



WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

February 13, 2018

5:00 p.m.

- *Pledge of Allegiance*
 - *Roll Call:*
1. Minutes
 - 1.1. Approval of the January 9, 2018 minutes
 2. Approval of the 2018 Planning Commission Rules of Order
 3. Consent Agenda:
 - 3.1 LVR 071417 Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet of right of way along 1800 South Street and to defer asphalt, curb, gutter, and sidewalk.
 - 3.2 DR 2017-17: Consideration and action on a design review application for a used car lot on Lot 11 of the Weber Industrial Park.
 - 3.3 LVM060517: Consideration and action on a request for approval of a right of way dedication in the Mike Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber.
 4. Petitions, Applications and Public Hearings:
 - 4.1 Administrative items
Public Comment for Items not on the Agenda
 - a. New Business:
 1. LVT111717: Consideration and action for preliminary plan approval of Terakee Farms No. 1, a PRUD Subdivision.
 5. Public Comment for Items not on the Agenda
 6. Remarks from Planning Commissioners
 7. Planning Director Report
 8. Remarks from Legal Counsel
 9. Adjourn to work session.
- WS1. DISCUSSION: Discussing the intent of the general plan regarding "village" development at 4700 west and 12th Street.
- WS2. DISCUSSION: Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.
- WS3. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action.
- 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.
- WS5. (Time pending): Continuation of General Plan Review and Training.

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st 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 hand written with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
 - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
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Minutes of the Western Weber Planning Commission meeting of January 9, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:00 p.m.

Members Present: Roger Heslop – Acting Chair
Jannette Borklund
John Parke
Jennifer Willener-Acting Chair
Wayne Andreotti

Member Excused: Blake Hancock
Mark Whaley

Staff Present: Rick Grover, Planning Director; Charles Ewert, Assist Planning Director; Chris Crockett, Legal Counsel

- Pledge of Allegiance
- Roll Call

1. Minutes:

1.1 Approval of the meeting minutes: December 12, 2017.

Commissioner Heslop motions to approve minutes for December 12, 2017. Motion carries (5-0) Minutes approved as presented.

2. Election:

Commissioner Heslop motions to make Commissioner Blake Hancock Chair, and Commissioner Jennifer Willener Vice Chair for 2018. Motion carries (5-0) Commissioner Blake Hancock will be the Chair for 2018. Commissioner Jennifer Willener will be the Vice Chair for 2018, and acting chair for the remainder of the meeting.

3. Meeting Schedule: Approval of the 2018 Meeting Schedule

Commissioner Willener motions to approve 2018 meeting schedule. Motion carries (5-0)

4. Approval of the 2018 Planning Commission Rules of Order:

Commissioner Willener motions to table this item for the next meeting. Motion carries (5-0)

5. Public Comment for items not on the Agenda

Shay Bitton 4088 W 2200 S, Taylor; would like to know what it would take to implement The Dark Sky ordinance in Weber County.

Commissioner Heslop states that currently, this ordinance is in place in Ogden Valley. It would be a matter of requesting additional information and adding it to the agenda.

Director Grover states that the concern when it was brought before the Commission before was how much regulation they wanted to impose upon the public. The Ogden Valley has guidelines for The Dark Sky ordinance, Western Weber did not at the time the general plan was done.

Commissioner Willener asks would it be a matter of adding it the general plan first. Director Grover responds that not necessarily. He states that typically we look at the general plan and look at items that need to be addressed and at the resources available. At this time it's not a priority, but it is something to be kept in mind. It can be added to the list. Mr. Crockett states that regarding the statutory process for the land use code ordinance he would be more than happy to get the information to Ms. Bitton.

6. Remarks from the Planning Commissioner

Commissioner Parke states that when there is a situation where the County Commission remands a decision it would be helpful to have a copy of their decision in the meeting packet.

7. Planning Director Report

Director Grover states that the County Commission upheld the Western Weber Planning Commission decision of The Sunset Equestrian Subdivision. He states that the applicant needs to meet all requirements for final approval. He also reminds the Commissioner's that the Planning Commission dinner is on Jan 16, 2018, at 6 pm.

8. Remarks from Legal Counsel

Mr. Crocket states that regarding the changes in Chair and Vice Chair he is more than happy to go over the rules of order and the general procedures with all the Planning Commissioners.

Adjourn to convene to Work Session

WS1. DISCUSSION: Modification to the definition of the "Height of Building" and additional clarification regarding standards and regulations governing the height of a building.

Mr. Ewert gives an overview of changes made regarding the definition of height. He states that the main change is the readability of the definition of height. They have made it simple and added some supplemental standards. The main issue was with the finished grade, and defining the natural grade. Ogden Valley Planning Commission decided they want to regulate the fill and it's up to the homeowner how much they want to cut. They also agreed that when determining natural grade it will be determined at the time that a build is started, instead of the 10 years as was previously listed. Regarding site plans in the Weber County, we are now requesting topography of the natural grade and the finished grade. Commissioner Parke asks if the planning has access to information regarding what the grade was 10 years ago. Mr. Ewert responds that the County has LiDAR data for the Entire County and high resolution for a lot of the county.

Mr. Ewert gives an overview of standards, regarding cell phone towers and public utility stations disguises. He states that the goal is to build something that is going to blend with the natural aesthetic of the environment. Commissioner Willener asks if language needs to be added regarding using live trees as an accessory to a cell phone towers to avoid root problems or weather issues. Director Grover responds that this would be addressed in the building code. He also states that it would be a good idea to add language regarding standalone towers, to avoid out of place towers, such as placing a bell tower in the middle of an agriculture field. He says that it is important to look at the context of the area and possibly develop some waivers.

Commissioner Borkland states that as technology advances they might need bigger panels. She asks can those be disguised as well. Mr. Ewert states that it is possible depending on the design.

Mr. Grover states that as technology advances they might need to come back and revise the ordinance, to update outdated technology.

Commissioner Borkland asks that looking at the definition of height regarding cell phone towers, is there any issue regarding slope and grading. Mr. Ewert responds that cellphone towers are allowed to go higher. They can go higher than 35 ft. provided that they comply with all standards and have FFA approval. Currently, there is no specific cap on the height for cellphone and utility towers.

Commissioner Borkland states that if they are the same height as telephone poles it might not be a big deal because the public is used to it. Mr. Ewert states that it would depend on the area and the customer base.

Mr. Ewert asks if the Planning Commission would be in favor of an ordinance that governs cell phone towers in this way.

Commissioner Heslop states he would be in favor depending on the area. He states that at times a plain towers will do. There needs to a clause that it should depend on the area.

Commissioner Borklund states that some the disguised towers are less aesthetically pleasing than a regular tower at times and points out that the public is not likely to give up their cell phones. Mr. Ewert agrees that cell phone towers aren't going away.

He states he will bring back the issue before the Planning Commission and see what the final decision will be.

Commissioner Willener opens for public comment. There is none.

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

Mr. Ewert gives an overview of proposed amendments made to the Cluster Subdivision ordinance. He states that it is important to remember that since there has been a public hearing on this item the process has begun. Any changes made will be applicable to future applications. He states that the applicants are not vested unless the application complies with the preliminary requirements.

Commissioner Borklund asks if open space is considered agricultural preservation. Mr. Ewert responds that it can be, with regard to HOAs it is up to the HOA to set up those standards.

Mr. Ewert states that before the next meeting he will develop some acceptable standards for groomed common areas that are not pastures to avoid fallow land. Director Grover states it would be good to get plans submitted by a landscape architect, to have a detailed plan and that will meet the standards. It would also be good to have the applicants identify what type of open space they are trying to create so it is planned up front. He also states that in looking at bonus density, standards should be more specific. He points out that 10% bonus density being granted for meeting the purpose and intent of the code should be eliminated. They should already be meeting those standards.

Commissioner Willener asks if there is a way to promote aesthetically pleasing parcels that are easy to maintain to avoid obscure parcels around the subdivisions that can't fit into 1 acre lots. Mr. Ewert responds that he has added two items in the code that can help this. Open space parcel should be contiguous with other open space parcels. They can't be an island by themselves. A standard on the width can be put in so that they can't get skinnier than 100ft or 200ft. The question is do we want to create a square effect or a spider web effect? Having a spider web effect could help open opportunities for future uses because it provides connectivity.

Commissioner Heslop points out that with regards to line 125 and specific cluster requirements it might be a good idea to be more specific regarding the number of lots in a cluster subdivision versus the number of lots within a cluster.

Mr. Ewert states that cluster subdivisions might be more appealing if for example there were 200ft of open space and the cluster is tight on the inside. The lots on the inside would have to be very small. Would the open spaces be worth it? Would 5000sq ft. lots be okay? Commissioner Borklund states that 5000 sq. ft. might not be enough. The public moves out to such areas to be away from their neighbors. 10,000 sq. ft. is manageable for a single family. Director Grover points out that it's also important to think about irrigation when talking about tighter clusters. It will need to be addressed in agriculture protection plans.

Mr. Ewert states that regarding that total amount of open space and the total amount of land should have the same percentage of open space per plate. Director Grover agrees that this is good because each phase will be able to stand on its own if the developer falls out. He states that developer's and community rights also need to be looked at because at the end of the day we are all in it together.

Mr. Ewert points out that it might be good for the next work session to get out an old subdivision plat and review it to see if the ordinance works.

Regarding bonus density, he asks the Planning Commissioners whether they want to see it reduced from 50% to 35%. All Planning Commissioners agree that they want to reduce it to 35% common space or park space. Director Grover points out that the park district needs to be willing to accept the standards because they would be maintaining it.

Mr. Ewert states that regarding line 100 where it states that the open space area between one cluster of lots and another cluster of lots and the subdivision boundary shall not be less than 100 ft. He asks 100 ft. enough? Planning Commissioners agree that it should be raised to 150ft.

Commissioner Willener states that regarding the point of egress she has some concerns on the subject of traffic pattern and connectivity with other clusters. Would it run through the open space? Sometimes the only safe roadways are the connections between neighborhoods, not the main street. Mr. Ewert states this is a concern and he will put some thought into it. He points out that blocks can't be less than 500ft and no greater than 1350ft.; anything greater 1350 you have to put a midblock street. If that whole section is open space are we disrupting the road network? He agrees that it is definitely a balancing act. The Planning Commission agrees that the connectivity can continue to connect through the agriculture areas where the code requires. Mr. Ewert states that he will put more thought into this.

Regarding moderate low income and life cycles, he asks do we want to provide and a diversity of housing types? General plan says you should at least think about it.

Commissioner Heslop asks if there is a choice in the low to moderate-income housing. His understanding is that this is something that is tied to federal income.

Mr. Ewert answers that every community has to include a moderate income housing component to the general plan. Within Weber County as a whole, there is a lot of moderate income housing. Not every neighborhood has to have it. Do you want to have Aging in Place housing in every subdivision? Right now bonus density is provided for moderate-income housing. Director Grover points out that it should be spread out, to avoid bringing down the area. Mr. Ewert asks how the Planning Commission would feel keeping the 9000 sq. ft. lot sizes and reducing the number of duplexes and triplexes in a cluster. Commissioner Borklund asks if they allow smaller lots but it's limited to something like 5%. Mr. Ewert asks if this were the case what the minimum lot size would be. Commissioners agree that could be lot sizes for no smaller than 6000 sq. ft. and only 5% allowed. Director Grover states that he has some concerns regarding this idea because in the cluster subdivision there are no architectural guidelines, it might be a good idea to keep this in the PRUD ordinance. Specifically concerning duplexes and multifamily architecture is a key element. Mr. Ewert states the alternative would be 6000 sq. ft. min and no more than 10% of a Lot.

Commissioner Willener opens to public comment.

Val Sanders 3889 W 2900 S Taylor- he wants to remind everybody that the cluster subdivision was meant to protect the agricultural ground and to avoid odd island clusters you could have the developer show how they plan to irrigate. He asks can wetlands be used as open space. Commissioner Heslop responds if it can be mitigated. Mr. Sanders asks if there is anything that can be done to avoid developers selling out and leaving the owner to deal with what remains. He states that regarding the size of the lots, he believes that most people can't take care of a 1-acre lot. He is in favor of the higher density housing.

John Dejorgio 5306 W 1600 S West Weber- states that it upsets him to see prime farm ground go to developments. Cluster housing is the way to go. He doesn't care about the lot size. He believes that they should have the developers do research on where the prime land and leave it as open space. There is a lot of ways to get this information. He believes that prime ground should be reserved for the production of agriculture because it is very limited. He states that currently some of those lots are landlocked. These pieces

of prime land are getting cut up and it doesn't work. Regarding the Village Center in 4700 and 12th St. we need to address the stormwater issue. There is no place for the runoff water to go.

Hal Christenson 272 E 3000 N North Ogden- States that developer makes money off of density. The biggest expenses are the property cost and the construction cost. If you reduce the income by taking away the density you can't offer the landowner as much for their property. If the density goes from 50 to 30 this takes money away from the landowners.

Brent Hipwell 585 S 3600 W West Weber- States that he has concerns regarding the area of a retention pond out of being used as open space. He has some concerns with a particular development that is using the floodplain. The developer is including floodplain as open space. 3 months out of the year that land can't be used. He believes a certain elevation ought to be set for floodplain and should not be included as open space.

Greg Bell 4023 W 2100 S Taylor- States that he believes that we are headed in the right direction. He points that if you allow homes along the existing roadways you shouldn't be allowed to reduce the square footage along the existing roadway. Taking it down to 5000 sq. ft. what's the good of the agriculture space? All you will see is the bunch of housing. Allowing a buffer between the existing road and the development would make it easier to acquire the land without taking peoples personal property. There needs to be specific wording that eliminates detention ponds from being considered open space or agriculture preservation lots. He wants to a clause that prevents limitations to agriculture. He would like to see restrictions set to make sure land is conducive to the agricultural space. He proposes that bonus density should be reduced to 35%. 9000 sq. ft. the minimum Lot would allow moderate housing anything smaller would make it cramped. It might make them cycled homes. HOA's are a big concern because after a period of time the homes cycle through and the HOA's fade away. It would be good to make it clear that bonus density is not guaranteed, that it can change based on the preliminary decision. It would also be good to make it clear that open space or agriculture preservation is deemed perpetual.

Eric Page 1891 S 4150 W Taylor – States that with regards to density people don't necessarily need to sell to a developer. 5000 sq. ft. properties are not appealing to him. He states that he does not want to see the pasture in his backyard lined with 5000sq lot houses. He points out that we are trying to maintain the agricultural land. 35% bonus density is more than enough. Regarding HOA's coming into a rural area, what's going to be the contract regarding livestock? He asks why impose on the people who already live there. Regarding livestock you're going to have people moving in from the city complaining about the smell? What can be done to keep HOA's from setting restrictions for land use for property owners?

Commissioner Willener Closes for public comment

Commissioner Willener asks about HOA's covenants restricting land use that is stricter than the land use code. Director Grover answers that depending on how it is designed; there are other options available to preserve open space permanently using conservation or preservation easements that run on the land. Clustering in one section and creating agriculture in other areas this is where they are getting bonus density. They can look at placing easements to avoid dealing with HOA's. In lower-income HOA areas it can become a problem because people don't pay their dues and then nothing gets maintained. Standards need to be addressed for both and to accommodate for both. We don't want to take away developers rights because some of the farmers are counting on this land. It is a balancing act.

Commissioner Willener asks regarding HOA's or developer having agriculture preservation that is more restrictive than agriculture land might allow; restricting livestock even though even though agricultural land might allow, there needs to be some dialogue. Director Grover answers that in order to have livestock they need to meet the acre requirement. We can also put more definitive language so that it is not left to interpretation. Mr. Ewert points out that regarding rules implemented by HOA's; it is just an association of owners. They all have a contract with each other. It is a private contract between the owner and the person who buys the property after. It's hard to write a law that says that you cannot have a private contract to only

use your property in certain ways. It would be better to incentivize agricultural productive land not held by an HOA. Mr. Crocket agrees that preservation easements are an outside mechanism that would allow another body to enforce restrictions or something independent of the HOA. With regards to covenants, HOA can't establish covenants that are going to reduce the requirements of the law. They can establish between themselves private contracts that they are going abide by more restrictive obligation not part of the land use process. There is a lot of self-regulation. This is a concern. There is requirement right now that they need to show they are registered with the state but it hard to determine what's going to happen down the line. Director Grover states that HOA's are a volatile thing; we need to make sure that they put in place infrastructures that meet the County standards.

Commissioner Willener ask that in concerning the placement of a subdivision is there anything in the code that looks at geographic issues, and watershed? Director Grover states that Mr. Dejorgio made a good point, and looking at Terakee Village has some of the same issues. He states that it is important to keep in mind that both were developed as PRUD, not Cluster.

