelling will remain a single family dwelling, however, the LUC does not have specific standards for dwellings with more than one kitchen. By adding provisions for detached single-family dwellings with more than one kitchen, Weber County will adhere to H.B. 232 by adding plain language to the LUC to ensure that one family occupies the single-family dwelling with more than one kitchen.

## Conformance to the General Plan

The current one-acre residential zoning dominant in the area is desired, as is the general concept of large lot development. Overall preference is for a continuation of single-family residential development, not high-density development described as apartments or condominiums (see West Central Weber County General Plan Adopted September 23, 2003).

## Past Action on this Item

A public hearing was held and public comment was taken during the May 22, 2018 Ogden Valley Planning Commission Meeting.

## Noticing Compliance

A hearing for this item was published 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 that the Western Weber Planning Commission recommend approval of the text included as Exhibit B and Exhibit C of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.
3. The changes will enhance the general welfare of County residents.

## Exhibits

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

# Exhibit A

## CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

### Sec. 108-15-1. - Codes and standards.

Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD), shall meet all applicable standards and requirements including the International Building Code and those others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data plates.

(Ord. of 1956, § 37-1; Ord. No. 2017-17 , Exh. A, 5-9-2017)

### Sec. 108-15-2. - Other standards and requirements.

In addition to the above, the following standards and requirements shall also be met:

- (1) Single-family dwellings shall:
  - a. Be attached to a site-built permanent foundation which meets all applicable codes; and
  - b. Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
  - c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
  - d. Be permanently connected to all required utilities; and
  - e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.
- (2) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
  - a. Concrete or masonry materials; or
  - b. Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
  - c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (3) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:
  - a. A roof pitch of not less than a 2:12 ratio; and
  - b. Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and

## Exhibit A

- c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all zones, where single family dwellings are permitted, if all of the following requirements are met:
  - a. The dwelling unit shall have only one (1) front entrance.
  - b. The dwelling unit shall have only one (1) address.
  - c. An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental.
  - d. The dwelling unit shall have no more than one (1) electrical meter.
  - e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory or "out" building provided the use and occupancy limitations of this Section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.
  - f. The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that the dwelling unit, including any accessory building, may not be converted into two (2) or more dwelling units unless allowed by and in accordance with applicable provisions of this Title. The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit.
  - g. An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to Title 108 Chapter 19.

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

Sec. 108-15-3. - Exceptions.

The planning director, or his/her designee, may waive any of the above architectural and/or massing standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- (1) Explains his/her agreement to the waiver of any particular standard; and
- (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and/or architectural features.

( Ord. No. 2017-17 , Exh. A, 5-9-2017)

## Exhibit B

### 1 CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

#### 2 Sec. 108-15-1. - Codes and standards.

3 Any structure that is designed to be lived in by one family, and is located outside of a mobile or  
4 manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD),  
5 shall meet all applicable standards and requirements including the International Building Code and those  
6 others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or  
7 manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting  
8 the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and  
9 Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data  
10 plates.

11 (Ord. of 1956, § 37-1; Ord. No. 2017-17 , Exh. A, 5-9-2017)

#### 12 Sec. 108-15-2. - Other standards and requirements.

13 In addition to the above, the following standards and requirements shall also be met:

14 (1) —Single-family dwellings shall:

- 15 a. Be attached to a site-built permanent foundation which meets all applicable codes; and
- 16 b. Have all installation and transportation components, consisting of but not limited to, lifting  
17 shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- 18 c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement,  
19 stucco, Masonite, metal, or vinyl; and
- 20 d. Be permanently connected to all required utilities; and
- 21 e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has  
22 previously been issued a certificate of title, the owner shall follow and meet all applicable  
23 Utah State Code titling provisions that result in the mobile or manufactured home being  
24 converted to an improvement to real property.

25 (2) —Single-family dwellings, except for those located within a mobile or manufactured home park,  
26 camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured  
27 home PRUD, a county approved master planned community, or the Ogden Valley Destination  
28 and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a  
29 crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls  
30 shall be constructed of or faced with the following:

- 31 a. Concrete or masonry materials; or
- 32 b. Weather resistant materials that aesthetically imitate concrete or masonry foundation  
33 materials; or
- 34 c. Materials that are the same as those used on the portion of the dwelling's exterior walls  
35 that enclose and create the habitable space of the dwelling.

36 (3) —Single-family dwellings, except for those located within a mobile or manufactured home park,  
37 camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured  
38 home PRUD, a county approved master planned community, or the Ogden Valley Destination  
39 and Recreation Resort Zone, shall have:

- 40 a. A roof pitch of not less than a 2:12 ratio; and
- 41 b. Eaves that project a distance of not less than one foot as measured from the vertical side  
42 of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or  
43 other similar architectural cantilevers; and



Exhibit B

44 c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is  
45 determined by identifying the lesser of two dimensions when comparing a front elevation to  
46 a side elevation.

47 (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all  
48 zones, where single family dwellings are permitted, if all of the following requirements are met:

**Commented [K1]:** The Planning Director added the language due to some zones not allowing single family dwellings

49 a. The dwelling unit shall have only one (1) front entrance.

50 b. The dwelling unit shall have only one (1) address.

51 c. An interior access shall be maintained to all parts of the dwelling unit to assure that an  
52 accessory apartment is not created. ~~There shall be no keyed or dead bolt locks, or other~~  
53 ~~manner of limiting or restricting access from the additional kitchen(s) to the remainder of~~  
54 ~~the dwelling unit. No portion of the single family dwelling shall be locked off for the purpose of~~  
55 ~~rental.~~

**Commented [K2]:** The OVPC modified the additional language which will allow the property owner the freedom to lock their home as they wished and put in language that made it clear what the restriction is and why.

56 d. The dwelling unit shall have no more than one (1) electrical meter.

57 e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an  
58 accessory or "out" building provided the use and occupancy limitations of this Section are met  
59 and no second dwelling unit or accessory apartment is established in the primary or accessory  
60 buildings.

61 f. The dwelling unit owner shall sign a notarized ~~agreement~~ covenant to run with the land, as  
62 prescribed by Weber County, which provides that the dwelling unit, including any accessory  
63 building, may not be converted into two (2) or more dwelling units unless allowed by and in  
64 accordance with applicable provisions of this Title. The document shall be recorded with the  
65 Weber County Recorder's Office prior to issuance of a building permit.

**Commented [K3]:** The County Attorney modified agreement to covenant due to being consistent with what we are having signed.

66 g. An additional kitchen shall not be established in a one-family dwelling unit which contains an  
67 accessory apartment, whether or not such apartment was established pursuant to Title 108  
68 Chapter 19. ~~19.~~

70 (Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

71 Sec. 108-15-3. - Exceptions.

72 The planning director, or his/her designee, may waive any of the above architectural and/or massing  
73 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

74 (1) Explains his/her agreement to the waiver of any particular standard; and

## Exhibit B

75 (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered  
76 architecturally compatible with the surrounding neighborhood due to the integration and use of  
77 compensating materials and/or architectural features.

78 ( Ord. No. 2017-17 , Exh. A, 5-9-2017)



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action on ZTA 2018-01, a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

Consideration and action on ZTA 2018-02 a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning

**Agenda Date:** Tuesday, June 12, 2018

**Applicant:** John Price

**File Number:** ZTA 2018-01, ZTA 2018-02

### Property Information

**Approximate Address:** 7900 West 900 South

**Project Area:** 356.83 Acres

**Zoning:** The area is currently Manufacturing (M-1) and the proposed area will become Agricultural (A-2) Zoning. Including an area that is currently A-3 that is proposed to become A-2 zoning.

**Existing Land Use:** Agricultural/Residential

**Proposed Land Use:** Agricultural/Residential

**Parcel ID:** 10-037-0009, 10-037-0010, 10-037-0032, 10-037-0037, 10-037-0041, 10-037-0042, 10-043-0010, 10-066-0001. 10-048-0027, 10-048-0029.

**Township, Range, Section:** T6N, R3W, Sections 15, 22

### Adjacent Land Use

<b>North:</b> Residential/Agricultural	<b>South:</b> Residential/Agricultural
<b>East:</b> Residential/Agricultural	<b>West:</b> Residential/Agricultural

### Staff Information

**Report Presenter:** Felix Lleverino  
 flleverino@co.weber.ut.us  
 801-399-8767

**Report Reviewer:** CE

## Applicable Ordinances

1. Title 102, Chapter 5 (Rezone Procedures)
2. Title 104, Chapter 7 (Agricultural A-2)
3. Title 104, Chapter 8 (Agricultural A-3)
4. Title 104, Chapter 22 (Manufacturing M-1)

## Proposal History

This proposal was presented before the Western Weber Planning Commission as a Work Session Item on the evening of Tuesday, May 8, 2018. In that meeting, it was stated by a member of the commission to include a 56.89-acre parcel that is on the south side of 900 South Street with this proposal to prevent negative effects that may impact residential uses.

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

## Background

The applicant is requesting approval to rezone property located at approximately 7900 West 900 South (In West Warren Area) from its existing Manufacturing (M-1) Zone to the Agricultural (A-2) Zone. This proposal also includes a proposal to amend the Weber Central Weber General Plan Map (see exhibits B and C). The landowners in the area have expressed agreement with the rezone for circumstances that include the desire to create a zoning area that is representative of the current land uses and the future land uses that the owners wish to pursue.

The Weber County Planning Division recommends text amendments to pages 2-2, 2-6, and 2-15 of the General plan regarding the total acreage of M-1 area, and the verbiage related to allowing residential uses within the M-1 Zone. Further, the planning staff recommends a text amendment to the Uniform Land Use Code of Weber County, Utah (LUC) LUC §104-22-2 (47) to remove single-family dwelling as a permitted use within M-1 Zone as currently recommended by the general plan

The current land area that is designated as M-1 zoning amounts to 1103.24 acres. The area that is proposed to be rezoned amounts to 356.83 acres. Thereby reducing M-1 total area to 746.41 acres.

This application also includes a proposal to rezone a 15.75-acre parcel from A-3 to A-2 (see the Area Map and Exhibit C). The applicant is requesting this rezone for the purpose of providing an area that will be developed as part of a future cluster subdivision.

The current land area that is designated as A-3 zoning amounts to 12,382.05 acres. The area that is proposed to be rezoned amounts to 15.75 acres. Thereby reducing A-3's total area to 12,366.3 acres.

## Summary of Planning Commission Considerations

Section 102-5-3 (Approval criteria) of the Weber County Land Use Code states:

*“To promote compatibility and stability in zoning and appropriate development of property within Weber County, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety, and welfare of Weber County and the purposes of this Ordinance. The Planning Commission and the County Commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the General Plan, surrounding land uses, and impacts on the surrounding area. The Commissions will consider whether the proposed development and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare.”*

In order to explain how the proposal meets these criteria, the County's Land Use Code requires that the applicant provide answers to the following questions in addition to a narrative that explains the project vision:

1. *How is the change in compliance with the General Plan?*
2. *Why should the present zoning be changed to allow this proposal?*
3. *How is the change in the public interest?*
4. *What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?*
5. *How does this proposal promote the health, safety, and welfare of the inhabitants of Weber County?*

The applicant has provided a brief narrative describing the project vision and answers addressing these five questions (See Exhibit A for Narrative and information related to the above questions). The planning staff has visited the site and reviewed the application in order to determine whether or not this rezone request meets the criteria. The following determinations have been made:

### **1. How is the change in compliance with the General Plan?**

This proposal will not change the current development plan for this area, as the current residents in the area have plans to develop the land in a manner is more consistent with A-2 zoning.

### **2. Why should the present zoning be changed to allow this proposal?**

The uses in this area have remained consistently residential and agricultural since M-1 Zoning was enacted.

### **3. How is the change in the public interest?**

The planning staff has determined that the rezone request is in the public interest for the following reasons:

- Current uses within this area are more consistent with A-2 zoning.
- Following approval of a text amendment to the General Plan and the Land Use Code to remove single-family dwelling as a permitted use within the M-1 zone and to avoid non-conforming uses within the M-1 zone, this rezone is in the public interest.

### **4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?**

Since the West Central Weber General Plan was adopted the uses have remained residential and agricultural. The landowners are not interested in pursuing manufacturing-related activities.

### **5. How does this proposal promote the health, safety, and welfare of the inhabitants of Weber County?**

The planning staff has determined that this rezone request promotes the health, safety, and welfare of the inhabitants of Weber County in the following ways:

- Rezoning of this area will remove the possibility of light manufacturing being pursued in close proximity to agricultural and residential uses.
- A rezone would allow for residential uses to be enhanced and give the owners an opportunity to expand residential uses.
- The rezone would protect residents from nuisances that could result from manufacturing uses.

## **Staff Recommendation**

Staff recommends approval of ZTA 2018-01, a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

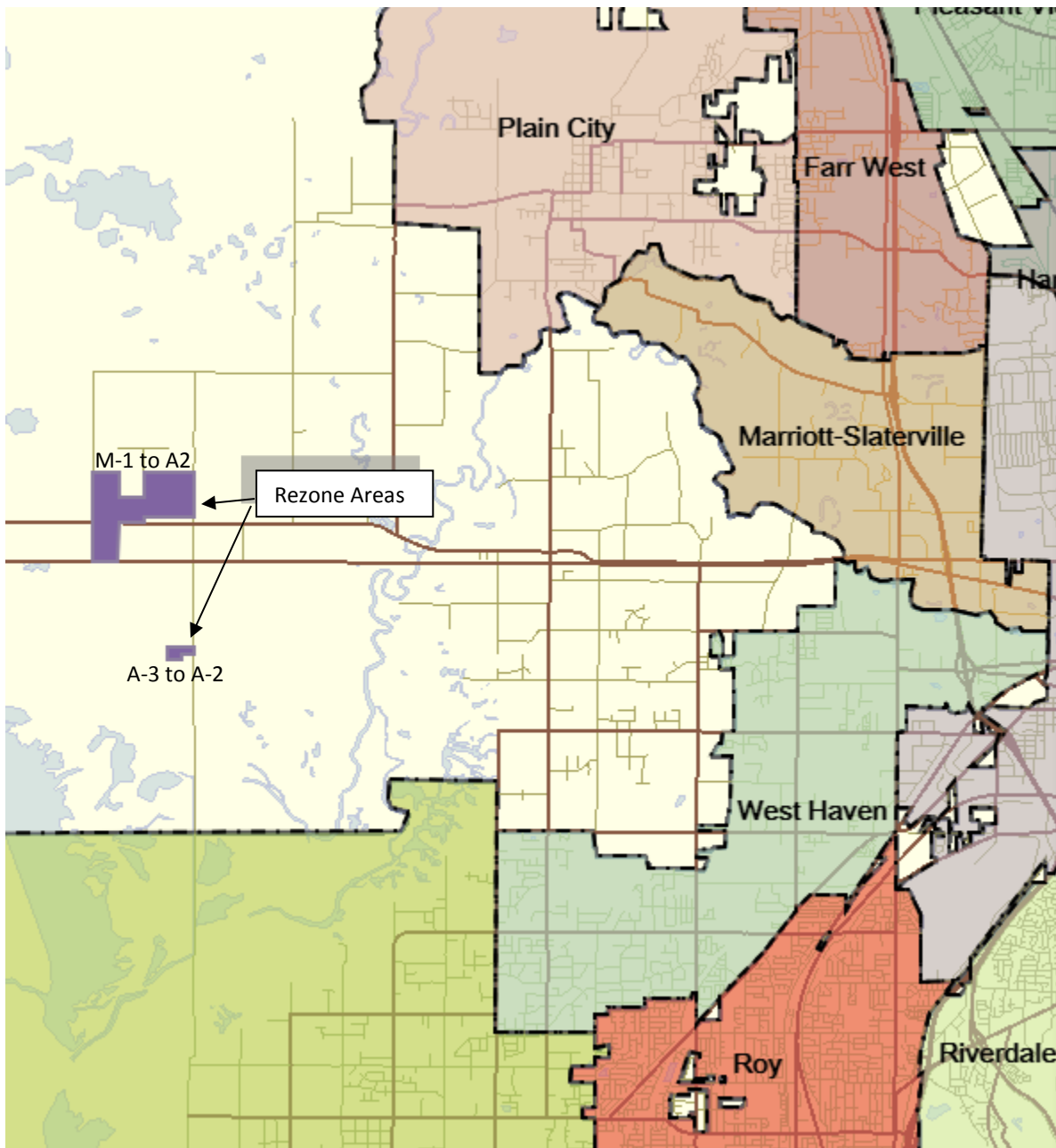
Staff recommends approval of ZTA 2018-02, a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning. This recommendation is based on the following conditions:

5. The legal description of the rezone areas must be provided.

## **Exhibits**

- A. Application and project narrative
- B. General Plan Zoning Map
- C. General Plan Zoning Map Amendment
- D. Future Land Use Map
- E. Future Land Use Map Amendment
- F. General Plan Text Amendments
- G. Land Use Code Text Amendment

Map 1



Weber County Zoning Map Amendment Application		
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401		
Date Submitted	Received By (Office Use)	Added to Map (Office Use)
<b>Property Owner Contact Information</b>		
Name of Property Owner(s) <i>JP Farm + Ranch Randy Giordano Barbara Hogg</i>		Mailing Address of Property Owner(s) <i>400 S. 6700 W West Warren 84404</i>
Phone <i>801-391-7169</i>	Fax	
Email Address <i>jprice-4@hotmail.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>		
Name of Person Authorized to Represent the Property Owner(s) <i>John Price</i>		Mailing Address of Authorized Person <i>400 S. 6700 W Ogden UT 84404</i>
Phone <i>801-391-7169</i>	Fax	
Email Address <i>jprice-4@hotmail.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>		
Project Name	Current Zoning <i>M-1</i>	Proposed Zoning <i>A-1 or A-2</i>
Approximate Address <i>650 S. 7900 W. Ogden 84404</i>	Land Serial Number(s) <i>100370030 100370014 100370004 100370028 100370013 100370009 100370011</i>	
Total Acreage <i>140</i>	Current Use <i>Farm/Residential</i>	Proposed Use <i>Farm/Residential</i>
<b>Project Narrative</b>		
Describing the project vision.  <i>Desire to change our M-1 zoning to A-1 or A-2. Currently there is far greater advantage for us having A-1 or A-2. There is no realistic opportunity for Manufacturing to ever purchase our property.</i>		

**Project Narrative (continued...)**

How is the change in compliance with the General Plan?

change Doesn't change any opportunity for manufacturing growth.

Why should the present zoning be changed to allow this proposal?

Current zoning has no logical reason for this particular M-1 location. It would be far better for county and property owners to have this in A-1 or A-2. Also all current residents in community are in favor of this change.



Project Narrative (continued...)

How is the change in the public interest?

This provides a buffer from manufacturing being put in the middle of residential areas.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

More desire for Residential Development.

**Project Narrative (continued...)**

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

*Helps keep residents home selves and safety.*

**Property Owner Affidavit**

I (We), *John Price, Randy Gordon, Barbara Higgins* depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

*[Signature]*  
(Property Owner)

*[Signature]*  
(Property Owner)

*[Signature]*

Subscribed and sworn to me this *28* day of *March*, 20*18*

*[Signature]*

(Notary)



**Authorized Representative Affidavit**

I (We), Randy Gordon Barbara Higgs, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Julia Price, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

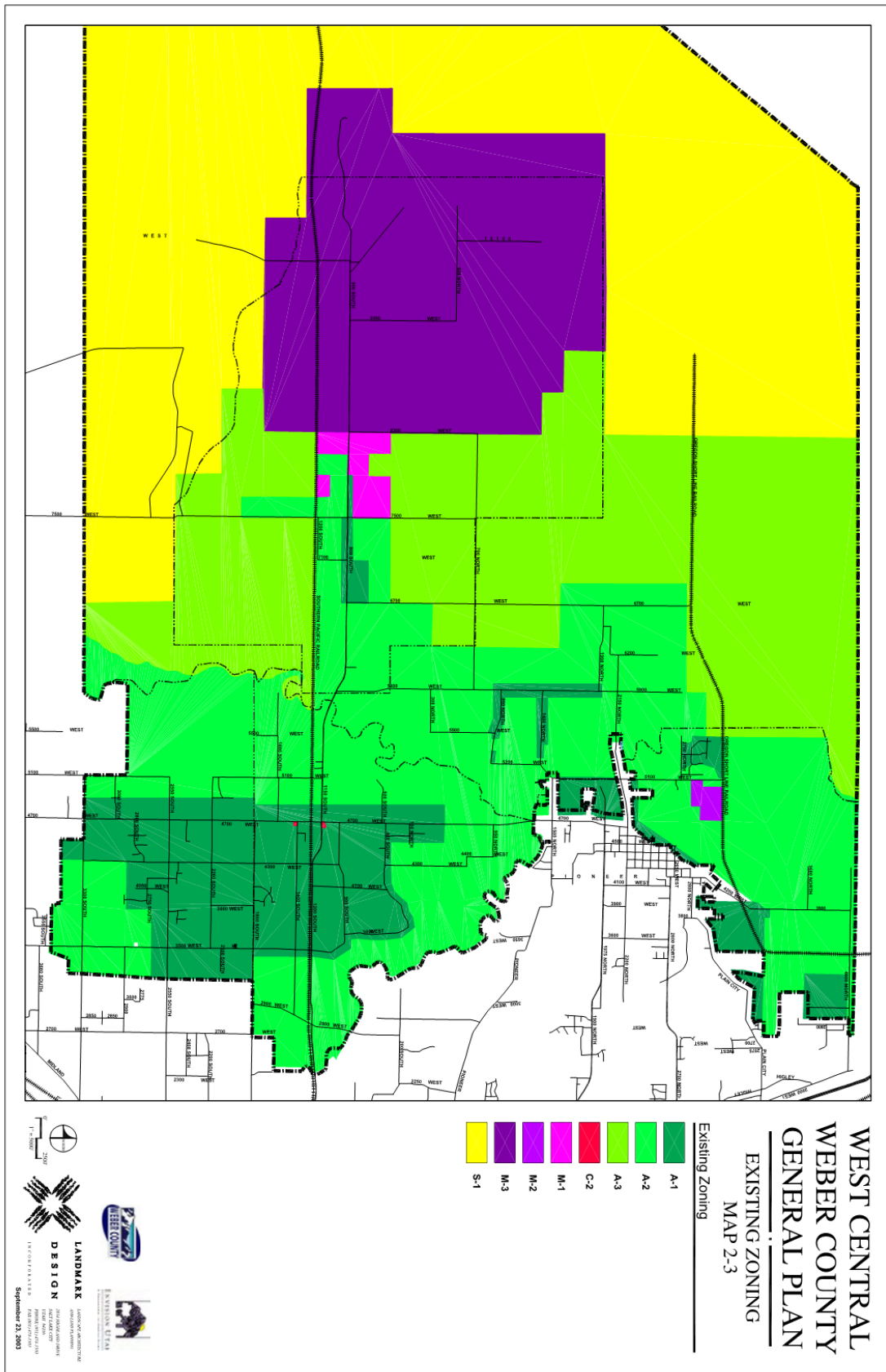
[Signature]  
(Property Owner)