Mr. Ewert asks regarding agriculture preservation versus common area versus parks. He asks whether the Planning Commission would be okay if bonus densities were reduced a certain amount except for agriculture or agriculture is allowed to have a higher density. Commission Willener states that she would like to see some scenarios to see the effects and how it might work.

Commissioner Borklund asks regarding a petition that was mailed regarding the cluster ordinance is there any way to mail notices to the people who signed the petition. Director Grover states that they can, but it can become a budget issue. It's good to have a key contact. In this case, there is, and they can help spread the word.

WS3. DISCUSSION: Village development of 4700 West and 1150 South- Postponed.

WS4. DISCUSSION: Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative-not administrative-action.-Postponed.

WS5. DISCUSSION: (Time Pending) General Plan review and training.-Postponed.

Adjourned 7:25pm

Respectfully submitted,
Maria Borchert



Staff Report To the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for final approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet in area to 1800 South Street and to defer asphalt, curb, gutter, and sidewalk.

Application Type: Administrative

Agenda Date: Tuesday, February 13, 2018

Applicant: Daniel and Remedios Rackliff

Subdivision File Number: LVR071417

Property Information

Approximate Address: 4409 West 1800 South, Taylor

Project Area: 2.441 Acres

Zoning: A-1

Existing Land Use: Residential/Agriculture

Proposed Land Use: Residential

Parcel ID: 15-080-0055

Township, Range, Section: Township 6 North, Range 2 West, Section 29

Adjacent Land Use

| | |
|--------------------------------------|--------------------------------------|
| North: Residential | South: Agriculture |
| East: Residential/Agriculture | West: Residential/Agriculture |

Staff Information

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

Report Reviewer: RK

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 5 (Agricultural (A-1) Zone)
- Title 106 (Subdivisions) Chapter 1-8 as applicable

Approval Meeting History

A Planning Administrative Approval meeting was held on December 6, 2017. During that meeting it was brought to our attention that Marjory Day (the owner of Day's End Subdivision) did not want to be included in this proposal. It was decided by the Planning Director to table the approval to a later date when the matter can be resolved and a revised plat is submitted. Shortly thereafter, the applicant submitted a revised plat that only includes Mr. and Mrs. Rackliff's land.

On January 19, 2018 the Planning Division held an administrative meeting to take public comment and address comments or questions. Those in attendance wanted to make sure that the subdivision boundary did not encroach onto their land. This matter was clarified for the public and all their questions were answered.

Background and Summary

Mr. and Mrs. Rackliff are requesting final approval of Rackliff Subdivision, a small subdivision consisting of one lot that fronts directly on 1800 S Street, located at approximately 4435 West 1800 South, Taylor, Utah. The proposed lot is located along 1800 South Street where there will be area dedicated along the public right-of-way that measures 7 feet by 170 feet for the future expansion of 1800 South Street to 80 feet. There is a boundary line agreement between Mr. and Mrs. Rackliff and the property owners to the west (entry # 2859448). The proposed subdivision will establish a subdivision boundary and create a legal residential lot where the Rackliff's plan to build a home. The lot contains 2.441 acres that is currently vacant. The proposed subdivision conforms to both the zoning and subdivision requirements including adequate area and frontage.

This proposal comes with a request to defer asphalt, curb, gutter and sidewalk. At this time it is impractical to widen 1800 South Street and construct curb, gutter and sidewalk due to those improvements not being present in the surrounding area.

Analysis

General Plan: This proposal conforms to the Western Weber General Plan by creating residential lots which will preserve the low density rural residential setting (see page 2-5 of the Western Weber General Plan).

Zoning: The subject property is located in the Agricultural (A-1) Zone. The purpose and intent of the A-1 Zone is found in LUC §104-5-1:

"The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment."

Lot area, width and yard regulations: The lot contains 2.441 acres (106,329.96 sq ft) and will be 170 ft. wide.

The site development standards for the A-1 Zone are as follows:

Minimum Lot Area: 40,000 sq. ft.
Minimum Lot Width: 150 Feet

Culinary water and sanitary sewage disposal: Culinary water will be supplied by Taylor West Weber Water. Sanitary sewer services will be handled by an approved septic system that has received water table monitoring and septic system feasibility letters from the Health Department (see Exhibits D and E).

Secondary Water: Daniel and Remedios Rackliff possess 2 ½ Class A secondary water shares as shown in exhibit C on page 6 of this report.

Review Agencies: Weber County Fire Marshal and Weber County Engineering have approved this proposal. Weber County Surveying previously approved of the subdivision plat, although the recently submitted revised plat that omits Day's End Subdivision will need to be re-reviewed to insure compliance with County Surveyor requirements.

Tax clearance: The 2017 property taxes have been paid in full. The 2018 property taxes are due in full as of November 30, 2018.

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

Planning Division Recommendation

Staff recommends approval of Rackliff Subdivision, consisting of one lot, with the request to dedicate 1,190 square feet in area to 1800 South Street and to defer asphalt, curb, gutter, and sidewalk. Approval is recommended with the following conditions:

1. A Deferral Agreement for asphalt, curb, gutter and sidewalk shall be entered into by the owner and recorded with the final Mylar.
2. Taylor West Weber Water requires that a half share of secondary water be held by the District for a pressurized system.

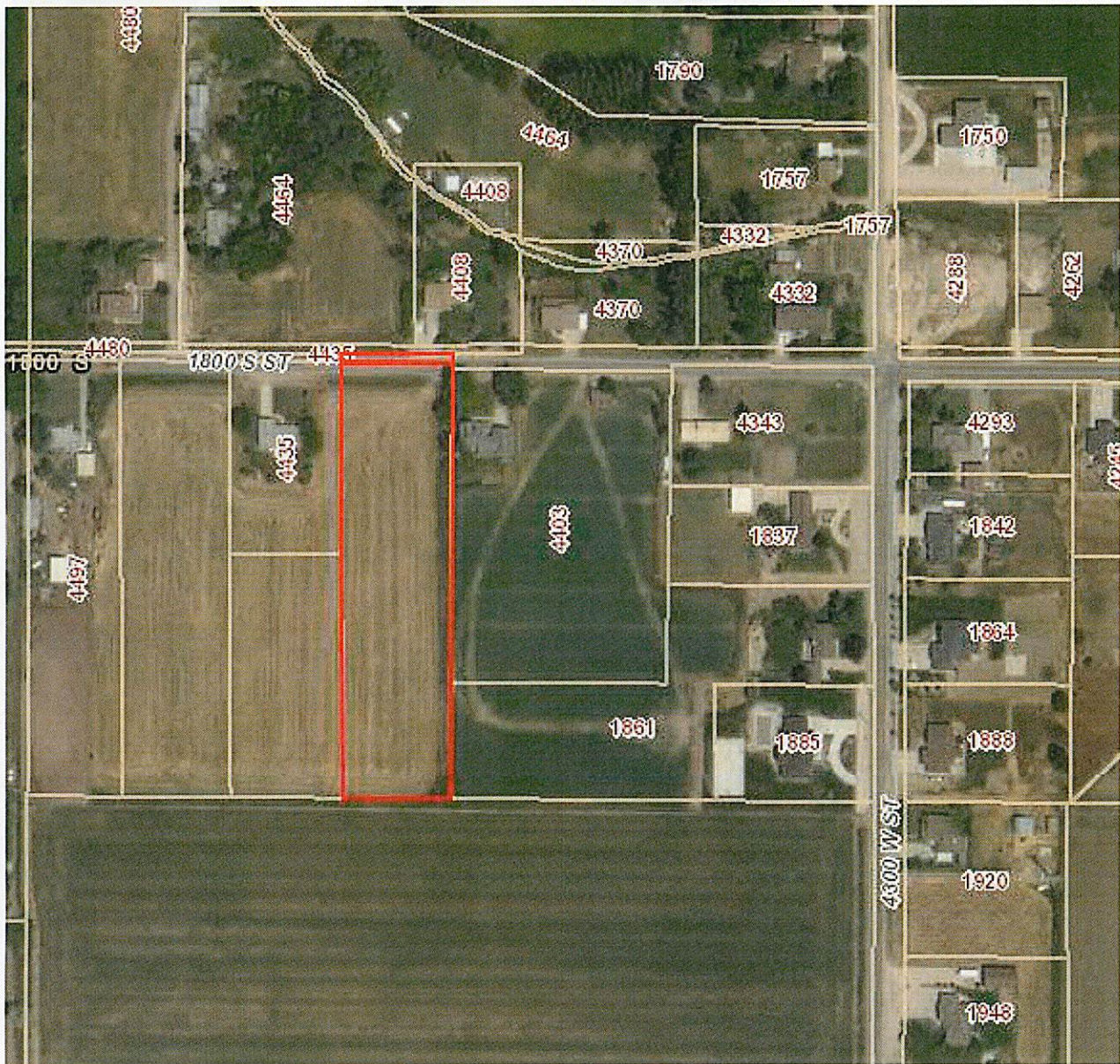
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.

Exhibits

- A. Proposed Subdivision
- B. Taylor West Weber Water Will Serve Letter
- C. Hooper Irrigation Certificate
- D. Health Department Feasibility Letter
- E. Health Department Water Table Monitoring

Map 1



TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT
 2815 WEST 3300 SOUTH
 WEST HAVEN, UTAH 84401

May 10, 2017

Weber County Planning Commission
 2380 Washington Boulevard
 Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given to provide culinary water only for one home for the approximate address of ~~4415~~ West 1800 South in Taylor, Utah.
 4405 ^{VS}

Requirements:

- *Water rights fee = ¼ share of Hooper or Wilson Irrigation (in District's name) or a Weber Basin contract (\$2,902 or current cost when paid)
- *Secondary water = ½ share of Hooper or Wilson Irrigation (in District's name) to be held by District for a pressurized system
- *Hookup/Impact fee = \$6,824 (or current cost when paid)

Final approval will be subject to meeting all of the requirements of the District and all fees/shares being paid and received.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.


 Val Surrage, Manager

VS/sph

Expires 10/10/17

transferred 6/11/17

Al Prinstein

INCORPORATED UNDER THE LAWS OF THE STATE OF UTAH

NO. 7238

2 1/2 Shares



HOOPER IRRIGATION COMPANY

Capital Stock 10,000 Shares

THIS CERTIFICATE represents Two and one-half Shares of the Capital Stock of Quintin Sanders in the name of HOOPER IRRIGATION COMPANY transferable only on the books of the Corporation by the holder hereof in person or by attorney upon surrender of this Certificate heretofore endorsed.

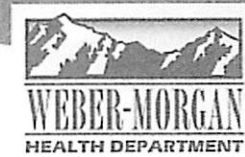
IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its corporate seal to be hereunto affixed this 6th day of January, 2017.

Michelle Fruston
SECRETARY

Wesley Lee
PRESIDENT

Par Value \$10.00

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



August 27, 2015

Renee Sanders
153 7th St
Ogden, UT 84404

RE: Wastewater Site and Soils Evaluation #14234
Approx. 4405 W 1800 S
Parcel # 15-080-0055

Dear Ms Sanders:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on August 27, 2015. The exploration pit is located on the enclosed plat developed during the site evaluation along with the assigned numerical code for each exploration pit. The soil horizons, required percolation depths, actual and anticipated maximum ground water tables have been logged as follows:

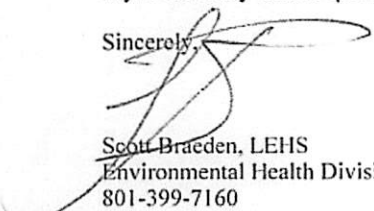
Exploration Pit #1 (UTM Zone 12 Nad 83 408992 E 4565315 N)
0-13" Sandy loam, granular structure
13-42" Fine sandy loam, massive structure
42-51" Fine silt loam, massive structure
Ground water encountered at 51" below grade.

Exploration pits should be backfilled immediately upon completion of percolation testing to prevent a hazardous environment that may cause death or injury to people or animals.

Monitoring of the maximum ground water table is required in the location of the above listed exploration pits. Please complete the enclosed application of maximum ground water table monitoring and return it along with the appropriate fees. The wells should be constructed in accordance with the enclosed diagram in order to provide the most accurate water table readings possible. Each group of monitoring wells can be for an area not exceeding 600 feet or approximately a 3 acre area.

If you have any further questions, contact this office at your convenience.

Sincerely,

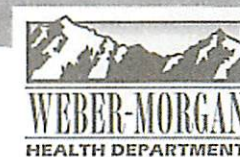


Scott Braeden, LEHS
Environmental Health Division
801-399-7160
SB/nm

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



March 22, 2016

Renee Sanders
153 7th Street
Ogden, UT 84404

**Subject: Water Table Monitoring located at approximately 4405 W. 1800 S. in Ogden, UT.
Land serial #15-080-0055**

Dear Mrs. Sanders:

This letter is to notify you of the results for water table monitoring that was conducted on your property. Monitoring was performed from January 12, 2016 through March 4, 2016. The peak ground water level was observed on February 26, 2016.

The water table for the subject property remained below 24 inches throughout the monitoring period. Therefore, an **At-Grade Wastewater Disposal System** would be suitable for the property with respect to water table.

The Weber-Morgan Health Department does not assert that this property meets zoning, subdivision or any other development feasibility requirements.

If not already accomplished, the following requirements must be satisfied in accordance with Utah Administrative code R317-4 and Weber-Morgan Health Department Onsite Wastewater Treatment System regulation, before the Weber-Morgan Health Department is able to issue a letter of feasibility for residential development on the property:

1. Approval of onsite systems in western Weber County is made in accordance with the AGround Water Management Plan for Western Weber County, (adopted by the Weber-Morgan Board of Health 27 August 2001). The plan addresses replacement systems and density requirements.
2. **Drinking water.** Culinary drinking water must be provided by an approved public water system or an approved private well. **Properties to be served by a public water system must provide our office with a letter from the utility company, documenting that the system is capable of provided water to the property.** If a private well is to be used, the well must be permitted and approved by a member of this office.

EDUCATE | ENGAGE | EMPOWER

phone: 801-399-7100 | fax: 801-399-7110 | 477 23rd Street, Ogden, UT 84401 | www.webermorganhealth.org

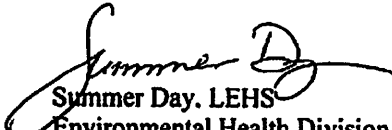
3. **Soils Evaluation and Percolation Testing.** Soil exploration pits shall be made at the minimum rate of one exploration pit per lot proposed. Application and guidance for soils evaluation are available at the health department or online at webermorganhealth.org. Percolation tests may be required based on soil types and must be performed by a certified individual. A list of certified individual is available at the health department

Once feasibility has been demonstrated, and the following requirements have been satisfied, the health department will then be able to issue an Onsite Wastewater Disposal Permit:

1. **System design.** Alternative systems must be designed by a Certified, level 3 onsite systems professional or other qualified professional. The system must be designed in accordance with Utah State Rule, R317-4, Onsite Wastewater Systems and Weber-Morgan Health Department Rules for Individual Wastewater Systems.
2. **Building plans.** Plans must include the property's dimensions, topographical features, easements, a floor plan (indicating the number of bedrooms and basement, if applicable), driveways and outbuildings and lot dimensions, placement of the onsite system and the location of system replacement area (must accommodate 100% replacement of the original system).
3. **Subdivision plans.** The location of all exploration pits and percolation test holes shall be clearly identified on the subdivision final plat and identified by a key number or letter designation. The results of such soil test, including stratified depths of soils and final percolation rates for each lot shall be recorded on or with the final plat.

Attached is a copy of all water table measurements and observations. Please contact this office or the undersigned at 801-399-7160 if you have questions.

Sincerely,


Summer Day, LEHS
Environmental Health Division



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a design review application for a used car lot on Lot 11 of the Weber Industrial Park.

Agenda Date: Tuesday, February 13, 2018

Applicant: Frank Kuba

Type of Decision: Administrative

File Number: DR 2017-17

Property Information

Approximate Address: 2241 N Rulon White Blvd, Ogden

Project Area: 9.66 Acres

Zoning: M-1

Existing Land Use: Auto repair shop

Proposed Land Use: Auto repair shop and used car lot

Parcel ID: 19-060-0012

Township, Range, Section: T6N, R3W, Section 18

Adjacent Land Use

| | | | |
|---------------|---------------|---------------|---------------|
| North: | Manufacturing | South: | Manufacturing |
| East: | Manufacturing | West: | Manufacturing |

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: 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 used car lot to be located on a paved area outside of an existing auto repair shop. The proposal will consist of no more than 4 cars for sale at one time. The applicant is not proposing any new improvements. The applicant is requesting a modification to the parking requirement of one space per employee plus four spaces per client use as listed in the Weber County Uniform Land Use Code (LUC) §108-5-4. The reason for the request is because the applicant has used all of their parking area to meet the parking requirement of an auto repair shop which is one space per employee plus five spaces for client use. The same two employees that work in the auto repair shop will manage the used car lot and client use will be scheduled by appointment, minimizing the need for multiple client parking spots. LUC § 108-8-5 states "The planning commission may adjust the required number of spaces listed in this chapter if it determines that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted."