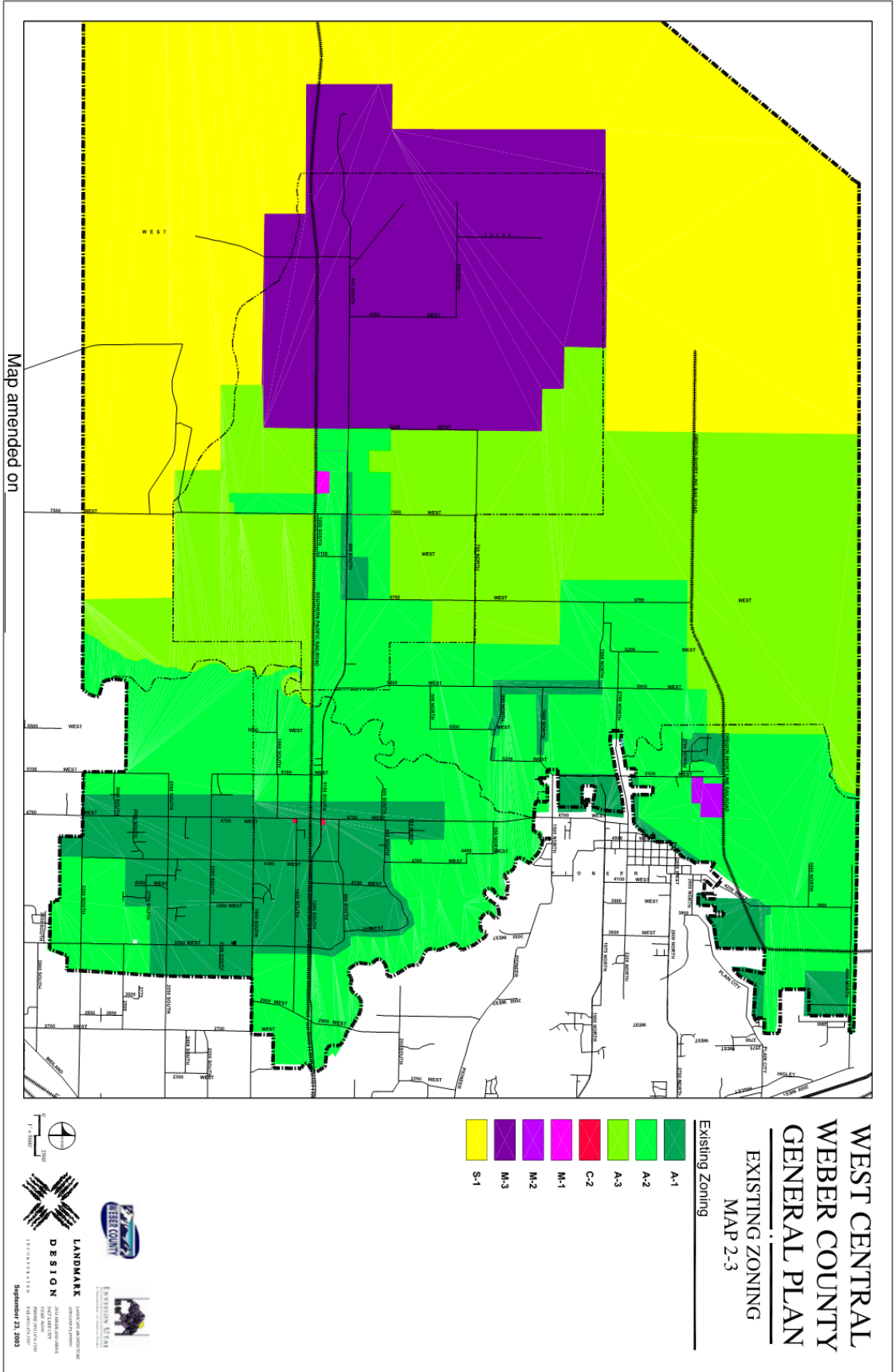
[Signature]  
(Property Owner)

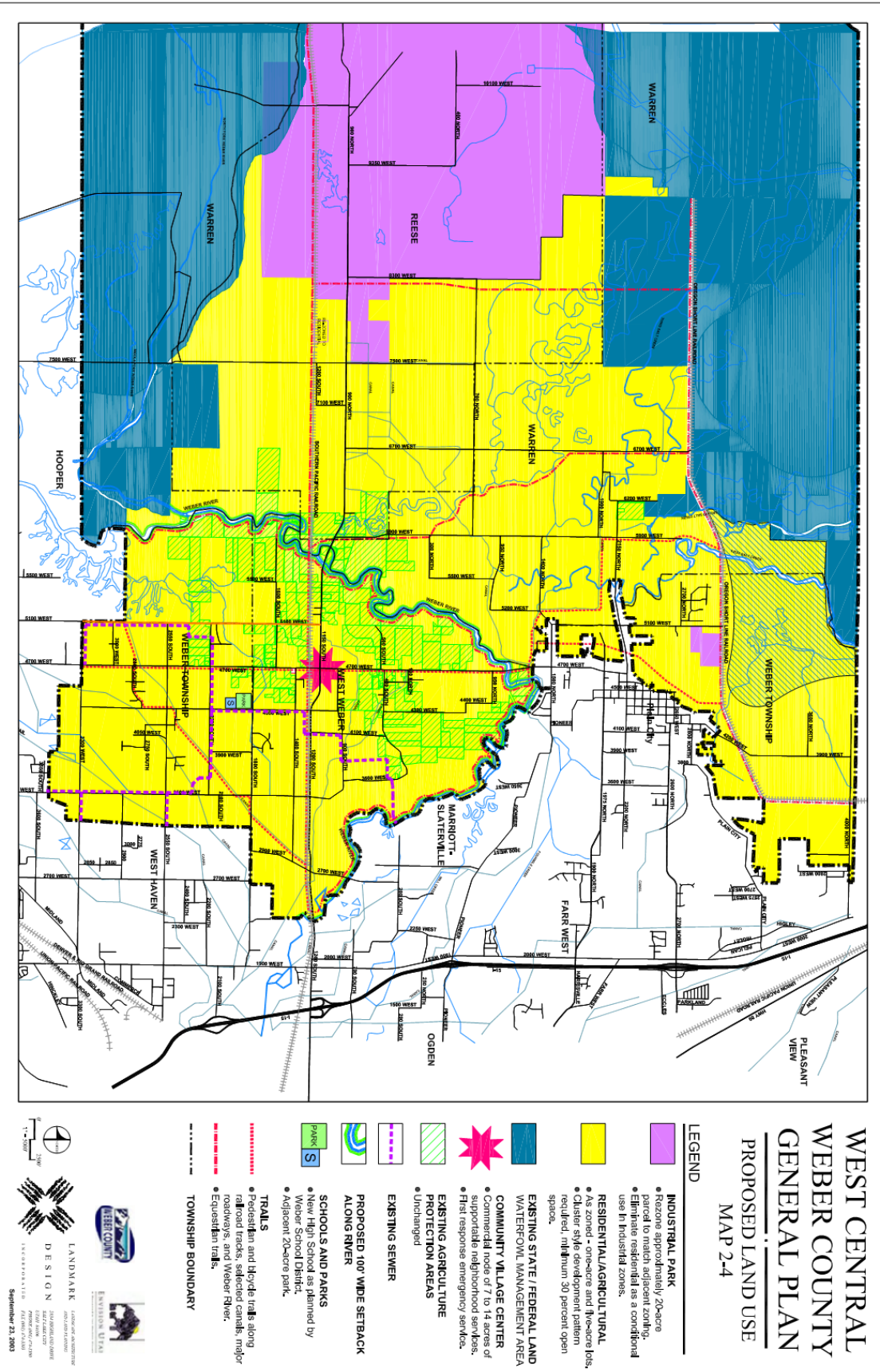
Dated this 23 day of March, 2018, personally appeared before me \_\_\_\_\_, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

[Signature]  
(Notary)