If the request for a variation to the parking requirement is approved, the proposal meets the Design Review and the Manufacturing M-1 zoning requirements of Weber County Land Use Code. The following section is staff's evaluation of the request.

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: Used car lots are a permitted use in the in the Manufacturing M-1.Zone. Lot 11 of the Weber Industrial Park is approximately 9.66 acres, meeting the minimum lot size requirements outlined in LUC §108-22-4. Not more than 50 percent of the required side and rear yards are being used for parking, as stated in LUC §108-8-7(c).

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.* Traffic safety concerns and congestion are not anticipated where only four cars will be displayed at any time and no new improvements are being proposed. The project conforms to the parking requirement of an auto repair shop which is one space per employee plus five spaces for client use. The project will include one additional space for client use for the used car lot as the applicant anticipates one client at a time because of the plan to schedule by appointment. The four cars that will be for sale will be located on a gravel area indicated on the parking plan (Exhibit B).
- *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.* No new buildings or other improvements are being proposed. Not more than 50 percent of the required side and rear yards are being used for parking, as stated in LUC §108-8-7(c).
- *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 used car lot consisting of no more than 4 cars at any time, located at approximately 2241 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. Any additional signage must comply with Title 110, Chapter 1, Western Weber Signs.

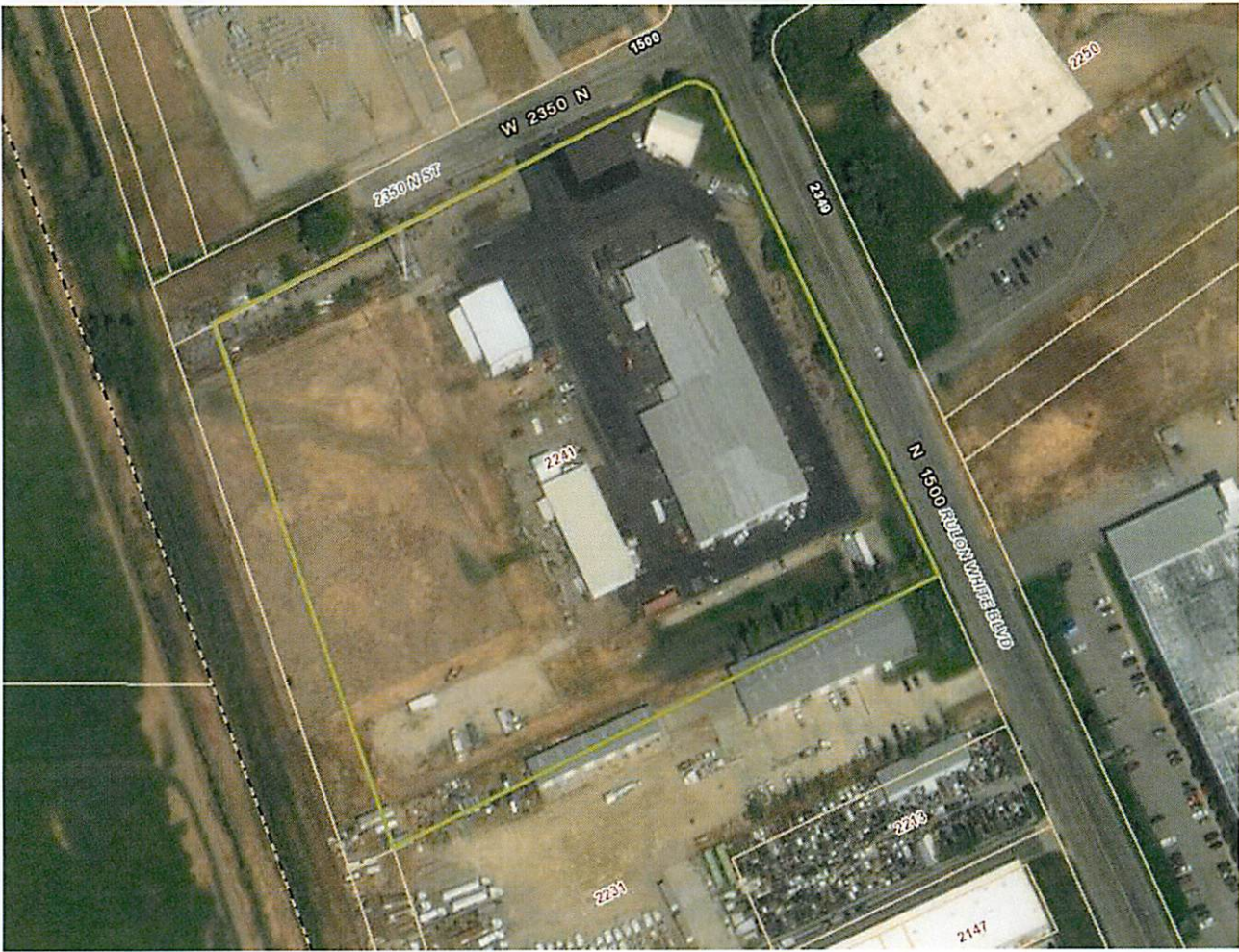
This recommendation is based on the following findings:

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. Parking Plan

Area Map 1



Weber County Design Review Application

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

| | | | |
|----------------------------|-------------------|-----------------------------|--------------------------|
| Date Submitted / Completed | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
|----------------------------|-------------------|-----------------------------|--------------------------|

Property Owner Contact Information

| | | | |
|--|----------------------|--|--|
| Name of Property Owner(s) PARK INTER MOUNTAIN INDUSTRIAL | | Mailing Address of Property Owner(s) 2331 N. Ogden, UT 1350 W. 84404 | |
| Phone 801-643-5090 | Fax (IMIP) | | |
| Email Address (required) Kufarba@Comcast.net | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |

Authorized Representative Contact Information

Carlos Gomez 801-450-8454

| | | | |
|---|-----|---|--|
| Name of Person Authorized to Represent the Property Owner(s) Frank Kuba | | Mailing Address of Authorized Person Same | |
| Phone 801-643-5090 | Fax | | |
| Email Address Same as above | | Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |

Property Information

| | | |
|---|---|-----------------------------|
| Project Name | Current Zoning M-1 | Total Acreage 9.4 |
| Approximate Address 2331 N. 1350 W OGDEN UT 84404 | Land Serial Number(s) 19-060-001R | |

Proposed Use

Project Narrative
EMPLOYEES 2
HOURS OF OPERATION 9am - 6pm M-F
10am - 3pm Sat
USED CAR DEALERSHIP, NO MORE THAN 4 CARS FOR SALE AT ONE TIME
AUTOMOTIVE REPAIR SHOP BEING RUN IN SAME BUILDING

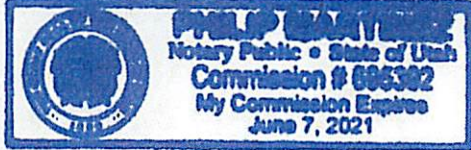
Property Owner Affidavit

I (We), Frank Kuba, 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.

FRANK KUBA
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 29th day of July, 2017.



[Signature]
(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, 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.

(Property Owner)

(Property Owner)

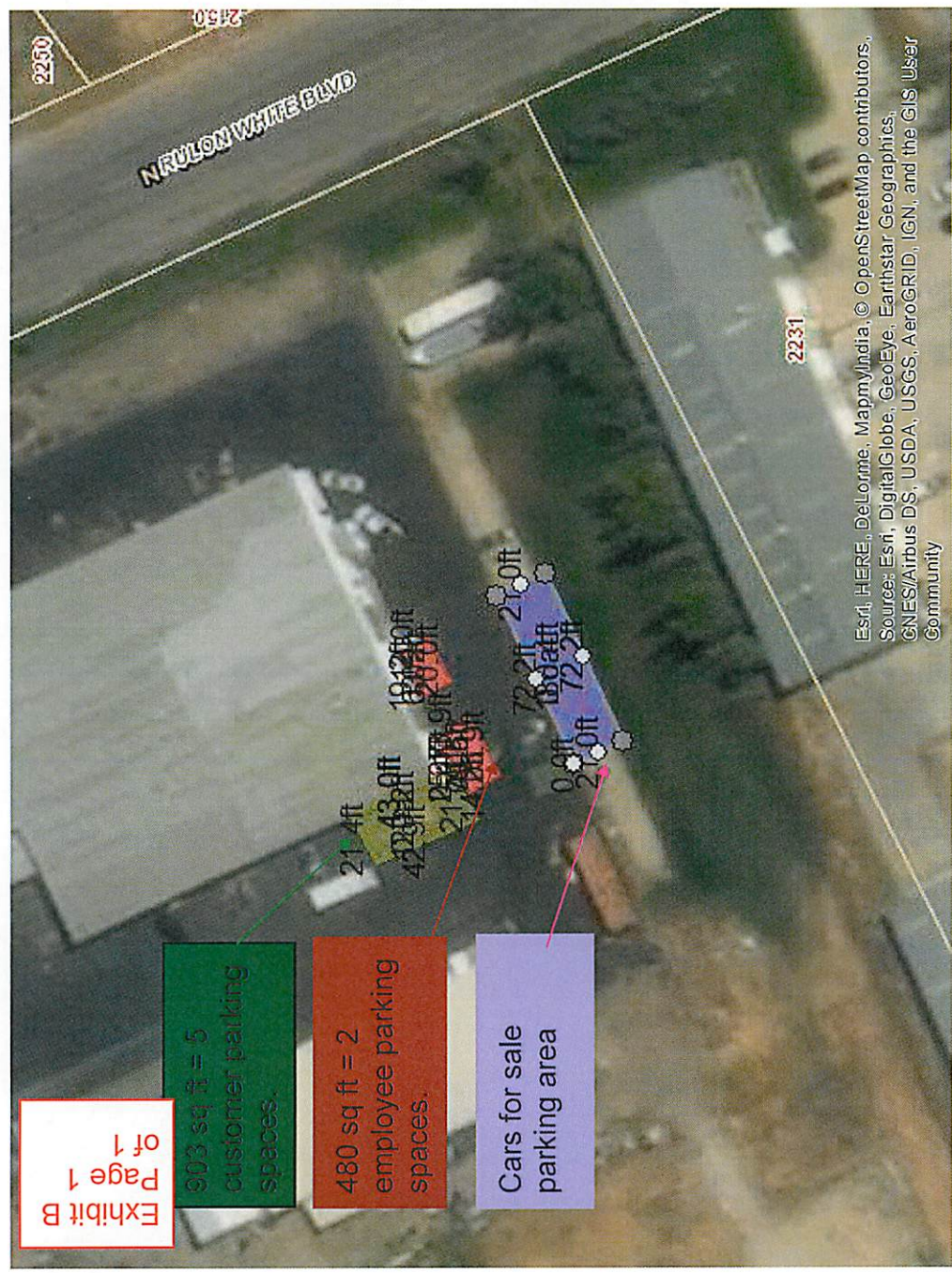
Dated this _____ day of _____, 20 _____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)

903 sq ft = 5
customer parking
spaces.

480 sq ft = 2
employee parking
spaces.

Cars for sale
parking area



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors,
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
Community



Staff Report for Administrative Subdivision Approval

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of a right of way dedication in the Mike Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber.

Type of Decision: Administrative

Agenda Date: Tuesday, February 13, 2018

Applicant: Michael & Kaylene Henry, Owners

File Number: LVM 060517

Property Information

Approximate Address: 1400 S. 2900 W., Farr West, UT 84404

Project Area: 9.98 acres

Zoning: Agricultural (A-2) Zone

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 15-060-0158

Township, Range, Section: T6N, R2W, Section 22E

Adjacent Land Use

| | | | |
|---------------|---------------------------------|---------------|---------------------------------|
| North: | Residential/Vacant Agricultural | South: | Residential/Vacant Agricultural |
| East: | Vacant Agricultural | West: | 2900 West/Vacant Agricultural |

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794

Report Reviewer: RK

Applicable Ordinances

- Title 106 (Subdivisions) Chapter 2 (Subdivision Standards) Section 2 (Street and alley widths, cult-de-sacs, easements)
- Title 106 (Subdivisions) Chapter 7 (Owner's Dedication) Section 1 (Subdivision dedication)

Development History

Mike Henry Subdivision received administrative approval on December 13, 2017.

Background and Summary

The 33 foot wide right-of-way is currently a public road that is maintained by Weber County. Mike and Kaylene Henry, the owners and developers of Mike Henry Subdivision, have petitioned the county to accept dedication of the right of way. The right of way dedication has been reviewed and approved by the Weber County Surveyor and Engineer. The right of way dedication will be recorded as part of the Mike Henry Subdivision.

Analysis

General Plan: The General Plan for West Weber is intended to preserve private property rights while also preserving the rural characteristics of the area. This proposal conforms to the West Weber General Plan.

Zoning: The subject property is located in the Agricultural (A-2) Zone. Single-family dwellings are a permitted use in the A-2 Zone.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in LUC Title 106 Chapter 1, and the A-2 zone standards in LUC Title 104Chapter 7. The proposed subdivision will not create any new public streets nor realign any public streets. The proposal meets the criteria for "Small Subdivisions", as defined in LUC 101-1-7, and can be administratively approved per LUC 106-1-5(b)(1). The proposal is being forwarded to the Planning Commission based on the need to dedicated the required right of way to Weber County.

Tax Clearance: 2017 property taxes have been paid in full. 2018 Property Taxes will be due in full November 30, 2018.

Owner's Dedication: LUC §106-7-1 plainly states the language that shall be included in the owner's dedication. Mike Henry Subdivision Plat contains the proper language for dedication of the right-of-way.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed small subdivision per noticing requirements outlined in LUC §106-1-6.

Staff Recommendations

Staff recommends final approval of a right of way dedication in the Mike Henry Subdivision, a one lot subdivision located at 1354 South 2900 West, West Weber. This recommendation is subject to all review agency requirements.

This recommendation is based on the following findings:

1. The proposed road and storm drain easement dedication complies with applicable ordinances.
2. The proposed road dedication will not be detrimental to public health, safety, or welfare.
3. The proposed road dedication will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Subdivision Application
- B. Plat Map
- C. Area Map

Exhibit A. Subdivision Application

Weber County Subdivision Application

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

| | | | |
|----------------------------|-------------------|-----------------------------|--------------------------|
| Date Submitted / Completed | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
|----------------------------|-------------------|-----------------------------|--------------------------|

Subdivision and Property Information

| | | | |
|---|---|---|--|
| Subdivision Name <i>Mike Henry</i> | | Number of Lots | |
| Approximate Address <i>1400 S. 2900 W.</i> | | Land Serial Number(s) <i>15-060-0158</i> | |
| Current Zoning | Total Acreage | | |
| Culinary Water Provider <i>Taylor West Weber</i> | Secondary Water Provider <i>Wilson Taylor Irr.</i> | Wastewater Treatment <i>Septic</i> | |

Property Owner Contact Information

| | | | |
|--|-----|---|--|
| Name of Property Owner(s) <i>Mike Henry</i> | | Mailing Address of Property Owner(s) | |
| Phone <i>801-698-2258</i> | Fax | | |
| EmailAddress | | Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |

Authorized Representative Contact Information

| | | | |
|---|-----|---|--|
| Name of Person Authorized to Represent the Property Owner(s) <i>Cliff Bell</i> | | Mailing Address of Authorized Person <i>4655 S. 1900 W #9 Reynolds UT 84067</i> | |
| Phone <i>801-458-1685</i> | Fax | | |
| EmailAddress <i>Cliff Bell @ Readytek inc</i> | | Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |

Surveyor/Engineer Contact Information

| | | | |
|--|-----|--|--|
| Name or Company of Surveyor/Engineer <i>Land Mark</i> | | Mailing Address of Surveyor/Engineer <i>4646 S. 3500 W West Haven</i> | |
| Phone <i>801-731-4075</i> | Fax | | |
| EmailAddress | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |

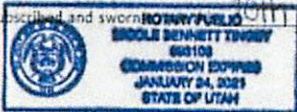
Property Owner Affidavit

I (we), Michael Henry / Kaylene Henry 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. I (we) acknowledge that during the subdivision review process, it may be determined that additional requirements, covenants and/or agreements may be required to be constructed or entered into.