# WEST CENTRAL WEBER COUNTY GENERAL PLAN PROPOSED LAND USE MAP 2-4

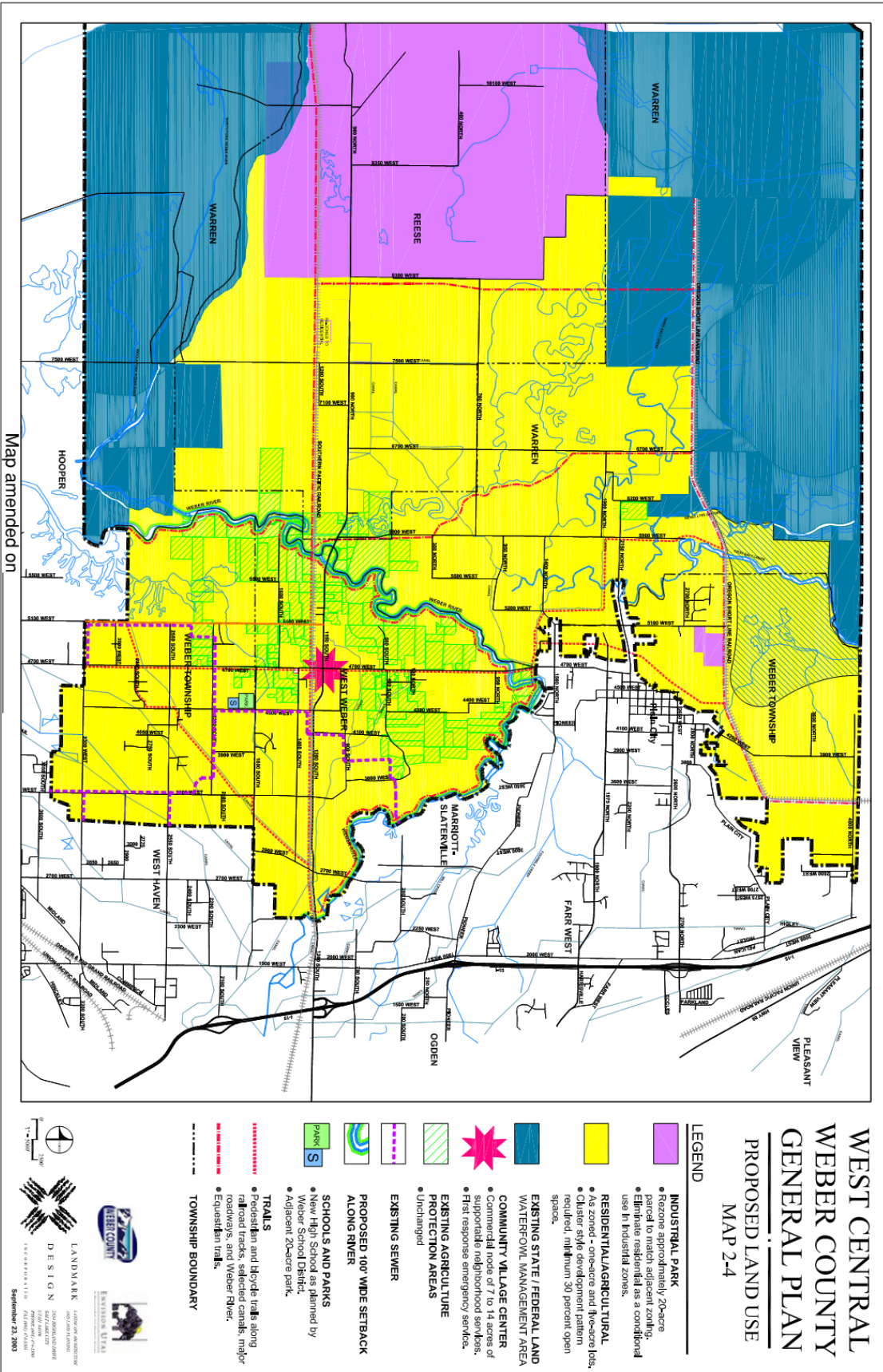
## LEGEND

- INDUSTRIAL PARK**
  - Rezone approximately 20-acre parcel to match adjacent zoning.
  - Eliminate residential as a conditional use in Industrial zones.
- RESIDENTIAL/AGRICULTURAL**
  - As zoned - one-acre and five-acre lots.
  - Cluster style development pattern required; minimum 30 percent open space.
- EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA**
  - COMMUNITY VILLAGE CENTER
    - Commercial node of 7 to 14 acres of supportable neighborhood services.
    - First response emergency services.
- EXISTING AGRICULTURE PROTECTION AREAS**
  - Unchanged
- EXISTING SEWER**
- PROPOSED 100' WIDE SETBACK ALONG RIVER**
- SCHOOLS AND PARKS**
  - New High School as planned by Weber School District.
  - Adjacent 20-acre park.
- TRAILS**
  - Revestian and bicycle trails along railroad tracks selected canals, major roadways, and Weber River.
  - Equestrian trails.
- TOWNSHIP BOUNDARY**

LANDMARK DESIGN  
CORPORATION  
1000 WEST MAIN STREET  
SALT LAKE CITY, UT 84119  
TEL: 801.462.1232  
FAX: 801.462.1233  
WWW.LANDMARKDESIGN.COM

WEBER COUNTY  
100 WEST MAIN STREET  
SALT LAKE CITY, UT 84119  
TEL: 801.462.1232  
FAX: 801.462.1233  
WWW.WEBERCOUNTY.UT.GOV

September 21, 2009



**LANDMARK DESIGN**  
1000 WEST 1000 SOUTH  
ST. GEORGE, UT 84770  
PHONE: 435.633.1234  
FAX: 435.633.1235  
SEPTEMBER 21, 2009

**WEBER COUNTY**

**PLANNING & DESIGN**

**West Central Weber County General Plan**

Table 2-1, indicates the various land uses within West Central Weber County and the approximate number of acres allocated to each. In the case of the mixed residential/agricultural land mentioned above, only a one-acre site where the residence actually occurs is recorded as residential. The remaining parcel is counted as agricultural. Land uses are shown on Map 2-1 – Existing Land Use.

**Table 2-1  
Land Use Categories, Sizes, and Percent of Total**

Land Use Category	Acres	Percent of Total Acres
Residential	2,839.00	.029%
Commercial	2.72	.000027%
Manufacturing	<del>20,225.00</del> 19,868.00	<del>.21%</del> .20%
Institutional	39.50	.000394%
Parks and Recreation	5.75	.000058%
Agricultural	<del>28,116.00</del> 28,473.00	<del>.29%</del> .30%
Public Lands	44,682.00	.45%
Public Utilities	14.06	.0001422%
Other	<u>2,886.00</u>	<u>.029%</u>
Total	98,824.00 (rounded)	100%

**Residential Uses**

Currently, there are 1318 single-family residential units. This includes 2 duplexes and 28 manufactured housing units, one of which is a single wide mobile home.

**Housing Condition**

During the “wind shield” survey completed by Weber County Planning Staff for the land use inventory, housing condition information was also gathered. Three categories were used: good, average and poor. Detailed or interior inspections were not completed, however certain criteria were set for determining the housing condition from frontal, exterior observation. The criteria for each category and the percent of housing in each category are shown in Table 2-2, which follows.





and do not assure that the land will remain in agricultural uses, thus they do not afford the protection of open spaces that a conservation easement or larger lot zoning would.

**Commercial Zone**

The only commercial properties in the area are zoned C-2 General Commercial. The C-2 zone allows for most commercial uses including those that require large structures, whereas the C-1 commercial zone is intended more for neighborhood service-type uses. There are currently two parcels located along 4700 South that are zoned general commercial (C-2).

**Manufacturing Zones**

In which, there are

Three manufacturing zones occur in the area. ~~Residential uses are permitted in all manufacturing zones on a minimum 5-acre parcel.~~ Some retail and wholesale operations may also be permitted. The M-1 zone is intended for light manufacturing uses such as packaging and packing, assembly, warehousing, and other light intensity manufacturing uses.

The M-2 zone provides suitable areas for heavy manufacturing and extractive industries. These industries may require the use or storage of combustible materials and/or other materials that may be considered hazardous to the general public.

The M-3 zone is the largest industrial zone in the West Central Weber County area and includes the industrial park in the vicinity of Little Mountain. It is also a heavy industrial area for uses related to testing and production of aeronautic equipment and the extraction of raw materials; however, the evaporation ponds for salt extraction are not included in the M-3 zone.

**Shorelines Zone**

The S-1 zone appears primarily in the Warren Township area, and defines lands used for agriculture and recreation. Its objectives are to promote land for agriculture, wildlife and recreation, conserve water and other natural resources, reduce flood and fire hazards, and preserve open spaces and natural vegetation. The minimum parcel size is five acres, which does allow for single-family residential dwellings. Significant portions of S-1 zoned lands occur on publicly owned land that is managed for wildlife habitat.

**Land Use and Zoning Summary**

Land use and zoning are generally consistent, so there are few non-conforming uses in the area. However, there are several zoning designations that do not meet the expectations and vision for the area.

- There is little in current zoning that provides protection of the rural quality and character of the area. The dominant minimum one-acre zoning is not consistent with the primary interest of preservation of rural character and open space, and there is no community interest in down-zoning to 20-acre, 40-acre, or even larger lots.
- The commercial zoning is C-2, which allows for large commercial uses. The C-1 zone may be more appropriate for the scale of development envisioned by most residents of the area.
- The industrial areas allow residential development on five-acre lots. Residential uses are not compatible with industrial uses, thus they should not be allowed in industrial/manufacturing zones.

***Dedication to County***

- Open space is dedicated to the County.
- Ownership and management of open space shifts to County.
- County may develop as public open space, i.e. natural park, developed park, combination natural and developed, equestrian park, etc.
- County may lease or sell open space for agricultural purposes, wildlife management, etc. but not for other development.
- County may retain for sale one development right (one estate property) if over 20 acres in size, with conservation easement.
- Conservation easement is retained by a holding agency (County, conservation organization, etc.)

***Commercial Land Use***

By the year 2020, the area can support somewhere between 7 and 14 acres (50,000 to 94,000 square feet) of retail commercial, neighborhood services. A commercial node, formed at the intersection of 1200 South and 4700 West, includes mixed-use retail, small offices and community services such as a First Response medical unit. The commercial node may begin to serve as a "community" or "village" center for the area. Residential uses such as condominiums, apartments, or senior living units are not included in the area.

Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.

***Policy: Commercial Development***

Direct new commercial development to contiguous parcels at the intersection of 1200 South and 4700 West. To accommodate approximately 50,000 to 94,000 square feet of retail space, a maximum of 15 acres of commercial development is permitted.

*Implementation Action:* As new commercial development is proposed, properties should be rezoned to C-1.

*Implementation Action:* Rezone the existing C-2 properties to C-1.

***Manufacturing Land Use***

The existing manufacturing zones in the West Central Weber County amount to just ~~over~~ <sup>under</sup> 20,000 acres, and have the potential to provide additional tax base as new development occurs in the future. The current amount of property zoned for manufacturing (M-1, M-2, and M-3) is adequate and should be maintained and reserved for manufacturing uses.

***Policy: Industrial Development***

Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.

*Implementation Action:* Eliminate permitted single-family residential uses in all manufacturing zones in this area to reduce potential conflicts between residential and agricultural uses, and manufacturing uses. If this is not consistent throughout Weber

## **West Central Weber County General Plan**

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County, it may require new zones or an amendment that specifically states it applies to the West Central Weber County area.

*Implementation Action:* Rezone approximately 20 acres along the Union Pacific Railroad, which is not contiguous to the existing major manufacturing zone, currently zoned M-1 to A-2 or A-3. This eliminates an isolated manufacturing parcel that is surrounded by property zoned A-2 or A-3.

*Implementation Action:* Improve access to the existing industrial area by improving 1200 South Street or developing an additional access road.

### **Agricultural Protection and Preservation**

Agricultural preservation areas shall be retained as they currently exist.

#### **Policy: Agricultural Protection**

Encourage property owners who are engaged in agricultural production and business to expand agricultural protection areas whenever possible, and encourage additional property owners to commit their property to agricultural protection.

#### **Policy: Agricultural Preservation**

Encourage farmers to sell development density to developers interested in developing at higher densities near developing sewer infrastructure. Work with property owners and Utah Open Lands, The Nature Conservancy, or other conservation organization toward obtaining conservation easements or other agreements that permanently preserve agricultural lands into active production.

### **Trails**

Bicycle and pedestrian trails are indicated along the major roads, along the Oregon Short Line and Southern Pacific railroad tracks, along selected canals, and adjacent to the Weber River. With the exception of trails indicated along major roads, trails are as recommended by the Weber Pathways Committee. An equestrian trail loop system, which links to the Oregon Short Line and utilizes the South Pacific right-of-way is indicated.

#### **Policy: Off-street Bicycle and Pedestrian Paths**

Trails are highly desired amenities for communities. As primary roads are improved, separated bicycle and pedestrian trails should be included. The community is rural and does not have sidewalks, so it is important to provide safe paths for children going to and from school, and for the enjoyment of residents and the many others who bicycle and walk in the area.

*Implementation Action:* Work with Weber Pathways Committee, UDOT, property owners, local transportation agencies, and others affected to identify an alignment for trails and to secure funding for trails development. Coordinate with adjacent communities and their trail development plans. Typical separated multi-purpose, paved and un-paved trail cross-sections follow.

**Sec. 104-22-2. - Permitted uses.**

The following uses are permitted in the Manufacturing Zone M-1:

(47) ~~Single family dwelling.~~

**Sec. 104-22-4. - Site development standards.**

The following site development standards shall apply to the Manufacturing Zone M-1:

(1) *Minimum lot area.*

a. None if connected to a public sewer; 20,000 square feet otherwise.

~~b. Single family dwellings shall require five acres.~~

(2) *Minimum lot width:* 100 feet.

(3) *Minimum yard setbacks.*

a. Front: 30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width.

b. Side: None except 20 feet where adjacent to a residential zone boundary and a side yard facing a street on a corner lot, ~~and for single family dwelling.~~

c. Rear: None, except 20 feet where building rears on a residential zone ~~and 30 feet for single family dwellings.~~

(4) *Building height.*

a. Minimum: one story.

b. Maximum: none.

c. Maximum: none.

(5) *Lot coverage.* Not over 80 percent of lot area by buildings.

1 PART II – LAND USE CODE

2 ...

3 Title 101 – GENERAL PROVISIONS

4 ...

5 Sec. 101-1-7. – Definitions.

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its  
8 height below grade. The portion below the natural grade shall not be counted as part of the building  
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For  
11 development types that permit a reduced lot area than otherwise provided by the zone, the base  
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum  
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan  
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.  
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =  
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied  
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to  
19 travelers, and where one or more meals are provided by the host family, the price of which may be  
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where  
23 care, protection, and supervision are provided to no more than eight children at one time, including the  
24 caregiver's children under six years of age.

25 *Density, base.* ~~See "base density." The term "base density" means the number of dwelling units~~  
26 ~~allowed in an area. For development types that permit a reduced lot area than otherwise provided by~~  
27 ~~the zone, the base density shall be calculated as the net developable acreage, as defined herein,~~  
28 ~~divided by the minimum lot area of the zone, except when a greater area would otherwise be required~~  
29 ~~by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the~~  
30 ~~greater area shall be used. This calculation can be observed by this formula: ((net developable~~  
31 ~~acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the~~  
32 ~~nearest whole dwelling unit.~~

33 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term  
34 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,  
35 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),  
36 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,  
37 accessory dwelling units, and all or any portion of any other residential use, with separate or common  
38 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be  
39 rented independently of the main unit for nightly rental by locking access. A detached lockout is  
40 accessory to the main use and shall not be sold independently from the main unit. Unless specifically  
41 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]

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42 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density  
43 on a parcel of land.

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

47 *Public utility substation.* See "Utility."

48 *Qualified professional.* The term "qualified professional" means a professionally trained person  
49 with the requisite academic degree, experience and professional certification or license in the field or  
50 fields relating to the subject matter being studied or analyzed.

51

52 ...

53 **Title 102 – ADMINISTRATION**

54 **CHAPTER 1. - GENERAL PROVISIONS**

55 ...

56 **Sec. 102-1-5. - ~~Reserved.~~Hearing and publication notice for county commission.**

57 ~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a~~  
58 ~~public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state~~  
59 ~~code. The unanimous vote of the full body of the county commission is required to overturn the~~  
60 ~~recommendation of the planning commission, if there was a unanimous vote of the planning commission~~  
61 ~~in favor or denial of the petition.~~

62 ...

63 **Title 104 - ZONES**

64 ...

65 **CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

66 ...

67 **Sec. 104-3-5. - Conditional uses.**

68 The following uses shall be permitted only when authorized by a conditional use permit as provided in  
69 title 108, chapter 4 of this Land Use Code:

70 ...

71 (3) Private park, playground or recreation grounds and buildings not open to the general public and  
72 to which no admission is made but not including privately owned commercial amusement  
73 business.

74 (4) ~~Reserved.~~ ~~Planned residential unit development in accordance with title 108, chapter 5 of this~~  
75 ~~Land Use Code.~~

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76 (5) Public utility substation.

77 ...

78 CHAPTER 5. - AGRICULTURAL ZONE A-1

79 ...

80 Sec. 104-5-6. - Conditional uses.

81 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
82 provided in title 108, chapter 4 of this Land Use Code:

83 ...

84 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide  
85 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

86 (7) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

87 (8) Private park, playground or recreation grounds and buildings not open to the general public and  
88 to which no admission charge is made, but not including private owned commercial amusement  
89 business.

90 ...

91 Sec. 104-5-7. - Site development standards.

92 The following site development standards apply to the Agriculture Zone A-1:

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres Minimum
Minimum lot area, unless developed under the provisions of Section 106-2-4.	40,000 sq. feet	2 acres - 5 acres
Minimum lot width, unless developed under the provisions of Section 106-2-4.	150 feet	150 feet

93 ...

94 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

95 ...

96 Sec. 104-6-5. - Conditional uses.

**6-11-18 DRAFT – NOT FOR DISSEMINATION**

97 The following uses shall be allowed only when authorized by a conditional use permit obtained as  
 98 provided in title 108, chapter 4 of this Land Use Code.

99 ...

100 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

101 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~  
 102 ~~Land Use Code.~~

103 (11) Private park, playground or recreation area not open to the general public and to which no  
 104 admission charge is made, but not including privately owned commercial business.

105 ...

106 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

107 ...

108 **Sec. 104-7-5. - Conditional uses.**

109 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
 110 provided in title 108, chapter 4 of this Land Use Code.

111 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

112 (13) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~  
 113 ~~Land Use Code.~~

114 (14) Private park, playground or recreation area not open to the general public and to which no  
 115 admission charge is made, but not including privately owned commercial business.

116 ...

117 **Sec. 104-7-6. - Site development standards.**

118 The following site development standards apply to the Agriculture Zone A-2:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, <u>unless developed under the provisions of Section 106-2-4.</u>	40,000 sq. ft.	
Other	2 acres	5 acres



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Minimum lot width, <u>unless developed under the provisions of Section 106-2-4.</u>	150 feet	300 feet
---	----------	----------

119 ...

120 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

121 ...

122 **Sec. 104-8-5. - Conditional uses.**

123 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
124 provided in title 108, chapter 4 of this Land Use Code.

125 ...

126 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

127 (15) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

128 (16) Private park, playground or recreation area not open to the general public and to which no  
129 admission charge is made, but not including privately owned commercial amusement business.

130 ...

131 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

132 ...

133 **Sec. 104-9-3. - Conditional uses.**

134 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
135 provided in this Land Use Code:

136 ...

137 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber  
138 County Excavation Ordinance.

139 (7) ~~Reserved. Planned Residential Unit Development in accordance with this Land Use Code.~~

140 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the  
141 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

142 ...

143 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

144 ...

145 **Sec. 104-11-4. - Conditional uses.**

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146 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as  
 147 provided in title 108, chapter 4 of this Land Use Code:

148 ...

149 (26) Travel agency.

150 (27) ~~Reserved. Planned residential unit development (PRUD) as part of a recreation resort complex~~  
 151 ~~subdivision, where part of a PRUD in a recreation resort complex.~~

152 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a  
 153 night watchman provided that an additional 3,000 square feet of landscaped area is provided for  
 154 the residential use.

155 ...

156

157 **Sec. 104-11-6. - Minimum lot area, width and yard regulations.**

158 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and  
 159 half acres:

<u>USE</u>	<u>AREA</u>
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet.</u>
<u>Other uses:</u>	<u>None.</u>

Commented [E1]: Reference

Commented [E2]: Reference

160 (b) Width. 150-foot minimum lot width, as measured at the yard setback and the street frontage.

161 (c) Yard setbacks. The minimum yard setbacks are as follows:

<u>YARD</u>	<u>SETBACK</u>
<u>Front:</u>	<u>30 feet</u>

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<u>Side:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>
<u>Rear:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>

- 162 (d) Building height. The maximum height for a building shall be 50 feet.
- 163 (a) ~~Area. A minimum of a 2.5 acre site, with the following minimum area requirement for uses within that~~
- 164 ~~site:~~
- 165 ~~(1) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing~~
- 166 ~~nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000~~
- 167 ~~square feet of net developable area for each dwelling unit in excess of two dwelling units.~~
- 168 ~~(2) Lockout sleeping room, 500 square feet.~~
- 169 ~~(3) Other uses: none.~~
- 170 (b) ~~Width: 150 feet minimum frontage.~~
- 171 (c) ~~Yard.~~
- 172 ~~(1) Front: 30 feet minimum.~~
- 173 ~~(2) Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~
- 174 ~~(3) Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~
- 175 (d) ~~Building height. Conditional use permit is required if over 25 feet in height.~~

176 ...

177 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

178 ...

179 **Sec. 104-12-3. - Conditional uses.**

180 The following uses shall be permitted only when authorized by a conditional use permit as provided in

181 title 108, chapter 4 of this Land Use Code:

- 182 (1) Educational/institutional identification sign.
- 183 (2) Reserved. ~~Planned residential unit development in accordance with title 108, chapter 5 of this~~
- 184 ~~Land Use Code.~~
- 185 (3) Private park, playground or recreation area, but not including privately owned commercial
- 186 amusement business.

187 ...

188 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

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189 ...

190 **Sec. 104-13-3. - Conditional uses.**

191 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
192 provided in title 108, chapter 4 of this Land Use Code:

193 ...

194 (7) Parking lot accessory to uses permitted in this zone.

195 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~  
196 ~~Land Use Code.~~

197 (9) Private park, playground or recreation area, but not including privately owned commercial  
198 amusement business.

199 ...

200 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

201 ...

202 **Sec. 104-14-3. - Conditional uses.**

203 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
204 provided in title 108, chapter 4 of this Land Use Code:

205 ...

206 (9) Parking lot accessory to uses permitted in this zone.

207 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of the Land~~  
208 ~~Use Code.~~

209 (11) Private park, playground or recreation area, but not including privately owned commercial  
210 amusement business.

211 ...

212 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

213 ...

214 **Sec. 104-15-3. - Conditional uses.**

215 The following uses shall be permitted only when authorized by a conditional use permit as provided in  
216 title 108, chapter 4 of this Land Use Code.

217 ...

218 (2) Educational/institutional identification signs.

219 (3) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~  
220 ~~Land Use Code.~~

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221 (4) Private park, playground, or recreation area, but not including privately owned commercial  
222 amusement business.

223 ...

224 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

225 ...

226 **Sec. 104-16-3. - Conditional uses.**

227 The following uses shall be permitted only when authorized by a conditional use permit as provided in  
228 title 108 of this Land Use Code.

229 ...

230 (7) Nursing home.

231 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 o this~~  
232 ~~Land Use Code.~~

233 (9) Private park, playground, or recreation area, but not including privately owned commercial  
234 amusement business.

235 ...

236 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

237 ...

238 **Sec. 104-17-3. - Conditional uses.**

239 The following uses shall be permitted only when authorized by a conditional use permit obtained as  
240 provided in title 108, chapter 4 of this Land Use Code:

241 ...

242 (7) Nightly rental.

243 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

244 (9) Private park, playground and/or recreation area, but not including privately owned commercial  
245 amusement business.

246 ...

247 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

248 ...

249 **Sec. 104-19-2. - Permitted uses.**

250 **The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:**

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251 (1) Accessory building incidental to the use of a main building; main building designed or used to  
252 accommodate the main use to which the premises are devoted; and accessory uses customarily  
253 incidental to a main use.

254 (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision, ~~or~~  
255 ~~manufactured home PRUD. (A single wide with or without a room expansion or extension~~  
256 ~~are is prohibited.)~~

257 (3) Temporary building or use incidental to construction work. Such building shall be removed within  
258 six months upon completion or abandonment of the construction work.

259 **Sec. 104-19-3. - Conditional uses.**

260 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the  
261 Weber County Subdivision Ordinance.

262 (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and planned~~  
263 ~~residential unit development chapter of this Land Use Code.~~

264 (c) Public utility substations.

265 **Sec. 104-19-4. - Site development standards.**

266 The following site development standards apply to the Residential Manufactured Home Zone  
267 RMH-1-6:

268 (1) Minimum area: ~~four acres for manufactured home PRUD.~~ Four acres for manufactured home  
269 subdivision.

270 ...

271 **Sec. 104-19-5. - Special provisions for manufactured home subdivisions ~~and PRUDs.~~**

272 (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and  
273 anchored to a permanent concrete foundation constructed to county standards.