[Signature]
(Property Owner)

[Signature]
(Property Owner)

Subscribed and sworn before me this 10th day of May, 2017



[Signature]
(Notary)



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for preliminary plan approval of Terakee Farms No. 1, a PRUD Subdivision.

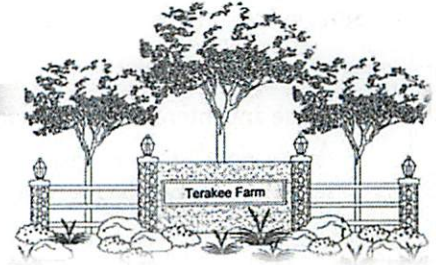
Type of Decision: Administrative

Agenda Date: Tuesday, February 13, 2018

Applicant: Harold P. Eborn Family Protection Trust, Harold H. McFarland & Marva C. McFarland, Trustees, and Brad Blanch

Authorized Representative: Brad Blanch

File Number: LVT111717



Property Information

Approximate Address: 700 North 3600 West

Project Area: 17.273 acres

Zoning: A-2

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 15-028-0047, 15-028-0046, 15-028-0006, 15-028-0005

Township, Range, Section: T6N, R2W, Section 9

Adjacent Land Use

| | |
|---------------------------|---------------------------|
| North: Agriculture | South: Agriculture |
| East: Agriculture | West: Agriculture |

Staff Information

Report Presenter: Ronda Kippen
rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: RG

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 7 Agricultural A-2 Zone
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Development History

- The conditional use permit application for Terakee Farms PRUD was forwarded to the County Commission with a unanimous positive recommendation from the Western Weber Planning Commission after a meeting was held to review the application and receive public input on November 15, 2016.
- The conditional use permit for Terakee Farms PRUD received approval in a two to one vote by the County Commission after holding a meeting to review and take public input during on December 6, 2016.
- Submitted preliminary subdivision application for Terakee Farms PRUD Phase 1 on November 20, 2017 (see Exhibit D for the Notice of Decision).

Summary and Background

The Planning Division recommends approval of the preliminary plan for Terakee Farms No. 1, a PRUD Subdivision consisting of 40 lots, located at approximately 700 North 3600 West in West Weber. The proposal is the first phase in a multi-phased development consisting of 232 lots when completed (see Exhibit A for the phasing plan & Exhibit B for the preliminary plan of phase one). The proposed development is zoned A-2 Zone and is considered an "agro-community". The authorized representative is currently under contract to transfer the property into one ownership prior to moving forward with

recording the final Mylar and installing the improvements for the development of the PRUD as required in the Uniform Land Use Code of Weber County (LUC) §108-5-6-(a).

The applicant would now like to move forward with the subdivision process and has submitted the required information as outlined in LUC §106-1-5 and LUC Chapter 108 Section 5 for consideration and approval of the proposed subdivision. As part of the preliminary subdivision requirements, the subdivision review process and approval procedure, the proposal has been reviewed against the current preliminary subdivision ordinance and the standards is the A-2 zone by the following reviewing agencies: Planning Division, Engineering Division and Surveyor Division. Based on these reviews, the application has met or will conditionally meet all of the requirements for preliminary approval. The following is staff's analysis of the proposed preliminary subdivision.

Analysis

General Plan: The proposal conforms to the West Central Weber County General Plan by supporting agriculture and encouraging residential cluster style development with a minimum 30% open space.

Zoning: The subject property is located in the Agricultural A-2 Zone.

The purpose and intent of the A-2 zone is identified in the LUC §104-7-1 as:

"The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved."

The subdivision is located in the A-2 Zone therefore the LUC §106-1-8(5) requires the following note to be on the final plat to provide adequate notice to the property owners within the subdivision:

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

PRUD: The PRUD is a multi-phased development consisting of 206 single family lots ranging in size from approximately 4,791 square feet to 74,487 square feet with 26 Accessory Dwelling Units (see Exhibit A for phasing plan and Exhibit B for the Terakee Village Phase 1 preliminary plan). The PRUD will offer a variety of housing options and includes approximately 69.5 acres of open space. The open space accounts for approximately 43.95% of the entire PRUD gross acreage. The open space will include an extensive pathway, a neighborhood park, a Community Center, a Farmer's Market, two large agricultural parcels, an equestrian barn and outdoor riding arena as well as multiple other agricultural outbuildings.

The applicant was granted a 50 percent bonus density based on preserving 50 acres or more as agricultural open space.

Lot area, frontage/width and yard regulations: The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to "allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas." The proposed PRUD utilizes the allowed flexibility to create neighborhoods with lots ranging in size from 0.11 acre lots to 0.215 acre lots and sized to accommodate single family homes.

The proposal includes the following minimum single family development standards:

- Typical Lots:
 - Front Yard: 20 feet
 - Side Yard: 10 feet
 - Rear Yard: 5 feet
- Maximum Building Height:
 - Single Family: 35' (average building height)
 - Accessory Structures: 35' (average building height)

The preliminary plan shows an average building height for a single family residence as an average of 40 feet. The PRUD was approved based on the single family and accessory structures being an average building height of 35 feet. A condition of approval has been added to ensure the correct building height is shown of the final plat. Based on the allowed flexibility of a PRUD, the proposed layout, lot configuration and lot size, the preliminary plan has been deemed acceptable by the reviewing agencies.

Common Area: The applicant is proposing to dedicate approximately 69.5 acres of open space within the entire PRUD. Phase one will dedicate approximately 7.723 acres of open space; which is approximately 44.7% of the net developable area in phase one. The preliminary plan identifies the common open space area as "A" Agricultural Open Space and will be dedicated upon recording to a Community Association. The Agricultural Preservation Plan, Landscape Maintenance Plan, and CC&R's must be submitted and reviewed during the final subdivision process to ensure they comply with the provisions of the Community Association Act, U.C.A 1953, §57-8a-101 et seq. per LUC §108-5-6(d)(2) for the preservation, maintenance and ownership of the common area.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Flood Zone "X" as determined by FEMA. This area has been determined to be outside a 500-year floodplain.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a feasibility letter from the Taylor West Weber for the culinary water and Central Weber Sewer District. Secondary water will be provided by a private source. Designs for the secondary irrigation system will need to be reviewed and approved during the final subdivision process by the Weber County Engineering Division.

During the final subdivision the applicant will need to provide a capacity assessment letter and a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission.

A condition of approval has been added to ensure that a capacity assessment is submitted with the final subdivision plans from the culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission and a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water will be submitted prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor's Office, Fire District, Treasurer's Office and Engineering's Division have reviewed the proposal and have either approved or conditionally approved the preliminary plans, outlining specific items that will be necessary to address either prior to or during the final subdivision process.

The Weber County Engineering Division has outlined some key issues that will need attention prior to moving forward with the final subdivision process. These issues included the need for the applicant to continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval; prior to the applicant starting any work on the development or along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division; and 3600 West right of way must be dedicated to Weber County for the approved width. A condition of approval has been made part of staff's recommendations to ensure that all conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: There may be additional site preparation in conjunction with each approved building permit. The proposed subdivision does require the creation of a new street system. A 50 foot temporary easements must located at the end of all temporary stubbed streets. Staff recommends adding language to be placed on the final plat that will vacate the easements upon recording the future phases. The applicant will be required to provide a cash escrow to be held by Weber County for the applicable improvements within the subdivision. The applicant has provided a detailed landscaping and lighting design and an Agriculture Preservation Plan to be reviewed by the Planning Commission (see Exhibit C). Based on staff's review it does meet the minimum landscape requirements in the PRUD Chapter 108 Title 5. If the Planning Commission would like to have the applicant add some additional landscaping, a condition of approval will need to be added a well as a finding that will support such a request. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

Tax clearance: The 2017 property taxes have been paid in full. The 2018 property taxes are not considered due at this time but will become due in full on November 30, 2018.

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

Staff Recommendation

Staff recommends approval of the request for preliminary plan approval for Terakee Farms No. 1, a PRUD Subdivision consisting of 40 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. The final subdivision plat shall reflect a 35 foot average building height for all single family and accessory structures.
2. The final subdivision plat shall include the agriculture note as required in LUC §106-1-8(5).
3. An Agricultural Preservation Plan, Landscape Maintenance Plan, and CC&R's must be submitted and reviewed during the final subdivision process to ensure they comply with the provisions of the Community Association Act for the preservation, maintenance and ownership of the common area.
4. A capacity assessment shall be submitted with the final subdivision plans from the culinary provider prior to the final subdivision being forwarded to the Western Weber Planning Commission.
5. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water shall be submitted with the final subdivision plans prior to approval by the County Commission.
6. The applicant shall continue to work with and receive approval from the Weber County Engineering Division regarding safe and adequate access along 3600 West prior to submitting to the Weber County Planning Division any documentation for final subdivision review and approval.
7. Prior to the commencement of any onsite improvements for Terakee Farms (including the excavation and installation of infrastructure) or any improvements along 3600 West, the applicant must receive approval of all improvement plans and receive the applicable permits required by the Weber County Engineering Division
8. Prior to improving 3600 West, right of way dedication to Weber County must take place for the approved width.

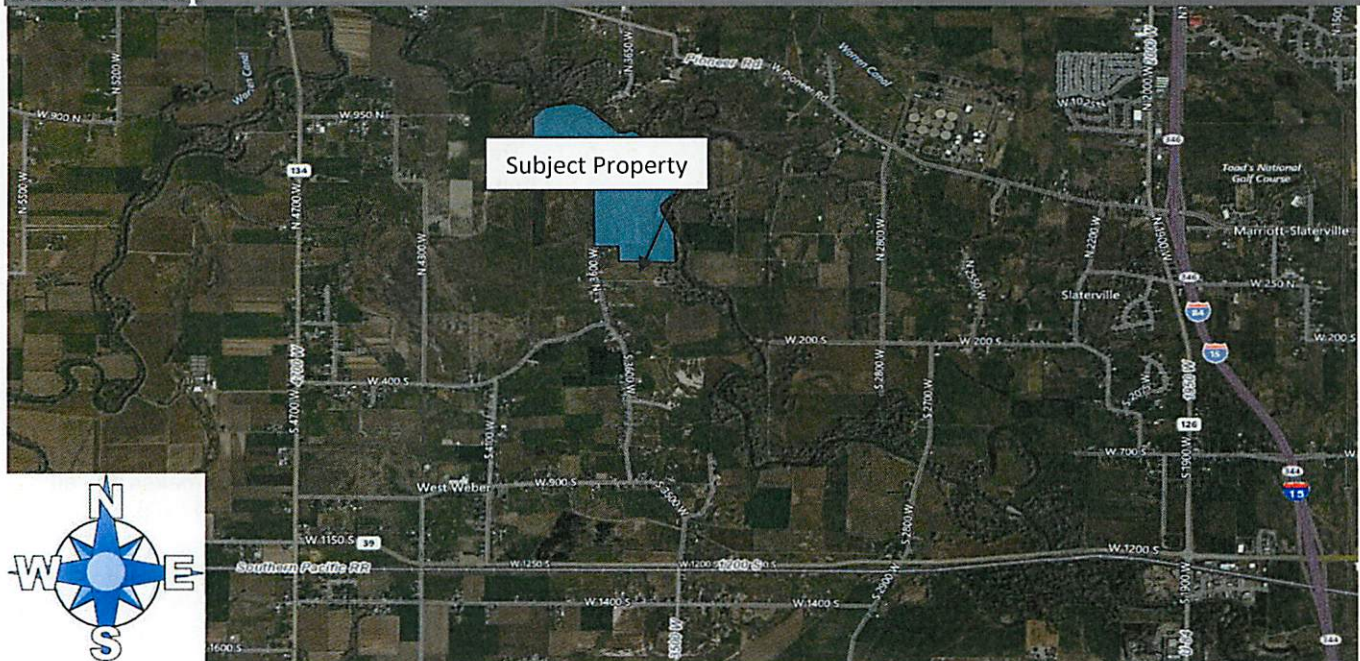
This recommendation is based on the following findings:

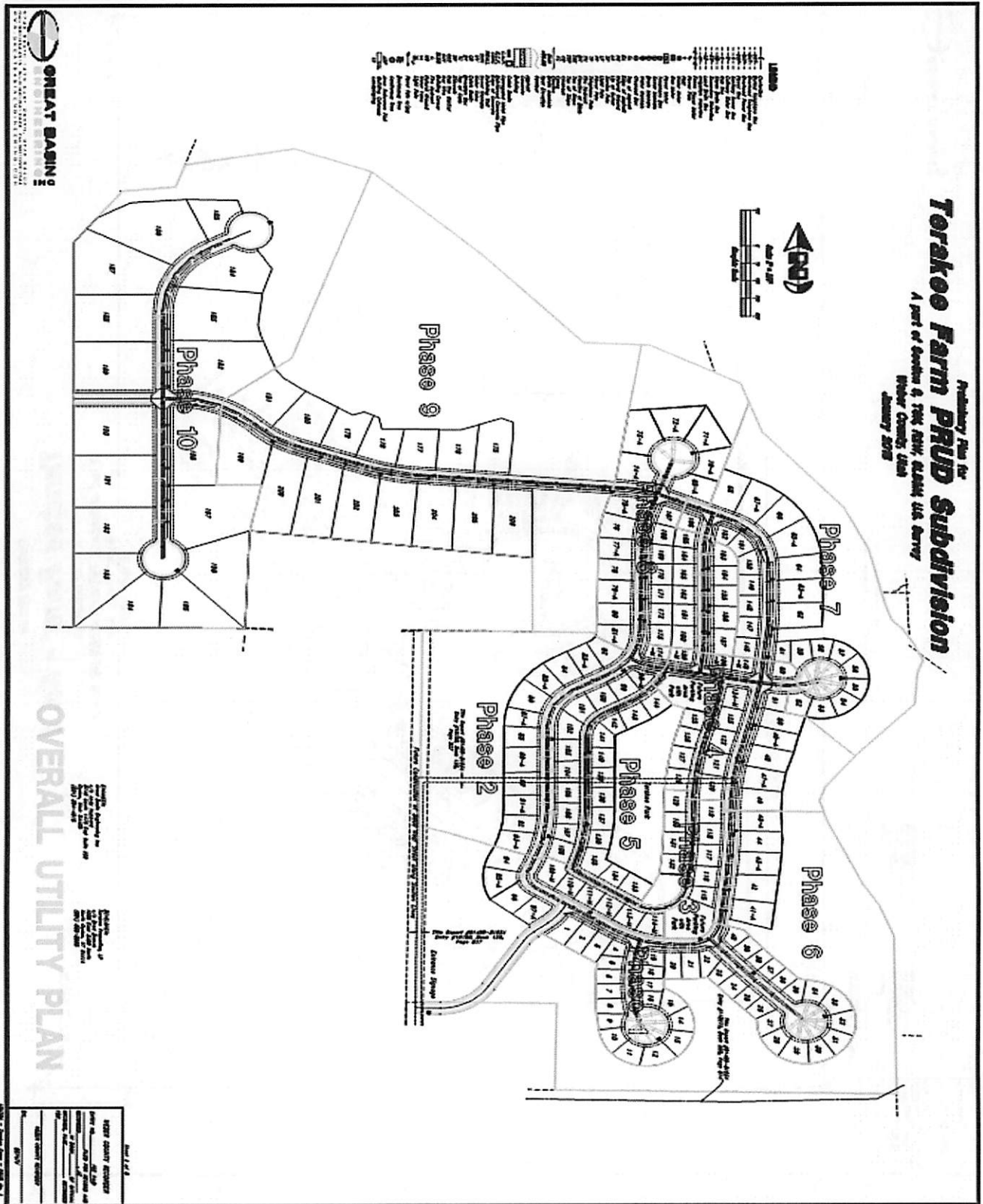
1. The proposed subdivision conforms to the Western Weber General Plan.
2. With the recommended conditions, the proposed subdivision complies with applicable County ordinances.
3. The applicant during the CUP for the PRUD was granted an overall bonus density of 50 percent for the entire project for an overall density of 232 dwelling units.

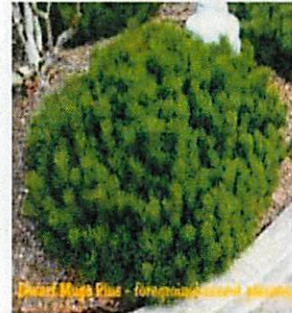
Exhibits

- A. Terakee Farm PRUD Master Phasing Plan
- B. Terakee Farm PRUD No. 1, a PRUD Subdivision Preliminary Plans
- C. Landscape and Streetscape Designs
- D. CUP Notice of Decision

Location Map

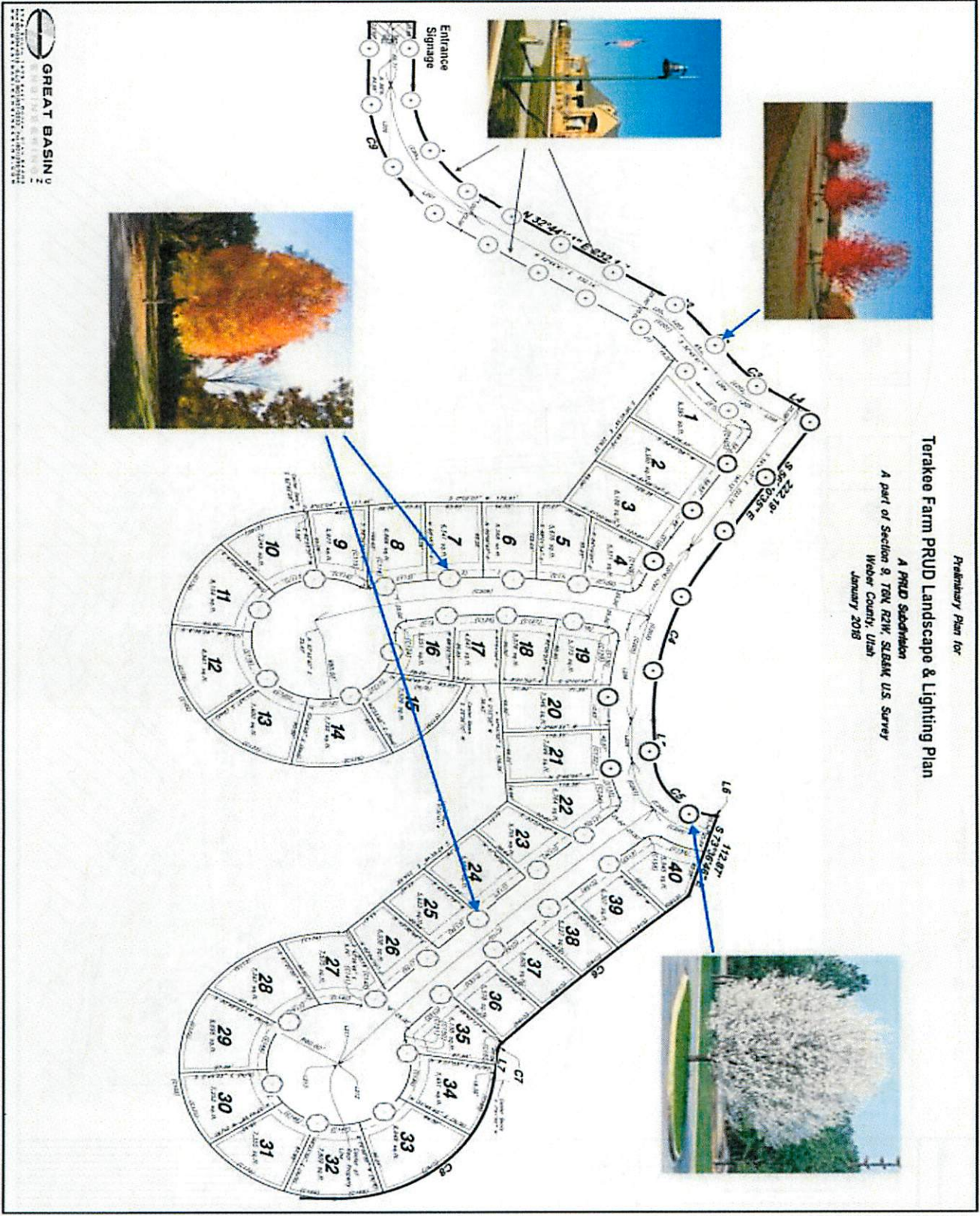


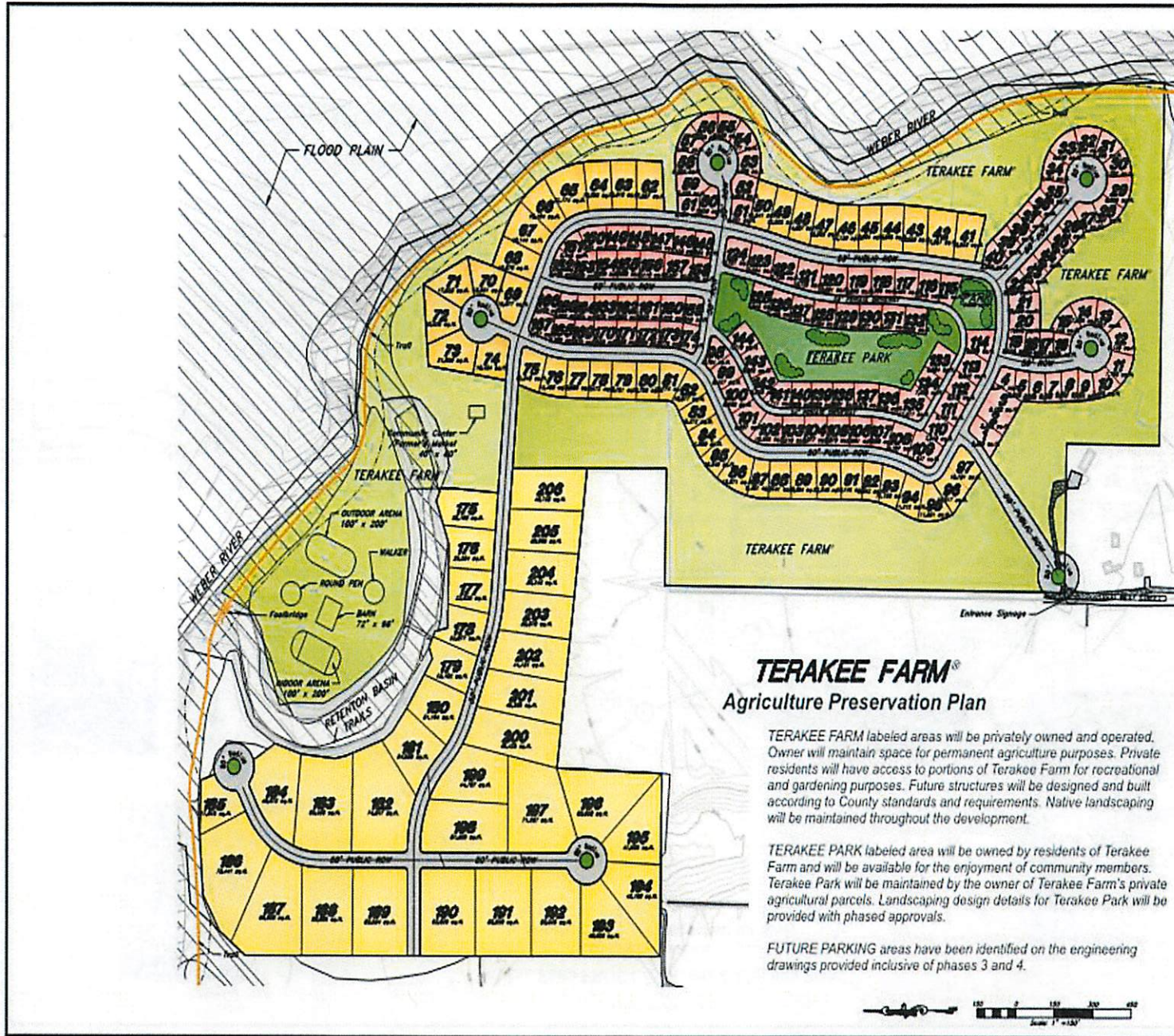




Depiction of Proposed Trees,
Shrubs & Perennials

Terakee Farm PRUD





TERAKEE FARM® Agriculture Preservation Plan

TERAKEE FARM labeled areas will be privately owned and operated. Owner will maintain space for permanent agriculture purposes. Private residents will have access to portions of Terakee Farm for recreational and gardening purposes. Future structures will be designed and built according to County standards and requirements. Native landscaping will be maintained throughout the development.

TERAKEE PARK labeled area will be owned by residents of Terakee Farm and will be available for the enjoyment of community members. Terakee Park will be maintained by the owner of Terakee Farm's private agricultural parcels. Landscaping design details for Terakee Park will be provided with phased approvals.

FUTURE PARKING areas have been identified on the engineering drawings provided inclusive of phases 3 and 4.

GREAT BASIN ONE
ENGINEERING

TERAKEE FARM® FELD SUBDIVISION
A part of South St. John, UT, 84302, U.S. Party



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

Weber County Commission
NOTICE OF DECISION

December 13, 2016

Brad Blanch
Case No.: Conditional Use Permit 2016-19

You are hereby notified that your CUP application for Terakee Farm PRUD, a 232 unit Planned Residential Unit Development located at approximately 700 North 3600 West, was heard and approved by the Weber County Commission in a public meeting held on December 6, 2016, after due notice to the general public. The approval was granted subject to the following conditions:

1. A "Side, facing street corner lot" setback standard shall be added to the final subdivision plat for review and approval.
2. A note is added to the preliminary subdivision plan stating the single family homes within the development have been approved in whole or in part for nightly rentals or monthly rentals including the ability to utilize lockout sleeping rooms for nightly rentals.
3. The applicant will need to work with the Weber County Commission and Weber County Engineering Division regarding the access along 3600 West during the preliminary subdivision process to ensure adequate access to the development.
4. The lots that have been identified as "mixed use" lots will be restricted from such uses as manufacturing, industrial and auto repair due to the close proximity of the adjacent property owners.
5. Additional landscaping plans will be included in the preliminary and final subdivision design for the Terakee Park area and will be further evaluated at that point in the process.
6. The developer shall provide proof of financial feasibility for the development.
7. Additional parking areas will be added to ensure that street parking does not create hazardous traffic conditions and congestion.
8. The applicant shall demonstrate during the subdivision process the following:
 - a. the ability to provide culinary water to the development
 - b. flood zone mitigation for the development
 - c. infrastructure viability specific to culinary water, wastewater/sewer services and any additional infrastructure that will be required per the LUC
 - d. a traffic safety plan/traffic study that will address ingress and egress and the safety for children along 3600 West

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber County General Plan.
2. With the recommended conditions, the proposal complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the preliminary subdivision.
4. The proposed master planned development is in conformance with the approved Zoning Development Master Planned.
5. The proposal to preserve a parcel containing at least 50 acres or more may receive up to a 50% bonus density.
6. The proposal will not be detrimental to the public health, safety, or welfare.
7. The proposal will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

The next step in the process is to ensure complete compliance with the above listed conditions of approval. This letter is intended as a courtesy to document the status of your project. If you have further questions, please contact me at rkippen@co.weber.us.ut or 801-399-8768.

Respectfully,

Ronda Kippen

Weber County Planner II

The decision of the County Commission may be appealed to the Board of Adjustments by filing such appeal within 15 days after the date of the meeting.

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 29, 2017
Subject: Village Development of 4700 West and 1150 South

Planning Commissioners,

In last month's meeting I disseminated a rough concept for a future "village" style development that could potential locate on the southeast corner of 4700 West and 1150 South and asked you to think about possibilities in a future village at this intersection.

On closer evaluation of the general plan, in 2003 it was anticipated that a "village" at this intersection might only support 94,000 square feet of retail/services space on less than 15 acres by the year 2020. The plan is not clear that this commercial area should be applied equitably to all four corners of the intersection, but it could perceived as such.

Attached are excerpts from the general plan and images of the intersection showing existing parcels. Also attached is a general scaled depiction of 15 acres divided equally on each corner of the intersection. This image is for reference to help understand the space for 15 acres divided equally on the corners.

The general plan's suggestion that the local area might support a certain amount of retail and services by 2020 is based on population and housing projections and market trends of the time. In reality, market demands do not always follow old projections or trends. If current financial trends will result in more commercial development in this area, as is being suggested by the owner of the parcel on the southeast part of this intersection, then through our planning efforts we should be considering to what extent those market demands should be constrained in order to offer the best community outcome.

It is fairly rare to find market support for a small "village" that is only oriented around offering small-scale neighborhood services to an area that is immediately adjacent to an urbanized community but localized development is widely dispersed. Given existing development in the area, immediate neighborhood-oriented commercial services that could survive are more likely to be one or two small gas stations or other small vehicle

oriented services that are dependent on either loyal neighborhood customers who choose to avoid the extra time to drive to the urbanized area, or convenience oriented customers who stop because the intersection is on their commuting route.

It is challenging to conceptualize that this corner will foster a successful “village” concept unless that village is given the scale necessary to attract anchor retail and services, such as a grocery store or similar. With an anchor that draws a larger volume of customers this corner is more likely foster a greater diversity of small-neighborhood oriented retail/service businesses.

As can also be observed in the attached, a typical local Smith’s or Associated Foods is around 60,000 square feet on five-six acres of property. A small grocery store may be around 30,000 square feet on three.

For discussion in our work session on January 9, 2018, I would like to explore the planning commission’s thoughts/desires regarding village development at this intersection, and hopefully clarify what we collectively think the general plan is intending.

For the full development that is being contemplated by the land owner on the southeast corner of this intersection to strictly comply with the general plan, either the scale will need to be reduced (they are contemplating 100,000 square feet of anchor store area divided between a grocery store and a farm/hardware store, and other small retail/service pads) or there may need to be a plan amendment. For an understanding of scale I have also attached a concept plan that would result in a typical commercial development that might be found along 12th street in Ogden. This concept is not necessarily what the land owner is proposing.

I look forward to discussing this with you.



Excerpts from West Central Weber General Plan

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.

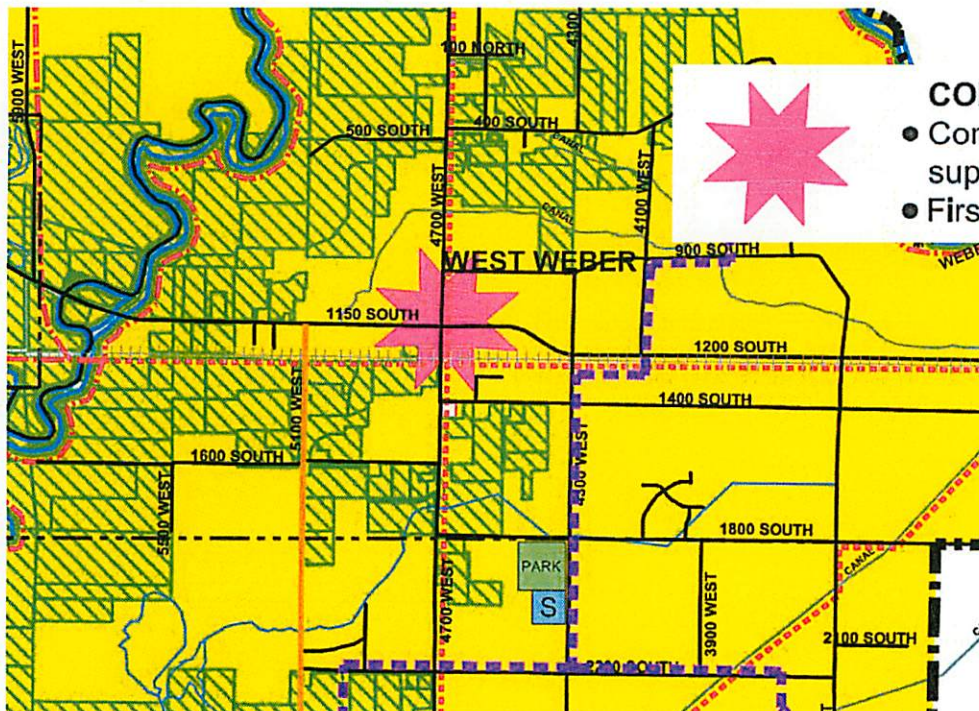
Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.

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.