274 (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home.  
275 Said spaces shall be located in an area that could be covered by a carport or within which a garage  
276 could legally be built. Required parking spaces may be in tandem but may not be located in the front  
277 yard setback.

278 (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted  
279 to be located in a manufactured home subdivision.

280 (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative  
281 masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.

282 (e) A land use permit and a building permit shall be required before a manufactured home is located on a  
283 lot in a manufactured home subdivision ~~or PRUD.~~

284 (f) Each manufactured home shall meet construction standards as defined herein and as specified by the  
285 Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

286 ...

287 **CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

288 ...

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

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108, chapter 3</u>	P
PRUD excluding bonus density; meeting the requirements of <u>title 108, chapter 5</u>	Pursuant to chapter 5
Welcome/information center	P
...	

290 ...

291 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

292 **Sec. 104-27-1. - Definitions.**

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

295 Common open space. The phrase “common open space” means land area in a planned residential  
 296 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and  
 297 driveway areas for common use and enjoyment of the residents of the PRUD

298 Common open space easement. The phrase “common open space easement” means a required right  
 299 of use granted to the county by the owner of a planned residential unit development, on and over land in a  
 300 planned residential unit development designated as common open space, which easement guarantees to  
 301 the county that the designated common open space and recreation land is permanently reserved for  
 302 access, parking and recreation and open green space purposes in accordance with the plans and  
 303 specifications approved by the planning commission and county commission at the time of approval of the  
 304 PRUD **overlay zone** or as such plans are amended from time to time with the approval of the county  
 305 commission.

**Commented [c3]:** Whole chapter moved from Title 108 “Standards” to this Title 104 “Zones.”

**Commented [E4]:** Reference

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306 Planned residential unit development (PRUD). The phrase “planned residential unit development”  
307 means a development in which the regulations of the zone, in which the development is situated, are waived  
308 to allow flexibility and innovation in site, building design and location in accordance with an approved overall  
309 development plan and imposed general requirements.

310 **Sec. 104-27-2. - Purpose and intent.**

311 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively  
312 adopted overlay zone that provides for diversification in the relationship of various uses and structures  
313 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to  
314 encourage new and innovative concepts in the design of neighborhood and housing projects in  
315 urbanizing areas. To this end, the development should be planned and entitled as one complete land  
316 development. Phasing of the complete land development may occur over time if approved by the  
317 county commission and if in compliance with the entitlements of the complete land development.

318 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,  
319 after recommendation from the planning commission, the county commission may allow deviations  
320 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the  
321 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.  
322 Unless specified otherwise in the development agreement or overall development plan, development  
323 of a PRUD shall adhere to the applicable regulations and other provisions of this Land Use Code.

324 (c) The county commission may apply any condition of approval reasonably necessary to advance the  
325 directives of the general plan or to promote the public health, safety, and general welfare whilst being  
326 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land  
327 in advance of what would otherwise likely be a less organized development pattern of multiple smaller  
328 scale developments.

329 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an  
330 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions  
331 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An  
332 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part  
333 of this Land Use Code.

334 **Sec. 104-27-3. - Applicability.**

335 (a) Effective date. Except as specified in subsection (c) and (d) of this section, this chapter shall apply to  
336 all properties for which the owner seeks PRUD overlay zone approval on or after March 20, 2018.

Commented [E5]: Reference

337 (b) Allowed zones. A planned residential unit development overlay zone may only be considered in the  
338 following zones:

339 (1) Residential estates zones;

340 (2) Agricultural zones;

341 (3) Forest, forest residential, and forest valley zones;

342 (4) Single-family, two-family and three-family residential zones;

343 (5) Commercial valley resort recreation zone; and

344 (6) Residential manufactured home zone.



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345 (c) *Nonconforming PRUD.* All PRUDs approved administratively prior to the date specified in subsection  
346 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from  
347 time to time under the same rules that governed its creation, provided that the amendment is a de  
348 minimis change that is routine and uncontested. The Planning Director or the Planning Commission  
349 has independent authority to determine what constitutes a routine and uncontested de minimis  
350 decision. If it is determined to not be routine or uncontested then the applicant shall pursue PRUD  
351 overlay zone approval pursuant to this chapter.

Commented [E6]: Reference

352 (d) *Previously existing development agreements.* Nothing in this chapter shall be construed to inhibit the  
353 entitlements of an approved development agreement executed prior to the date specified in subsection  
354 (a) of this section.

Commented [E7]: Reference

355 **Sec. 104-27-4. – Application requirements.**

356 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the  
357 Planning Division on a form as acceptable by the Planning Division, together with all accompanying  
358 documents, plans, and studies required by this chapter. The application shall contain authorization  
359 from all owners of land within the property's legal description. The following are the minimum  
360 requirements necessary to submit a complete application:

361 (1) An overall development plan, complying with the requirements of Section 104-27-5, including the  
362 following:

Commented [E8]: Reference

363 a. A map of the general configuration of the development, together with land tabulations  
364 detailing the proposed uses of land for all areas of the project, and proposed lot or parcel  
365 development standards;

366 b. An open space preservation plan, showing proposed uses and parcel development  
367 standards;

368 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;

369 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational  
370 facilities, if applicable;

371 e. Proposed architectural design standards, including drawings and sketches demonstrating  
372 the proposed design, character, features, and color palette of the proposed development;

373 f. If in a natural hazards study area or a known natural hazard is present onsite, the application  
374 shall include a natural hazards map;

375 g. Any proposed mappable voluntary contributions, including those proposed in pursuit of  
376 density bonuses; and

377 f. A development phasing plan, if applicable.

378 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address  
379 the considerations listed in Section 104-27-9.

Commented [E9]: Reference

380 (3) A list of development commitments the applicant is prepared to make with the county, and a list  
381 detailing what the development needs from the county. This list will be the initial basis for  
382 development agreement negotiation.

383 (4) Base density calculations, and a tabulation and explanation of requested bonus density.

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384 (5) The legal description for all properties to be included in the overlay zone and development  
385 agreement, together with a general vicinity map of the rezone extents.

386 (6) Additional information as may be necessary to determine that the contemplated arrangement of  
387 uses make it desirable to apply regulations and requirements differing from those ordinarily  
388 applicable under the land use code.

389 (b) An application fee shall be paid at the time of application submittal.

390 **Sec. 104-27-5. - General requirements.**

391 (a) Rezoning and development agreement required. Approval of a PRUD overlay zone shall follow the  
392 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter  
393 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual  
394 agreement between the developer and the county shall be prepared and readied for execution upon  
395 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly  
396 document the County's roles and responsibilities to the developer and the developer's roles and  
397 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to  
398 effectively execute the flexible provisions of this chapter, or any other provision as may be required by  
399 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle  
400 approval of a PRUD overlay zone or associated development agreement.

401 (b) Overall development plan. The development agreement shall include an overall development plan  
402 detailing the proposed development as specified herein. No changes or alterations to the approved  
403 overall development plan shall be made without first obtaining an amendment to the development  
404 agreement, except for landscaping as provided in subsection (c) of this section. The overall  
405 development plan shall provide a desirable layout or, if the specific layout is to be determined at later,  
406 desirable standards for the following:

407 (1) Cluster development. All subdivisions within a PRUD overlay zone shall comply with Title 108,  
408 Chapter 3. Cluster Subdivisions, except those lot development standards as listed in subsection  
409 (d) of this section. The overall development plan shall demonstrate that the development can  
410 feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster  
411 subdivision requirements may be granted by the county commission, after recommendation from  
412 the planning commission, if the deviation offers a better community outcome or better contributes  
413 to the implementation of a significant and meaningful general plan goal, principle, or  
414 implementation strategy.

415 (2) Land use configuration. The development plan shall show the general locations of proposed land  
416 uses including open space areas, and offer a land use inventory specifying approximate land  
417 acreage per use.

418 (3) Street configuration. The overall development plan shall show, at a minimum, the general location  
419 of existing or proposed streets in the development. Streets shall offer efficient and convenient  
420 connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use,  
421 and navigation throughout the development. Streets shall offer prioritization of non-motorized  
422 transportation. The development plan shall show general location of streets stubbing into an  
423 adjacent property in at least one location, more if necessary to comply with block-width or  
424 intersection distance requirements of this land use code. At least two points of access into the  
425 development is required if it contains more than 30 residences, or as otherwise required by the  
426 local fire or emergency services authority. Public or private ownership of streets.

427 (4) Lot development standards. The development plan shall propose lot or parcel area, lot or parcel  
428 width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all  
429 lots, parcels, and open space areas that will contain development or structure.

**Commented [E10]:** Whole section titled "planning commission consideration and action" has been deleted and the non-redundant content has been incorporated herein.

Same goes for section titled "configuration of overall development plan."

**Commented [E11]:** Reference

**Commented [E12]:** Reference

**Commented [E13]:** Reference

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430 (5) Architecture design. The architectural design of buildings and the design's relationship to the site  
431 and to development beyond the boundaries of the proposal.

432 (6) Off street parking. The overall development plan shall provide for complete off-street parking  
433 standards in the event that the parking standards of this land use code are insufficient. Parking  
434 areas shall offer prioritization of non-motorized transportation.

435 (7) Lighting. A lighting plan, or provisions for creating a lighting plan, that complies with all  
436 requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is  
437 incorporated by reference herein as applicable to a cluster subdivision in the Western Weber  
438 Planning Area.

439 (8) Natural hazards and other constraints. The overall development plan shall show consideration for  
440 natural hazards and other environmental constraints, such as floodplains, wetlands, waterways,  
441 sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is  
442 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard  
443 Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental  
444 constraints map, if applicable, shall be included as part of the overall development plan submittal.

445 (c) Landscaping plan. The development agreement shall include a landscaping plan that meets or  
446 exceeds the landscaping requirements found elsewhere in this land use code.

447 (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design  
448 standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD  
449 overlay zones.

450 (2) No money held in the financial guarantee for the completion of landscaping of any phase of a  
451 PRUD shall be released until all landscaping requirements are completed for that phase, with the  
452 exception of single-family dwellings. In the case of single-family dwellings, that portion of the  
453 guarantee, equal to that portion of the phase represented by the dwelling, may be released.

454 (3) Application of the development agreement's landscape plan may be modified during the land use  
455 permit or building permit review process provided a more site-specific landscape plan is submitted  
456 with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

457 a. That the area of landscaping exceeds the approved landscape plan;

458 b. That the number and quality of plants exceed the approved landscape plan;

459 c. That the functional use of vegetation, such as shade from trees or site-screening from  
460 bushes, meet or exceed relevant landscaping requirement of the land use code and the  
461 intent of the approved landscape plan; and

462 d. That the portion of landscaping per phase exceeds the portions per phase of the approved  
463 plan.

464 **Sec. 104-27-6. - Use permissions and prohibitions.**

465 (a) General uses. All uses specified in the underlying zone are allowed in a PRUD, unless specifically  
466 prohibited in the development agreement.

467 (b) Other small-scale service uses. If a PRUD contains 100 dwelling units or more, other uses may be  
468 approved by the county commission, after receiving recommendation from the planning commission,  
469 provided that clear evidence demonstrates that those uses are necessary for the provision of small-  
470 scale local neighborhood services to the residents of the development and the immediate surrounding

Commented [E14]: Reference

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471 neighborhood. The county commission has legislative discretion to determine what a small-scale local  
472 neighborhood service is. The development agreement shall contain provisions for the proposed uses,  
473 ownership, operational characteristics, and physical design to assure compliance with this section.