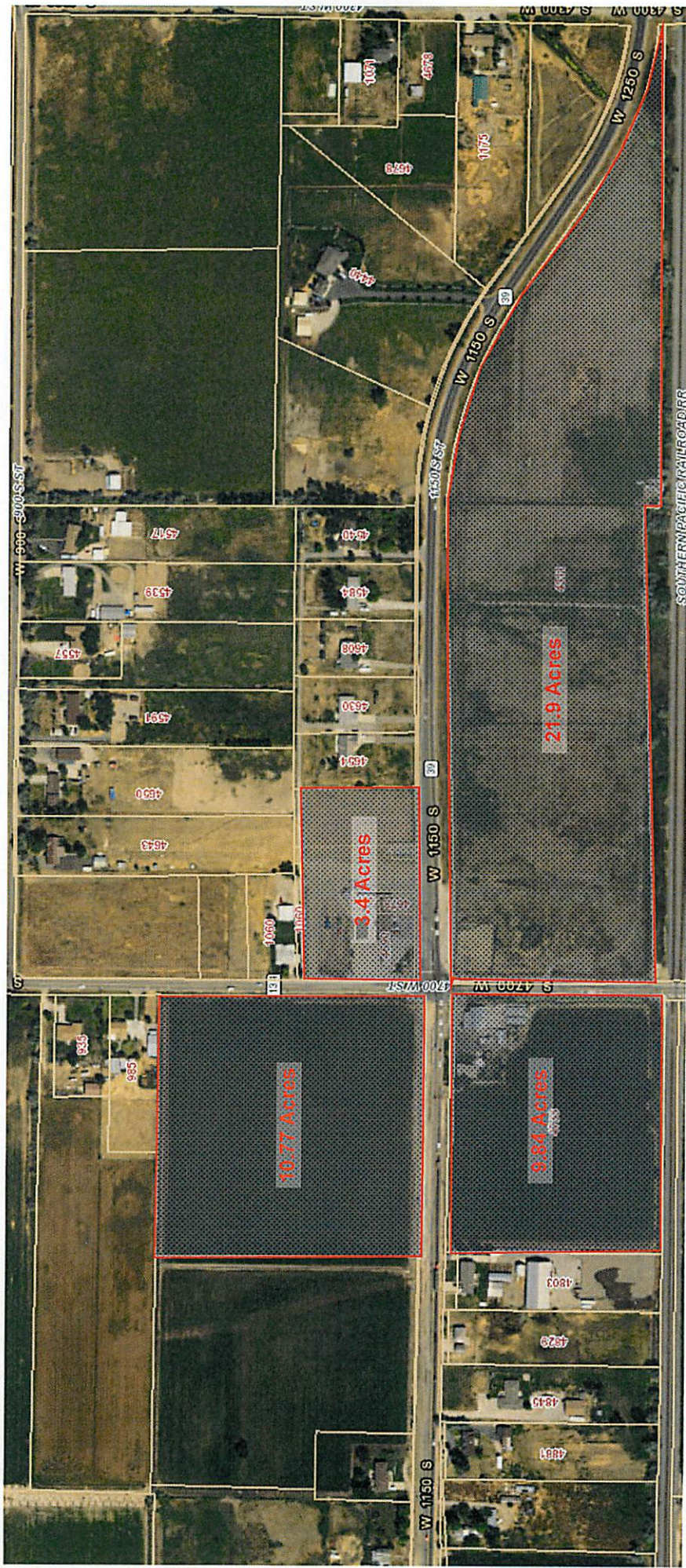
Implementation Action: Rezone the existing C-2 properties to C-1.



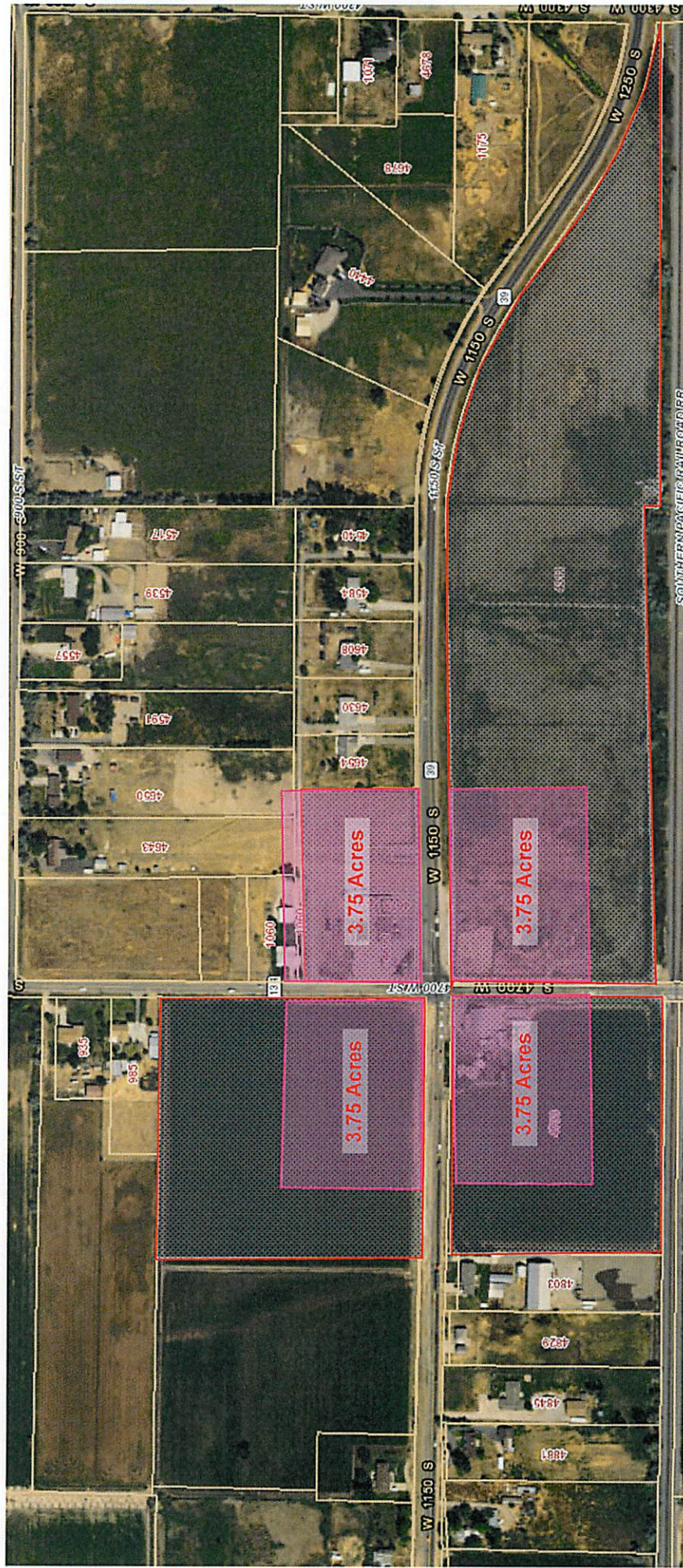
COMMUNITY VILLAGE CENTER

- Commercial node of 7 to 14 acres of supportable neighborhood services.
- First response emergency service.

Area of Parcels at 47th and 12th Intersection



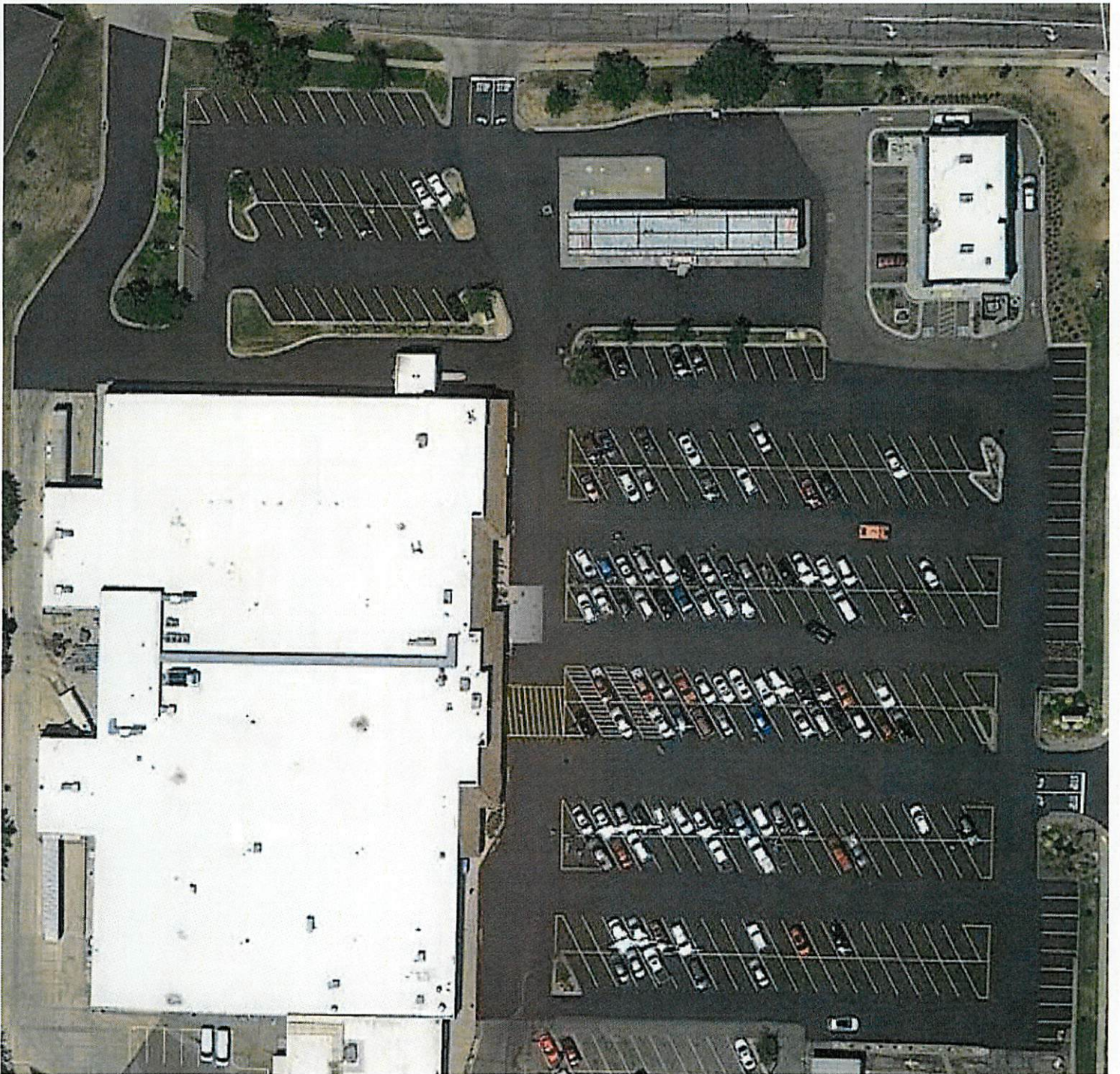
15 Acres Divided Evenly on Each Corner of 47th and 12th Intersection





**Smiths Grocery at 12th and Harrison.
Approximately five acres
with a 62,000 square foot
grocery store, 4,400
square feet of other retail,
and a gas canopy.**

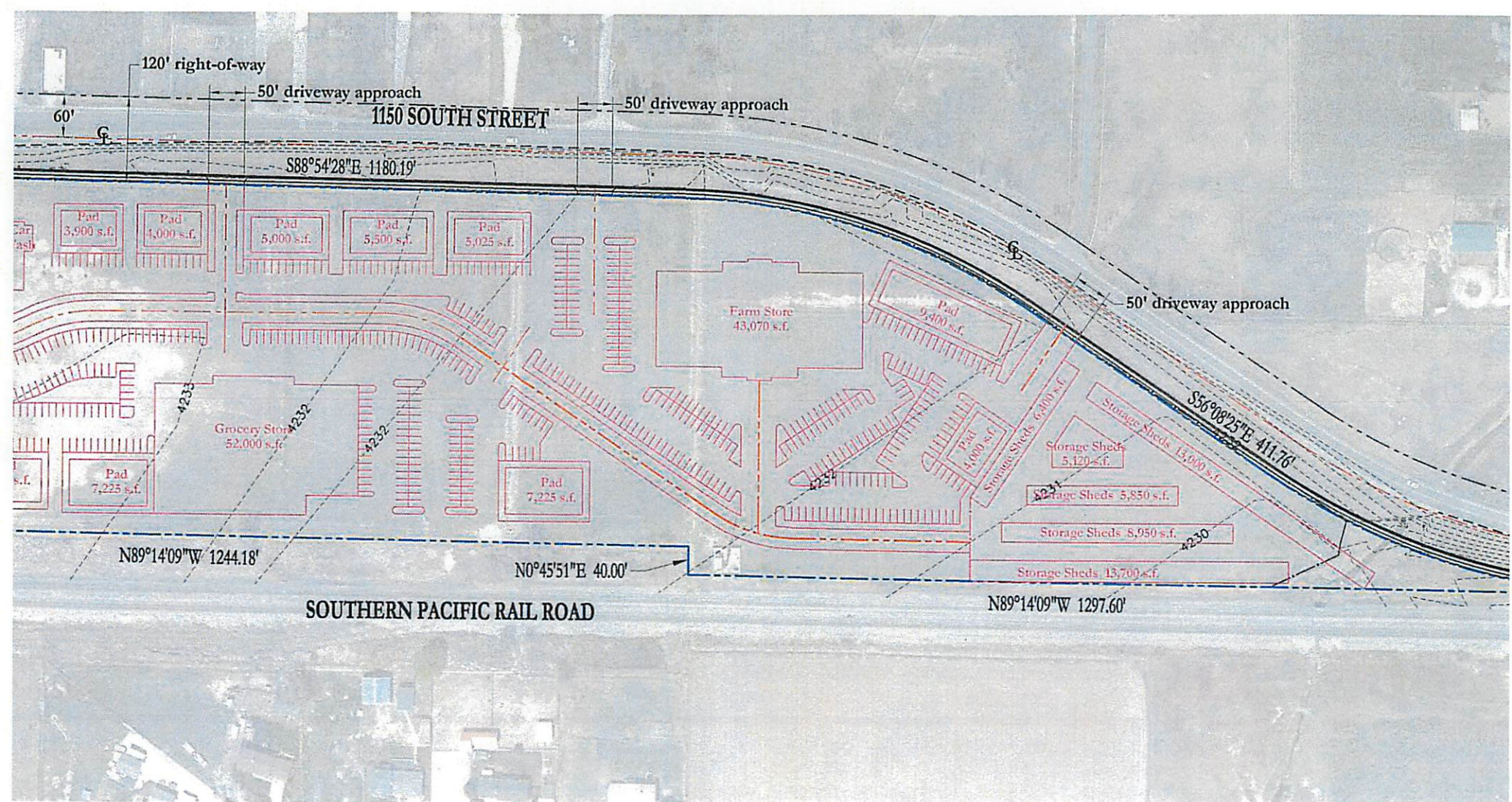
**Smiths Grocery at 36th and Harrison.
Approximately six acres with a 60,000 square foot grocery
store, 2,800 square feet of other retail, and a gas canopy.**



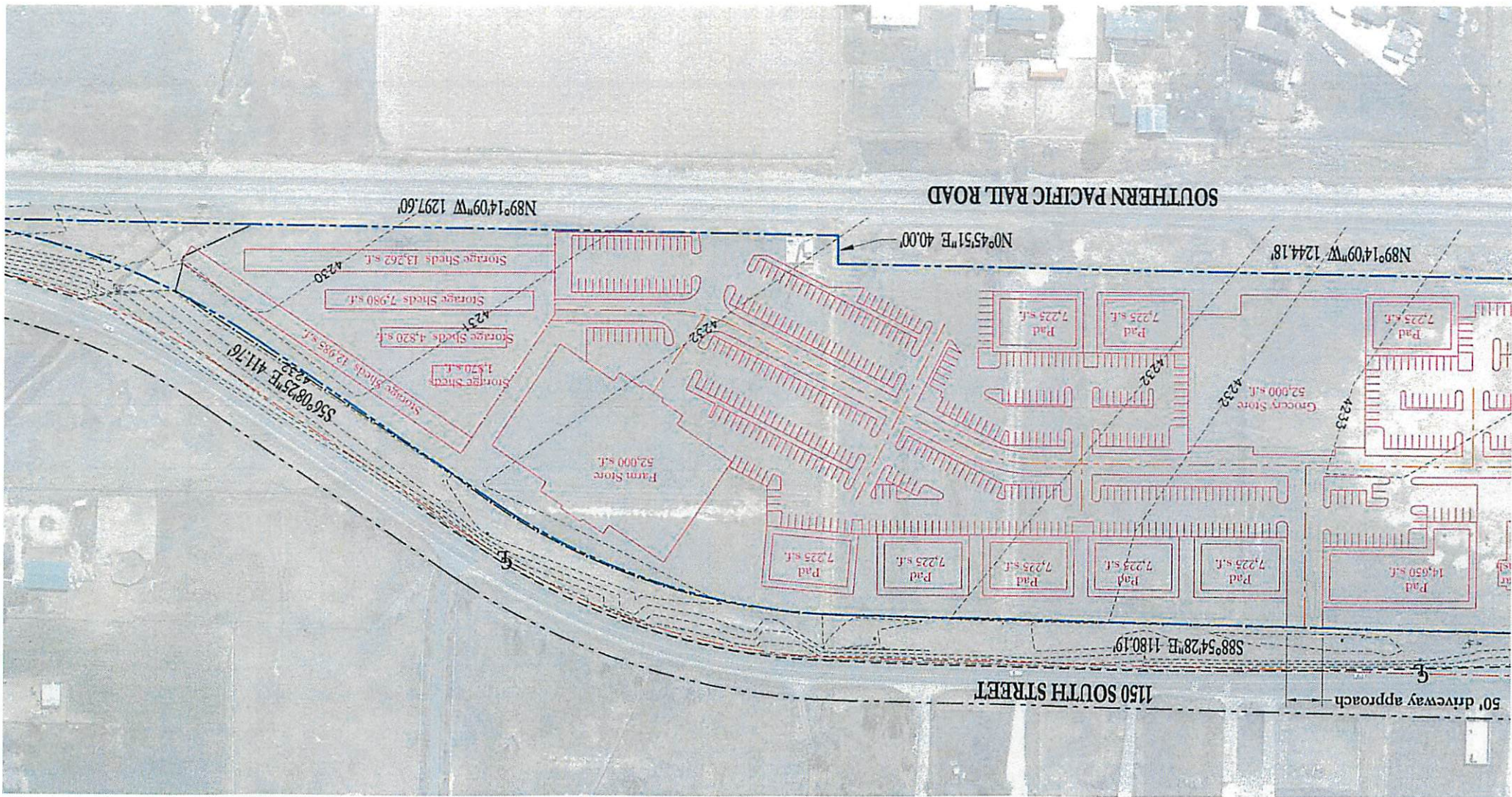
**Valley Market at HWY 162 and Wolf Creek (Eden).
Approximately two acres with a 20,000 square foot
grocery store, 500 square feet of other retail.**

Nearest grocery store is 10.5 miles and 22 minutes away.





easement
 will be prepared



casement
 ll be prepared

MEMORANDUM

To: Ogden Valley Planning Commission
From: Charles Ewert, AICP
Date: January 31, 2018
Subject: Work session for proposed cluster subdivision amendments

Planning Commissioners,


Attached you will find my latest revisions of the cluster subdivision ordinance. As a recap, this ordinance is being revised at the request of the Western Weber County Planning Commission, with support from the County Commission, to better support and promote long-term agricultural uses of open spaces.