Commented [E15]: Reference

474 (c) *Nightly rentals.* Any housing units to be developed or used, in-whole or in-part, for sleeping rooms  
475 (including lockout sleeping rooms) for nightly rentals shall be clearly declared and provided for in the  
476 development agreement.

477 **Sec. 104-27-7. - Area and residential density regulations.**

478 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units  
479 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,  
480 but the area shall never be less than four acres in any residential zone and ten acres in all other  
481 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a  
482 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-  
483 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall  
484 memorialize and entitle the base density calculation.

Commented [c16]: Check Reference

485 (b) *Bonus density.*

486 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning  
487 commission, the county commission may allow for an increased number of residential lots in a  
488 PRUD development by awarding bonus densities to those PRUDs developed within the Western  
489 Weber County Planning Area in exchange for meaningful public offerings.

Commented [E17]: Several overall revisions and reconfigurations of this whole section to make it easier to use, reduce redundancies, and emphasize the legislative discretion of PRUD approval and density allocation.

490 a. The following tables offer a guide to assist in prioritizing bonus density based on a  
491 development's offerings. After recommendation from the planning commission, the county  
492 commission has legislative authority to determine final bonus density awarded. At the county  
493 commission's discretion, these may be in place of or in addition to the bonuses already  
494 available in the cluster subdivision code. Regardless, the development's offerings shall  
495 provide a public benefit proportionate to the final awarded bonus density. The development's  
496 bonus density offerings and the county's bonus density awards shall be clearly documented  
497 and tabulated in the development agreement;

Bonuses are just as legislative in this section as the application of a zoning designation (via a rezone). Under existing law, after recommendation of the planning commission, the county commission already has the legislative discretion to allow more density somewhere. This section is no different.

What this section does do is advocate for a bridling of the legislative authority when determining what the County should receive in exchange for applying a higher density zone -- if applying a higher density zone is even desired by the Commission.

See the provisions of 104-27-2 for additional advocacy for a bridling of the legislative discretion.

498

499

<u>OFFERING</u>	<u>BONUS DENSITY</u>
<u>Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:</u>	<u>15 percent.</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent.</u>
<u>An HOA park, open to the general public:</u>	<u>5 percent.</u>
<u>A park donated to the county, a local park district, or other county approved entity, if the county, a local park district, or other county approved entity desires it:</u>	<u>10 percent.</u>
<u>Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:</u>	<u>10 percent.</u>
<u>Development of excess sewage treatment capacity:</u>	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:</u>	<u>One percent per acre up to 50 percent.</u>
<u>Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:</u>	<u>5 percent.</u>
<u>A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:</u>	<u>15 percent.</u>
<u>Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.</u>	<u>10 percent.</u>

500

501

502

b. Affordable housing bonus. Base density may be increased by ten percent if the development complies with the following:

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- 503 1. The ten percent additional density is permanently set aside for affordable housing as  
504 outlined by the Affordable Housing Act of 1990.
- 505 2. The ten percent additional density shall not be included when calculating other bonus  
506 density.
- 507 3. The additional density is located in the interior of the development, as central as is  
508 practicable given site constraints, land uses, open spaces, and street configuration, and  
509 is completely surrounded by other dwelling units within the development. Open space  
510 may abut part of it provided the open space is large enough to offer a sufficient buffer  
511 from existing residential uses in the area. The buildings are limited to 35 feet or two  
512 stories above grade.
- 513 4. The development agreement shall offer an effective plan and method for guaranteeing  
514 and enforcing perpetual affordability. Any method used, such as an affordable housing  
515 deed restriction, shall limit the sale or rental of the affected lots and dwelling units to a  
516 household with an income at or below 80 percent of the county median income.
- 517 5. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an  
518 affordable housing lot or dwelling unit, and provide a note on the final subdivision plat  
519 explaining the nature of the housing restriction and the method by which occupancy  
520 and affordability will be regulated.
- 521 (2) Ogden Valley Planning Area bonus density. A PRUD overlay zone should create no new density  
522 entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area  
523 for transferrable development rights or a similar density transfer program. The development  
524 agreement shall clearly specify the logistics of such a program.

525 ...

526 **Title 106 - SUBDIVISIONS**

527 ...

528 **CHAPTER 2. - SUBDIVISION STANDARDS**

529 ...

530 **Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.**

- 531 (a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets  
532 except that private streets improved to county public street standards may be permitted in ~~planned~~  
533 ~~residential unit developments or~~ condominiums. Mountain land subdivisions in high mountain areas of  
534 the county for seasonal recreation and summer homes shall have private streets built to county private  
535 street standards for such subdivisions except that the county may require public dedication for major  
536 or loop road access purposes.

537 ...

538 **Sec. 106-2-4. - Lots.**

- 539 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for  
540 buildings, and be properly related to topography and to existing and probable future requirements.

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541 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of  
542 the Land Use Code for the zone in which the subdivision is located, except:

543 (1) ~~Except as~~When otherwise permitted by the granting of a variance by the board of adjustment as  
544 authorized by the Land Use Code;

545 (2) ~~Where~~When in accordance with the cluster subdivision provisions of the Land Use Code;

546 (3) As required by the county health officer as being the minimum area necessary for septic tank  
547 disposal and water well protection if greater than the above area requirements;

548 (4) For "restricted lots" and lots with a designated "building area", the minimum area and width  
549 requirements shall be increased in accordance with the slope density tables contained in the Land  
550 Use Code.

551 (5) in the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed  
552 provided sufficient diversity of lot sizes and widths so that the base density of the overall  
553 subdivision is not increased:

554 a. Minimum lot area: 20,000 square feet.

555 b. Minimum lot width: 80 feet.

556 ...

557 **Title 108 - STANDARDS**

558 ...

559 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

560 ...

561 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

562 ...

563 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or  
564 intersection distances no less than provided in Section 106-2-3.

565 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall  
566 generally follow existing street grid design. Section line streets are mandatory ~~and shall not be~~  
567 ~~waived~~unless, based on the transportation element of the general plan and other plans or studies,  
568 the County Engineer determines that no street will ever be needed on the particular section line.  
569 When practicable, quarter section lines shall denote the general location of other through streets.  
570 If current parcel configuration does not make this practicable, a through-street, or stubbed-street  
571 that will be a future through-street, shall be located as close to these lines as otherwise reasonably  
572 possible.

573 ...

574 **Sec. 108-3-5. - Open space preservation plan.**

575 ...

Commented [E18]: Reference

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576 (c) *Open space development standards and ownership regulations.* All open space area proposed to  
577 count toward the minimum open space area required by this chapter shall be clearly identified on the  
578 open space site plan. The following standards apply to their creation. Open space area in excess of  
579 the minimum required by this chapter is exempt from these standards.

580 ...

581 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels  
582 shall be arranged to create future long-term agricultural opportunities in the following ways:

583 ...

584 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open  
585 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can  
586 reach all parts of the area with three or more passes or turns. Generally, this requires the area  
587 to be at least 450 wide in any direction at any given point to be considered contiguous. This  
588 three turn standard may be reduced by the planning commission for portions of the parcel  
589 affected by the following:

590 1. The configuration of the existing exterior boundary of the proposed subdivision makes it  
591 impossible;

592 2. A street required by ~~Section~~ 108-3-4 constrains the width of the parcel or bisects what  
593 would otherwise be one contiguous open space area if the street did not exist; ~~or~~

594 3. Natural features, or permanent man-made improvements onsite that cannot be moved or  
595 realigned, cause an interruption to crop producing capabilities; or

596 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will  
597 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved  
598 agricultural parcels.

599 ...

600 CHAPTER 5. ~~RESERVED. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)~~

Commented [E19]: Reference

Commented [c20]: Whole chapter moved from Title 108 "Standards" to Title 104 "Zones."



601 **Sec. 108-5-1. -- Definitions.**

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

604 *Common open space* means land area in a planned residential unit development reserved and set aside  
605 for recreation uses, landscaping, open green areas, parking and driveway areas for common use and  
606 enjoyment of the residents of the PRUD

607 *Common open space easement* means a required right of use granted to the county by the owner of a  
608 planned residential unit development, on and over land in a planned residential unit development  
609 designated as common open space, which easement guarantees to the county that the designated  
610 common open space and recreation land is permanently reserved for access, parking and recreation and  
611 open green space purposes in accordance with the plans and specifications approved by the planning  
612 commission and county commission at the time of approval of the PRUD or as such plans are amended  
613 from time to time with the approval of the county commission.

614 *Planned residential unit development (PRUD)* means a development in which the regulations of the zone,  
615 in which the development is situated, are waived to allow flexibility and initiative in site, building design  
616 and location in accordance with an approved plan and imposed general requirements.

617 **Sec. 108-5-2. -- Purpose and intent.**

618 (a) — A planned residential unit development (PRUD) is intended to allow for diversification in the  
619 relationship of various uses and structures to their sites and to permit more flexibility of such sites and to  
620 encourage new and imaginative concepts in the design of neighborhood and housing projects in  
621 urbanizing areas. To this end, the development should be planned as one complex land use.

622 (b) — Substantial compliance with the zone regulations and other provisions of this chapter in requiring  
623 adequate standards related to the public health, safety, and general welfare shall be observed, without  
624 unduly inhibiting the advantages of large scale planning for residential and related purposes.

625 **Sec. 108-5-3. -- Permitted zones.**

626 A planned residential unit development shall be permitted as a conditional use in all forest, agricultural,  
627 residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter  
628 set forth shall be applicable if any conflict exists.

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

630 (a) — An overall development plan for a planned residential unit development showing residential uses,  
631 housing types, locations, sizes, height, number of residential units, access roads, common area and other  
632 open spaces, etc., may be approved by the planning commission and county commission and building  
633 permits issued in accordance with such plan, even though the residential uses and dwelling types and the  
634 location of the buildings proposed may differ from the residential uses and dwelling types and regulations  
635 governing such uses in effect in the zone in which the development is proposed provided the  
636 requirements of this chapter are complied with. Accessory nonresidential uses may be included in  
637 planned residential unit developments of 100 units or more to provide a necessary service to the  
638 residents of the development as determined by the planning commission provided agreements and  
639 restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical  
640 design to the county's satisfaction are filed by and entered into by the developer to assure that the  
641 approved necessary services intent is maintained.

642 (b) — Once the overall development plan showing details of buildings, structures and uses has been  
643 approved by the county commission, after recommendations of the planning commission, no changes or

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644 alterations to said development plan or uses shall be made without first obtaining the approval of the  
645 planning commission and county commission, except for landscaping, provided subsection (c) of this  
646 section has been complied with.

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

651 (1) That the area of landscaping area exceeds the approved landscape plan;

652 (2) That the number and quality of plants exceed the approved landscape plan;

653 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;  
654 and

655 (4) That all requirements of the Land Use Code have been met.

656 No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall  
657 be released until all landscaping requirements are completed for that phase, with the exception of single-  
658 family dwellings. In the case of single family dwellings, that portion of the guarantee, equal to that portion  
659 of the phase represented by the dwelling, may be released.

660 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout  
661 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and  
662 shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108,  
663 chapter 8, section 2 of this Land Use Code.

664 **Sec. 108-5-5. – Area and residential density regulations.**

665 (a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all  
666 forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

667 (b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area  
668 requirements of the same zone in which the PRUD is located. Land used for schools, churches, other  
669 nonresidential service type buildings and uses, for streets and exclusively for access to the useable area  
670 of a PRUD shall not be included in the area for determining the number of allowable dwelling units.

671 (c) Notwithstanding section 108-5-5(b), the county may, at its discretion, allow for an increased number  
672 of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western  
673 Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible  
674 for bonus densities. The following presents the bonus density opportunities that are available to PRUDs  
675 located within specific zoning classification boundaries:

676 (1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a  
677 maximum bonus density of ten percent based on an accumulation of any combination of the following:

678 a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning  
679 commission determines that streets are needed to provide for current or future traffic circulation, up to a  
680 five percent bonus density may be granted.

681 b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent  
682 bonus density may be granted.

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683 c.— If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or  
684 community garden, that are open for use by the general public, up to a five percent bonus density may be  
685 granted.

686 d.— If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an  
687 open space easement that permanently preserves areas that have been identified by the state division of  
688 wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density  
689 may be granted.

690 (2)— In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30  
691 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's  
692 adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space  
693 area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density  
694 potential shall be no greater than a percentage equal to the percentage of the PRUD's total area  
695 preserved as open space. The county may award bonus densities based on an accumulation of any  
696 combination of the following:

697 a.— If a PRUD provides and implements an approved roadway landscape and design plan that includes,  
698 but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an  
699 appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every  
700 100 feet of road length, up to 20 percent bonus density may be granted.

701 b.— For each five percent increment of open space preserved over 50 percent, a five percent bonus  
702 density shall be granted up to the total bonus density allowed by subsection (c)(2).

703 c.— If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus  
704 density may be granted.

705 d.— If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or  
706 community gardens, that are open for use by the general public, up to a 15 percent bonus density may be  
707 granted.

708 e.— If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary,  
709 to a local park district or other county approved entity, for the perpetual location and operation of a public  
710 park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

711 f.— If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as  
712 outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a  
713 bonus density is granted to affordable housing, the applicant shall:

714 1.— Present and gain county approval of an effective plan and method for guaranteeing and enforcing  
715 perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the  
716 sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the  
717 county median income;

718 2.— Identify and label, on the final plat, the lots set aside as affordable housing lots; and

719 3.— Provide a note on the final plat explaining the nature of the housing restriction on the lot and the  
720 method by which occupancy and affordability will be regulated.

721 g.— If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan  
722 approved by the planning commission and records an agricultural preservation easement on the parcel, a  
723 bonus density may be approved as follows:

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- 724 1.—For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density  
725 may be granted.
- 726 2.—For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density  
727 may be granted.
- 728 3.—For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density  
729 may be granted.
- 730 4.—For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density.  
731 may be granted.
- 732 5.—For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
- 733 h.—If a PRUD provides for the preservation of historical sites and buildings that have been identified by  
734 the state historic preservation office as having notable historical value, up to a five percent bonus density  
735 may be granted.
- 736 i.—If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent  
737 bonus density may be granted.
- 738 j.—If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an  
739 open space easement that permanently preserves areas that have been identified by the state division of  
740 wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density  
741 may be granted.
- 742 k.—If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to  
743 permanently preserved open space on an adjoining property located outside of the proposed PRUD, up  
744 to a 20 percent bonus density may be granted.
- 745 (d)—If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total  
746 of the units allowed in each zone, however, the units allowed in each zone must be constructed in the  
747 respective zone.
- 748 (e)—It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD  
749 beyond what county development ordinances would normally allow, by requesting housing unit credit and  
750 transfer for lands to be included in the PRUD boundary as common open space which have little or no  
751 possibility of housing development. Such areas may include swamp lands, bodies of water, excessively  
752 steep slopes and hillsides, mountain areas which do not have the capability of housing development due  
753 to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall  
754 determine what part if any, of such lands may be included in a PRUD as useable open space common  
755 area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD  
756 and, when such determination justifies such inclusion, the planning commission shall allow the transfer of  
757 units. In making this determination, the planning commission shall be guided by the following factors:-
- 758 (1)—The physical relationship of the proposed common areas to the developable areas of the PRUD  
759 shall be such that the common areas are suitable for landscaped and/or developed open space or for  
760 recreational use of direct benefit, access and usability to the unit owners.
- 761 (2)—The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be  
762 physically integrated into the development design.
- 763 (3)—The lands must be suitable for and possess the capability for housing development.

764 (4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones  
765 and 30 percent or more in all other zones shall not be classified as developable land and shall not be  
766 considered when determining the number of allowable units in a proposed PRUD.

767 **Sec. 108-5-6. -- General requirements.**

768 (a) The development shall be in a single or corporate ownership at the time of development or the  
769 subject of an application filed jointly by the owners of the property.

770 (b) The property adjacent to the planned residential unit development shall not be detrimentally affected  
771 without the county imposing reasonable conditions or, in the absence of appropriate natural or  
772 constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the  
773 perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required  
774 on the immediate periphery of a PRUD.

775 (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed  
776 shall be determined acceptable by approval of the site development plan.

777 (d) The county commission may, at its discretion and after receiving a recommendation from the  
778 planning commission, consider and approve a plan that provides for ownership, preservation,  
779 maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any  
780 improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially  
781 guaranteed as follows:

782 (1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD  
783 approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance  
784 methods for all open space parcels, and a site plan that shows proposed common areas, individually  
785 owned preservation parcels, and the locations of existing and proposed future structures.

786 a. For open space dedicated as common area parcels, the site plan shall show the location of existing  
787 and future structures by identifying the structure's approximate footprint. Structures housing a utility or  
788 serving as a development amenity shall be subject to all applicable standards including all design review  
789 and applicable architectural standards found in title 108 of the Weber County Land Use Code.

790 b. For open space dedicated as individually owned preservation parcels, the site plan shall identify  
791 locatable building envelopes within which all existing and future buildings must be located.

792 (2) *Ownership.*

793 a. Open space parcels of any size and dedicated as common area shall be commonly owned by an  
794 appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium  
795 Ownership Act, or § 57-8a-101 et seq., the Community Association Act.

796 b. Other open space parcels, consisting of five acres or more, may be owned individually.

797 1. Individually owned preservation parcels of ten acres or more in area may be owned by any person,  
798 regardless of whether the person owns a residential lot within the PRUD.

799 2. Individually owned preservation parcels of less than ten acres in area may only be owned by an  
800 owner of a lot within the same PRUD.

801 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following  
802 manner:

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- 803 i.—An explanation of the applicable ownership standard and a perpetual restriction conforming thereto  
804 shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to  
805 subsection (3); and
- 806 ii.— A note describing the applicable ownership standard shall be placed on the final recorded subdivision  
807 plat.
- 808 iii.—A notice describing the applicable ownership standard shall be recorded on each individually owned  
809 preservation parcel at the time of recording a subdivision plat.
- 810 (3)—*Preservation.*
- 811 a.—Open space parcels are to be permanently preserved in a manner that is consistent with the  
812 approved open space preservation plan.
- 813 b.—The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording  
814 the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner  
815 association if applicable, an open space easement over all areas dedicated as common area or  
816 individually owned preservation parcels. The open space easement shall incorporate and conform to the  
817 open space preservation plan approved under subsection (1).
- 818 c.— If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or  
819 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement  
820 meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- 821 d.— If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the  
822 applicant shall:
- 823 1.—Identify and label on the final plat each such parcel as an agricultural, forest, or other type of  
824 preservation parcel;
- 825 2.—Further identify each preservation parcel by placing a unique identifying letter of the alphabet  
826 immediately after the label;
- 827 3.—Present an agricultural, forest, or other type of preservation easement to the county and gain its  
828 approval; and
- 829 4.—Record an approved preservation easement on each parcel identified as an agricultural, forest, or  
830 other type of preservation parcel.
- 831 e.—The county may impose any additional conditions and restrictions it deems necessary to ensure  
832 maintenance of the open space and adherence to the open space preservation plan. Such conditions  
833 may include a plan for the disposition or re-use of the open space property if the open space is not  
834 maintained in the manner agreed upon or is abandoned by the owners.
- 835 (4)—*Guarantee of open space improvements.*
- 836 a.—The county shall not require an applicant to deposit a financial guarantee for open space  
837 improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and  
838 that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting  
839 from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall  
840 complete the improvements according to the approved phasing component of an open space  
841 preservation plan. If the applicant fails to complete improvements as presented in the open space  
842 preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and

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843 record an instrument notifying prospective lot buyers that future land use permits may not be issued for  
844 any construction.

845 b.—The county shall require an applicant to deposit a financial guarantee for all open space  
846 improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a  
847 certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a  
848 proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners.  
849 The applicant or developer shall complete all improvements according to the approved phasing  
850 component of an open space preservation plan.

851 (5) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use,  
852 manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation  
853 plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement  
854 executed under subsection (3).

855 **Sec. 108-5-7. – Submission of application.**

856 (a) —An application for a planned residential unit development shall be to the planning commission and  
857 shall be accompanied by an overall development plan, including an open space preservation plan,  
858 showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as  
859 schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for  
860 accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural  
861 drawings and sketches demonstrating the design and character of the proposed development.

862 (b) —Additional information shall be included as may be necessary to determine that the contemplated  
863 arrangement of uses make it desirable to apply regulations and requirements differing from those  
864 ordinarily applicable under this chapter.

865 **Sec. 108-5-8. – Planning commission consideration.**

866 In considering the proposed planned residential unit development, the planning commission shall  
867 consider:

868 (1) —The architectural design of buildings and their relationship on the site and development beyond the  
869 boundaries of the proposal.

870 (2) —Which streets shall be public and which shall be private; the entrances and exits to the development  
871 and the provisions for internal and external traffic circulation and off-street parking.

872 (3) —The landscaping and screening as related to the proposed uses within the development and their  
873 integration into the surrounding area.

874 (4) —Lighting and the size, location, design, and quality of signs.

875 (5) —The residential density of the proposed development and its distribution as compared with the  
876 residential density of the surrounding lands, either existing or as indicated on the zoning map or general  
877 plan proposals of the county as being a desirable future residential density.

878 (6) —The demonstrated ability of the applicant to financially carry out the proposed project under total or  
879 phase development proposals within the time limit established.

880 **Sec. 108-5-9. – Planning commission action.**

881 The planning commission, after considering applicable codes and any anticipated detrimental effects,  
882 may recommend an approval, recommend an approval with conditions, or recommend denial of the  
883 PRUD to the county commission.

884 **Sec. 108-5-10. – County commission action.**

885 The county commission, after holding a public meeting, may approve or disapprove the application for a  
886 PRUD. If approving an application, the county commission may attach conditions as it may deem  
887 necessary to secure the purposes of this chapter. Approval of the county commission, together with any  
888 conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in  
889 which it is proposed.

890 **Sec. 108-5-11. – Land use permit issuance.**

891 The planning division shall not issue any land use permit for any proposed building, structure, or use  
892 within the project unless such building, structure, or use complies with the approved plans and any  
893 conditions imposed. Approved development plans shall be filed with the planning division, building  
894 inspector and county engineer.

895 **Sec. 108-5-12. – Time limit.**

896 Unless substantial action has been taken, leading toward completion of a PRUD or an approved phase  
897 thereof, within a period of 18 months from the date of approval, the approval shall expire unless an  
898 extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and  
899 structures thereon, if any, may be used for any other permitted use in the zone in which the project is  
900 located. Reserved open space shall be maintained where necessary to protect and blend existing  
901 structures into alternate land use proposals after abandonment of a project.

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