One desired outcome is to tailor the ordinance to the needs of both planning areas so the County is not burdened with the cost of administering another unique ordinance. Because there are things applicable in different ways to each planning area, there is a need to offer some separation in the text, but we hope the planning commission will help support the need to not create two separate cluster subdivision codes if at all possible.

As usual, the red strikeouts are text being deleted, the blue underlines are text being added. The highlighted text are the areas that are new or different since the planning commission's last reading. In these differences I remove some of the more complicated detail of the shape and form of individual clusters in favor of a more simplified cluster approach. I add significant requirements for agriculturally viable acreage to be held as open space, and in the bonus section offer even more incentive for additional agricultural preservation land.

You will find that a couple of sections are still incomplete. You may also find that other sections need some word-smithing. I will continue to work on these needs another time, and am only asking the planning commission to consider the policy direction to verify suitability.

I look forward to the discussion.



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

2 ...

3 *Agricultural parcel.* The term "agricultural parcel" means a single parcel of land, at least
4 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs
5 to be fulfilled in order to qualify for the agricultural building exemption.

6 *Agricultural soils, prime.* The term "prime agricultural soils" means the soil types on the lot
7 or parcel that are best suited for crop-producing. These soil types have, or are capable of
8 having, highest nutrient content and best irrigation capabilities over other soil types on the
9 property.

10 *Agriculture.* The term "agriculture" means use of land for primarily farming and related
11 purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and
12 crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or
13 business such as fruit packing plants, fur farms, animal hospitals or similar uses.

14

15 ...

16 **Title 108 - STANDARDS**

17 ...

18 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

19 **Sec. 108-3-1. - Purpose and Intent.**

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

30 **Sec. 108-3-2. - General regulations.**

31 Subject to the requirements of this chapter, cluster subdivisions are permitted in all
32 ~~classified Weber County zone areas~~ zones except for the commercial, manufacturing, gravel,
33 residential mobile home, open space, and shoreline zones.

34 **Sec. 108-3-3. - Approval Supplemental subdivision procedure procedural requirements.**

35 (a) Subdivision procedures and requirements apply. All procedures and requirements of Title
36 106 shall apply to a cluster subdivision unless there is a conflict or supplement in this
37 chapter, in which case the provisions of this chapter shall prevail.

38 (b) Conceptual sketch plan. The In addition to the subdivision procedure requirements of Title
39 106, the cluster subdivision approval procedure requires a conceptual sketch plan
40 endorsement from the planning commission prior to the submission of a formal subdivision
41 application. An application for a conceptual sketch plan endorsement shall demonstrate

42 compliance with all applicable standards contained within the Weber County Code. The
43 completed application must be submitted at least 21 calendar days prior to the planning
44 commission meeting at which the applicant wishes to be heard. Endorsement from the
45 planning commission is only a means to assist in the creation of a complete subdivision
46 application and shall not vest for final approval. The application is complete upon
47 submission of the following: consists of four phases as follows:

48 ~~(1) A conceptual sketch plan endorsement from the appropriate planning area planning~~
49 ~~commission;~~

50 ~~(2) A preliminary approval by the appropriate planning area planning commission;~~

51 ~~(3) A recommendation from the appropriate planning area planning commission for final~~
52 ~~approval by the board of county commissioners; and~~

53 ~~(4) A final approval and acceptance by the board of county commissioners.~~

54 ~~(b) An application for a conceptual sketch plan endorsement shall demonstrate compliance~~
55 ~~with all applicable standards contained within the Weber County Code. The completed~~
56 ~~application must be submitted at least 14 calendar days prior to the planning commission~~
57 ~~meeting at which the applicant wishes to be heard. The application is complete upon~~
58 ~~submission of the following:~~

59 (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of
60 Ordinances, and submission of a complete sketch plan endorsement application on a
61 form provided by the county planning department.

62 (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject
63 property, surrounding streets, and relevant landmarks.

64 (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that
65 demonstrates in a suitable manner compliance with all applicable codes. The plan shall
66 include, but not necessarily be limited to, a north arrow and scale, subdivision
67 boundary according to county records, approximate locations of proposed streets, lots
68 with approximate area calculations, common areas and open space parcels with
69 approximate area calculations, easements, waterways, suspected wetlands,
70 floodplains, existing structures, and contour lines. Information related to topography
71 and contour lines may be submitted on a separate map. Contour information may be
72 omitted if the planning director or his designee determines that the subject property
73 lacks topographic characteristics that warrant representation.

74 (4) An electronic copy of all forms, documents, materials, and information submitted as
75 part of the application.

76 ~~(d)~~ Preliminary and final cluster subdivision application.

77 (1) Preliminary cluster subdivision approval. An application for a submission for preliminary
78 cluster subdivision approval shall:

79 a. conform to the endorsed sketch plan;

80 b. contain an open space plan, as required in Section 108-3-5.

81 1. The planning commission's approval of a preliminary plat shall constitute
82 approval of the open space plan.

83 2. An open space plan may be amended, from time to time, after submittal of a
84 new application and application fee.

85 3. An amendment shall be in compliance with applicable laws and shall require
86 the approval of the planning commission.

87 4. An open space plan amendment shall not require a subdivision plat
88 amendment provided the resulting plan does not conflict with any part of the
89 plat, including parcel and lot boundaries, subdivision boundaries, and plat
90 notes.

91 (2) Final cluster subdivision approval. A submission for final cluster subdivision approval
92 shall conform to the approval of the preliminary cluster subdivision approval. If
93 applicable, submission shall also include final Conditions, Covenants, and Restrictions
94 or Homeowner's Association Declaration that clearly explain the maintenance method
95 for each common area parcel, as required by this chapter or any condition of
96 preliminary cluster subdivision approval. Submission shall also include drafts of any
97 other relevant instrument required for the execution of applicable provisions of this
98 Land Use Code.

99 ~~by the appropriate planning commission, recommendation for final approval, or final approval and~~
100 ~~acceptance by the board of county commissioners shall comply with all applicable standards~~
101 ~~of the Weber County Land Use Code, including this chapter and title 106, Subdivisions. The~~
102 ~~approval process shall proceed as directed by Weber County Land Use Code title 106,~~
103 ~~chapter 1.~~

104 **Sec. 108-3-4. Residential C cluster subdivision design and layout standards.**

105 ~~The planning commission and county commission shall approve an application for a cluster~~
106 ~~subdivision if the planning commission and county commission find that the subject~~
107 ~~proposal meets all applicable standards of the Weber County Land Use Code, including the~~
108 ~~following:~~

109 **(a.4) General lot, street, access, and amenity design and layout standards.**

110 (1) Overall configuration. A cluster subdivision's general design shall concentrate
111 residential building lots, with their adjoining road street rights-of-way and any approved
112 access exceptions alternative access, if applicable, into separate and individual clusters
113 that are entirely surrounded by open space dedicated as common area, individually
114 owned preservation parcels, or both, together in accordance with the following:

115 a. in all zones, clusters shall be designed to avoid lands that have characteristics
116 generally valuable for conservation, including but not limited to viewsheds,
117 waterways, stands or groupings of mature vegetation, wildlife habitat, and other
118 sensitive ecology.

119 b. in an agricultural zone, only one cluster of residential lots is allowed unless more
120 are necessary to avoid development on prime agricultural soils, as defined in
121 Section 101-1-7, or sensitive lands as provided in 108-3-4(c). The cluster or
122 clusters shall be organized in a manner that optimizes ease of access and
123 maneuverability to and on the open space lands of any large equipment commonly
124 used to support crop production, and the clusters shall be organized in a manner
125 that supports viability of crop production on the open space lands. Subdivision
126 phasing that avoids this requirement shall not be allowed.

127 (2) Street configuration. Streets shall have logical and efficient connections and shall
128 generally follow existing street grid design. When practicable, section lines and quarter
129 section lines shall denote the general location of through streets. If current parcel
130 configuration does not make this practicable, a through-street, or stubbed-street that will

131 be a future through-street, shall be located as close to these lines as otherwise
132 reasonably possible. The planning commission may waive this requirement for the
133 following:

134 a. environmental constraints that render a through-street, or a stubbed-street that will
135 become a through-street, unreasonable and unnecessary; or

136 b. agricultural open space that is or would otherwise be permanently preserved as
137 provided in this land use code would be interrupted by the street in a manner that
138 creates a hardship for crop production.

139 c. In allowing a waiver under this subsection the planning commission may require the
140 street to be placed in another location to offer optimal compensation for the lack of
141 the connection required herein.

142 (3) Pathways. In lieu of a sidewalk on both sides of the street, as required by 106-4-2(f), a
143 ten foot wide asphalt pathway may be allowed on one side of the street. If only
144 developing one side of a street, the pathway shall be located on that side, otherwise,
145 preference shall be given to the side that could best support pathway connectivity given
146 other existing or future pathways in the vicinity and based on least pedestrian conflicts.
147 In the event street configuration does not yield an efficient pedestrian connection to
148 nearby rights-of-way outside the subdivision, pathways are required to connect to
149 adjacent abutting public rights-of-way or stub into adjacent parcels in the direction of
150 those rights-of-way.

Comment [c1]: Reference

151 (b) General open space design and layout standards.

152 (1) Agricultural open spaces to be contiguous and useful. In all agricultural zones, and
153 except as provided otherwise in (b)(3) of this subsection, open space parcels shall be
154 arranged to create optimal agricultural opportunities. Regardless of the specific
155 conservation type or open space uses authorized by this chapter and approved in an
156 open space plan, as specified in Section 108-3-5, in order to offer predictable support
157 and encouragement for a wide variety of long-term agricultural operations on open
158 space parcels, open space parcels shall be organized into one contiguous area and be
159 a sufficient size and configuration that will easily sustain, support, and encourage a
160 variety of large-scale crop production operations and any related large equipment
161 commonly used to support them. Open space parcels form a contiguous area if each
162 open space parcel shares a common boundary line that is no less than 100 linear feet
163 or lies directly across a street right-of-way, or other approved access, from another
164 open space parcel, with the common boundaries shared with the street right-of-way
165 being no less than 100 linear feet. This does not apply to parcels necessary to meet the
166 requirements of subsection (c) of this section.

Comment [c2]: Reference

Comment [c3]: Reference

167 (2) Non-agricultural conservation open spaces. In all non-agricultural zones, and except as
168 provided otherwise in (b)(3) of this subsection, open space parcels shall preserve lands
169 that have characteristics generally valuable for conservation, including but not limited to
170 viewsheds, waterways, stands or groupings of mature vegetation, wildlife habitat, and
171 other sensitive ecology.

Comment [c4]: Reference

Comment [c5]: Reference

172 (3) Small open space parcels between lots. Regardless of contiguity with other open space
173 parcels, open space parcels between residential lots are only permissible for the
174 following uses. This does not apply to parcels necessary to meet the requirements of
175 subsection (c) of this section.

Comment [c6]: Reference

176 a. public park;

- 177 b. community recreational ground;
- 178 c. pathway or trail rights-of-way;
- 179 d. trailhead and accessory facilities; or
- 180 e. drainage or other utility facilities.

181 ~~The open space area in between one cluster of lots and another shall not be less than 75 feet in~~
182 ~~width and the open space area in between lots and an exterior subdivision boundary shall not be~~
183 ~~less than 50 feet in width. The open space required in between lots and a subdivision's exterior~~
184 ~~boundary shall be waived if:~~

Comment [c7]: Metric change

- 185 a. ~~Lots sharing a common line with the subdivision boundary contain 15,000 square feet or more;~~
- 186 b. ~~Lots are located along an internal phasing line when that phasing line is acting as a temporary~~
187 ~~external boundary;~~
- 188 c. ~~The proposed cluster subdivision lies adjacent to an existing subdivision that contains at least~~
189 ~~one lot that is smaller or not more than 5,000 square feet larger than the smallest lot lying within~~
190 ~~the proposed cluster subdivision; or~~
- 191 d. ~~Lots located along an external boundary lie adjacent to a parcel that:~~
 - 192 1. ~~Does not contain an existing dwelling; or~~
 - 193 2. ~~Contains a single existing dwelling that lies further than 150 feet away from all external~~
194 ~~boundaries of the proposed cluster subdivision.~~

195 ~~(2) In a subdivision consisting of 60 or more lots, each cluster shall contain no less than three lots and~~
196 ~~no more than 20 lots. In a subdivision consisting of fewer than 60 lots, each cluster shall contain no~~
197 ~~less than three lots and no more than one third of the total number of lots in the subdivision. The~~
198 ~~county may approve up to a five lot increase in the number of lots in a cluster if:~~

- 199 a. ~~The total number of lots cannot be equally divided into thirds and leaves a remaining number of~~
200 ~~lots that does not meet the standard for the minimum number of lots in a cluster; or~~
- 201 b. ~~There are unusual circumstances, such as complications involving topography, infrastructure,~~
202 ~~geotechnical, or geologic conditions, which warrant an increase.~~

203 ~~(3) To ensure that a cluster subdivision reflects the characteristics of the zone in which it is located, a~~
204 ~~minimum percentage of a cluster subdivision's adjusted gross acreage shall be preserved as open~~
205 ~~space and dedicated as described in subsection (1) above. The minimum open space areas are as~~
206 ~~follows:~~

Comment [c8]: Reference?

- 207 a. ~~In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be preserved as~~
208 ~~open space.~~
- 209 b. ~~In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster subdivision shall~~
210 ~~be preserved as open space.~~
- 211 c. ~~In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley Destination and~~
212 ~~Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision shall be~~
213 ~~preserved as open space.~~
- 214 d. ~~In all other zones where a cluster subdivision is an allowed development type a minimum of 30~~
215 ~~percent of a cluster subdivision shall be preserved as open space.~~

216 (c.4) Sensitive lands requirements. Cluster subdivisions in or on sensitive lands shall be
217 governed as follows:

- 218 (1) Lands that can be mitigated such as floodplain and wetlands are considered
219 developable for the purpose of calculating adjusted gross acreage, as defined in
220 Section 101-1-7 and shall be counted towards density.

221 (2) Floodways within river corridors, lakes, and naturally occurring pond areas, which
222 could not be are not developed-developable but are offered as a community provide an
223 amenity on an open space parcel with public access and a blanket public access
224 easement, may shall also be a part of the open space, with receive 25 percent of this
225 land of the undevelopable acreage credited towards to the adjusted gross acreage
226 calculation for overall density of the development, if this land is used to provide
227 amenities and is accessible to the development.

228 (3) Regardless of developability, the follow areas shall be located within a cluster
229 subdivision's open space area:

230 a. areas designated as floodplain, as defined by the Federal Emergency Management
231 Agency or other qualified professional determined appropriate by the county
232 engineer; and

233 b. rivers and streams, with and including their designated river or stream corridor
234 setbacks, as defined by the Weber County Land Use Code.

235 ~~(5) Areas designated as floodplain, as defined by the Federal Emergency Management Agency or other~~
236 ~~qualified professional determined appropriate by the county engineer, rivers and streams, with and~~
237 ~~including their designated river or stream corridor setbacks, as defined by the Weber County Land~~
238 ~~Use Code, shall be located within a cluster subdivision's open space area.~~

239 **Sec. 108-3-5. - Open space plan approval, ownership, maintenance, preservation, and**
240 **guarantee of improvement standards, and development standards.**

Comment [c9]: How to amend without amending "subdivision plat"
Comment [c10]: Retention basin cannot be used as ag or forest open space.

242 ~~Open space parcels, and any improvements proposed thereon, shall be approved, owned,~~
243 ~~maintained, preserved, and financially guaranteed as follows:~~

244 (a) Open space plan submittal ~~(1)~~ — Plan approval. An open space preservation plan shall
245 accompany an application for preliminary ~~and final~~ subdivision approval. Preliminary
246 subdivision approval constitutes approval of the open space plan. A final plat shall comply
247 with the approved open space plan. ~~approval of a cluster subdivision.~~ The open space plan
248 shall include the following:

249 (1) An overall cluster subdivision map identifying all open space areas and open space
250 area amenities.

251 (2) A site plan that identifies the open space parcel ownership types specified in ~~(b)(5)~~ of
252 this section; each proposed ownership type shall be identified with a unique color; and
253 the locations of existing and proposed future structures and other open space
254 amenities.

Comment [c11]: Check reference

255 a. For open space that will be common area parcels, the site plan shall show the
256 location of existing and future structures by identifying the structure's footprint.
257 Structures housing a subdivision utility or serving as a subdivision amenity shall be
258 subject to all applicable standards including all design review and applicable
259 architectural standards found in title 108 of the Weber County Land Use Code.

260 b. For open space that will be gifted as a park parcel to a local park district, the site
261 plan shall include all park improvements and be accompanied by a letter of
262 approval from the local park district.

263 c. For open space that will be an individually owned preservation parcel whereon a
264 building will be located, the site plan shall identify a locatable building envelope, as

265 defined in Section 101-1-7, within which all existing and future buildings shall be
266 located.

267 (3) ~~A~~ narrative describing all proposed open space parcels, their proposed method of
268 ownership, their proposed method of maintenance, ~~all~~ their proposed uses, and any
269 proposed building envelopes.

270 (4) A written explanation of the proposed method of maintenance of all open space
271 parcels. This may be included in the written narrative. However, an open space plan
272 with a common area parcel or parcels shall be submitted with proposed Conditions,
273 Covenants, and Restrictions or Homeowner's Association Declaration that clearly
274 explains the maintenance method for each common area parcel. At a minimum, the
275 document shall explain vegetation grooming practices, weed mitigation, and refuse
276 disposal.

277 (5) The phasing of open space parcels and their relationship to the overall subdivision
278 phasing plan, if any.

279 ~~, and maintenance methods for all open space parcels, and~~

280 ~~a site plan that shows proposed common areas, individually owned preservation parcels, and~~
281 ~~the locations of existing and proposed future structures.~~

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

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

290 (b) *Open space development standards and ownership regulations.* Unless otherwise provided
291 for in this section, open spaces and the specific open space parcels shall be developed in a
292 manner that meets all applicable standards, including but not limited to those found in the
293 this Land Use Code.

294 (1) *Minimum total open space required.* Unless more is required to gain additional density,
295 as provided in XXX, the minimum percentage of a cluster subdivision's adjusted gross
296 acreage, as defined in Section 101-1-7, shall be preserved as open space. The
297 minimum open space areas are as follows:

298 a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall
299 be preserved as open space.

300 b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster
301 subdivision shall be preserved as open space.

302 c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley
303 Destination and Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a
304 cluster subdivision shall be preserved as open space.

305 d. In all other zones where a cluster subdivision is an allowed development type a
306 minimum of 30 percent of a cluster subdivision shall be preserved as open space.

307 (2) *Open space parcel area.* Unless otherwise regulated by the Weber-Morgan Health
308 Department or Weber County Land Use Code title 108, chapter 14, Hillside

Comment [c12]: Reference

309 Development Review Procedures and Standards, the minimum area for an open space
310 parcel located within a cluster subdivision is as follows:

311 a. An open space parcel designated as common area is not subject to minimum area
312 requirements.

313 b. An open space parcel conveyed to a local park district shall be of a sufficient size
314 to adequately accommodate park infrastructure, amenities, and parking.

315 c. An open space parcel dedicated as an individually owned preservation parcel shall
316 contain an area of not less than five acres and shall be part of a contiguous area of
317 open space consisting of not less than ten acres in total; and shall be in
318 compliance with the following:

Comment [c13]: This is a formatting change.
Check all references.

319 1. The ten acre minimum contiguous area does not need to be platted in the
320 same subdivision.

321 2. Each individually owned open space parcel shall be provided clear and
322 perpetual legal access from a public or private street right of way.

Comment [c14]: Making sure it isn't inaccessible
to future owners.

323 3. Parcel acreage necessary for drainage detention or retention facilities shall not
324 be included as part of the required five acres, and shall not be included as
325 useful agricultural acreage in the open space plan.

326 d. Up to eighty percent of an estate lot of 5.25 acres or greater may count towards
327 open space acreage provided the following standards are applied:

328 1. The area of the estate lot designated as open space shall contain an area of
329 not less than five acres and shall be part of a contiguous area of open space
330 consisting of not less than ten acres in total;

331 2. The estate lot shall contain a survey-locatable building envelope on the
332 recorded plat that is adjacent to other residential lots in a cluster;

333 3. An open space easement shall be recorded as required by this chapter over
334 the 80 percent of the estate lot designated as open space.

335 (3) Parcel width, frontage, and access. Notwithstanding section 106-2-4(c) and title 108,
336 chapter 14, Hillside Development Review Procedures and Standards, and unless
337 otherwise regulated by the Weber-Morgan Health Department, open space parcels
338 located within a cluster subdivision are not subject to frontage requirements and do not
339 have a minimum width standard. All open space parcels without street frontage shall
340 be provided an access easement, recordable at the time of plat recordation, across
341 other parcels and connecting to a public or private street.

Comment [c15]: Adding an access requirement.

342 (4) Parcel coverage.

343 a. Coverage of common area parcels by roofed structures shall not exceed ten
344 percent of the total parcel area.

345 b. Coverage of individually owned preservation parcels by roofed structures shall not
346 exceed two and a half percent of the total parcel area.

Comment [c16]: Current code lists this as 5%.

347 (5) Open space parcel ownership.

348 a. Common area parcel. An open space parcels dedicated as common area shall
349 be commonly owned by an appropriate homeowner's association established
350 under U.C.A. 1953, § 57-8a-101 et seq., the Community Association Act.

351 b. Park parcel. An open space parcel may be conveyed to a local park district, as
352 approved by the park district.

353 c. Individually owned open space parcel. An open space parcels may be owned as
354 an individually owned preservation parcel by any person, regardless of whether
355 the person owns a residential lot within the subdivision. In order to keep an
356 individually owned preservation parcel from becoming uncondusive to multiple-
357 acreage preservation uses, an individually owned preservation parcel shall not be
358 sectioned into sub-areas of five acres or less by fencing or other physical barriers.
359 The planning commission may modify this requirement for uses that support the
360 longevity of the preservation, maintenance, and large-acreage use of the parcel.

361 ~~1. Individually owned preservation parcels of ten acres or more in area may be owned by~~
362 ~~any person, regardless of whether the person owns a residential lot within the~~
363 ~~subdivision.~~

364 ~~2. Individually owned preservation parcels of less than ten acres in area may only be~~
365 ~~owned by an owner of a lot within the same cluster subdivision.~~

366 ~~3. The applicable ownership standard in subsection (2)a.1. or 2. shall be memorialized in~~
367 ~~the following manner:~~

368 ~~i. An explanation of the applicable ownership standard and a perpetual restriction~~
369 ~~conforming thereto shall be written into all agriculture, forest, or other type of~~
370 ~~preservation easements granted pursuant to subsection (4); and~~

371 ~~ii. A note describing the applicable ownership standard shall be placed on the final~~
372 ~~recorded plat.~~

373 (c) Open space phasing. If development phasing is proposed and approved during preliminary
374 cluster subdivision approval, the percent of open space of the overall platted acreage shall
375 at no time be less than the percent of proposed open space approved in the open space
376 plan.

377 (d3) Maintenance. The open space parcel owner, whether an individual or an association,
378 shall use, manage, and maintain the owner's parcel in a manner that is consistent with the
379 open space preservation plan approved under subsection (1), and the agriculture, forest, or
380 other type of preservation easement executed under subsection (4).

381 (4e) Preservation.

382 (1)a- Open space parcels are to be permanently preserved in a manner that is
383 consistent with the approved open space preservation plan.

384 (2)b- The applicant, prior to recording or as part of recording the final cluster
385 subdivision plat, shall grant and convey to the county, to each lot owner, and to the
386 homeowner association, if applicable, an open space easement over all areas
387 dedicated as common area ~~or~~, individually owned preservation parcels, or open space
388 area of an estate lot. The open space easement shall incorporate and conform to the
389 approved open space preservation plan. ~~approved under subsection (1).~~

390 (3)e- If a cluster subdivision contains open space intended to preserve substantial or
391 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife
392 habitat easement meeting the requirements of the Utah Division of Wildlife Resources
393 shall be offered to the division.

394 (4)d- If a cluster subdivision contains an individually owned preservation parcel or
395 open space area of an estate lot, the applicant shall:

Comment [c17]: Huh? (2)a.1 or 2 does not exist?

Comment [c18]: Check reference

Comment [c19]: Need to modify this section to allow "preservation" to be done by easement granted to the public on the subdivision plat OR by recording an open space easement.

396 | ~~1a.~~ Identify and label on the final plat each such parcel ~~as an agricultural, forest, or~~
397 | ~~other type of preservation parcel; as an open space preservation parcel;~~

398 | ~~2b.~~ Further identify each preservation parcel by placing a unique identifying letter of
399 | the alphabet immediately after the label;

400 | ~~3c.~~ ~~Present an agricultural, forest, or other type of preservation easement to the~~
401 | ~~planning commission and gain their approval; and~~

402 | ~~4.~~ Record an approved preservation easement on each parcel identified as an
403 | ~~agricultural, forest, or other type of open space~~ preservation parcel.

404 | ~~(5) No open space preservation easement for a subdivision located in an agricultural zone~~
405 | ~~shall impose restrictions on agricultural uses or operations on any open space parcel,~~
406 | ~~except those listed in Section 108-3-4 (b)(3) or Section 108-3-4(c).~~

407 | ~~(6)e.~~ The planning commission may impose any additional conditions and restrictions
408 | it deems necessary to reasonably ensure maintenance of the open space and
409 | adherence to the open space preservation plan. Such conditions may include a plan for
410 | the disposition or re-use of the open space property if the open space is not maintained
411 | in the manner agreed upon or is abandoned by the owners.

412 | ~~(5f)~~ *Guarantee of open space improvements.*

413 | ~~(1)a.~~ The county shall not require an applicant to deposit a financial guarantee for
414 | open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a
415 | certificate of occupancy and that remain incomplete at the time of final approval ~~and~~
416 | ~~acceptance~~ of the proposed cluster subdivision from the board of county
417 | commissioners. The applicant or developer shall complete the improvements according
418 | to the approved phasing component of an open space preservation plan. If the
419 | applicant fails to complete improvements as presented in the open space preservation
420 | plan, the county may suspend final plat approvals and record an instrument notifying
421 | prospective lot buyers that future land use permits may not be issued for any
422 | construction.

423 | ~~(2)b.~~ The county shall require an applicant to deposit a ~~financial guarantee of~~
424 | ~~improvements, as provided in Section 106-4-3,~~ for all open space improvements (e.g.,
425 | landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a
426 | certificate of occupancy and that remain incomplete at the time of final plat approval,
427 | ~~and acceptance of the proposed cluster subdivision from the board of county~~
428 | ~~commissioners.~~ The applicant or developer shall complete all improvements according
429 | to the approved phasing component of an the open space preservation plan.

430 | **Sec. 108-3-6. - Reserved. Open space parcel development standards.**

431 | ~~Unless otherwise provided for in this section, open space parcels shall be developed in a~~
432 | ~~manner that meets all applicable standards, including but not limited to those found in the~~
433 | ~~Weber County Land Use Code. Open space parcels shall adhere to the following specific site~~
434 | ~~development standards:~~

435 | ~~(1) Parcel area. Unless otherwise regulated by the Weber-Morgan Health Department or~~
436 | ~~Weber County Land Use Code title 108, chapter 14, Hillside Development Review Procedures~~
437 | ~~and Standards, the minimum area for an open space parcel located within a cluster subdivision~~
438 | ~~is as follows:~~

439 | ~~a.~~ ~~Open space parcels dedicated as common area are not subject to minimum area~~
440 | ~~requirements.~~

Comment [c20]: Reference

Comment [c21]: Reference

Comment [c22]: Whole section moved to 108-3-5(b).

441 ~~b.—Open space parcels dedicated as individually owned preservation parcels shall contain an~~
442 ~~area of not less than three acres.~~

443 ~~1.—The minimum area of an individually owned preservation parcel may be reduced to not less~~
444 ~~than one acre if the preservation parcel is part of a contiguous area of open space parcels~~
445 ~~consisting of not less than three acres in total. Open space parcels form a contiguous area if~~
446 ~~each open space parcel in the area shares a common boundary line with another open space~~
447 ~~parcel or lies directly across a road right of way, or other approved access, from another open~~
448 ~~space parcel.~~

449 ~~2.—Parcels containing less than five acres are not agricultural parcels for purposes of~~
450 ~~agricultural exemptions granted by the Weber County Land Use Code.~~

451 ~~(2) —Parcel width. Notwithstanding section 106-2-4(c) and title 108, chapter 14, Hillside~~
452 ~~Development Review Procedures and Standards, and unless otherwise regulated by the~~
453 ~~Weber-Morgan Health Department, open space parcels located within a cluster subdivision are~~
454 ~~not subject to frontage requirements and do not have a minimum width standard other than the~~
455 ~~standard described in section 108-3-4(1).~~

456 ~~(3) —Parcel coverage.~~

457 ~~a.—Coverage of common area parcels by roofed structures shall not exceed ten percent of the~~
458 ~~total parcel area.~~

459 ~~b.—Coverage of individually owned preservation parcels by roofed structures shall not exceed~~
460 ~~five percent of the total parcel area.~~

Comment [c23]: Keep at 5%? 5% of five acres is 10,890 square feet, or a quarter acre.

461 **Sec. 108-3-7. - Lot development standards.**

462 Unless otherwise provided for in this section, residential building lots shall be developed in
463 a manner that meets all applicable standards, including but not limited to those found in the
464 Weber County Land Use Code. The following specific site development standards apply to lots
465 in cluster subdivisions:

466 (1) Lot area. Unless otherwise regulated by the Weber-Morgan Health Department or
467 Weber County Land Use Code, title 108, chapter 14, Hillside Development Review
468 Procedures and Standards, a lot located within a cluster subdivision shall contain an
469 area of not less than 459,000 square feet.

470 ~~a.—Unless otherwise regulated by the Weber-Morgan Health Department or Weber County~~
471 ~~Land Use Code, title 108, chapter 14, Hillside Development Review Procedures and~~
472 ~~Standards, a lot located within a cluster subdivision shall contain an area of not less~~
473 ~~than 15,000 square feet.~~

Comment [c24]: Larger lot sizes here would result in the following unintended consequences:

474 ~~b.—A lot's minimum area is reduced to 6,000 square feet if:~~

1. The smaller lot size offers more affordability options for the younger and aging life-stages. This is a goal from our moderate income housing plan.

475 ~~1.—The lot is located 50 feet or more from its own cluster subdivision boundary;~~
476 ~~not including those boundaries formed by existing streets or internal phasing~~
477 ~~lines if the phasing lines act as a temporary external boundary;~~

2. Smaller lot size does not equal more lots, as the density is capped at the zone's allowance+bonus. So smaller lot size allowances either means that more space can be preserved as open space, or it means that other lots can be given more generous acreages and sold at higher values. Allowance for smaller lots in some parts of the development gives more options for the larger "rural" feel to other parts. The alternative to a cluster, wall-to-wall one acre lots, do not lend to the same kind of rural feel, and would ultimately result in a suburban large-lot feel.

478 ~~2.—The lot lies within a cluster subdivision that is adjacent to an existing~~
479 ~~subdivision that contains at least one lot that is smaller or not more than 5,000~~
480 ~~square feet larger than the smallest lot lying within the subject cluster~~
481 ~~subdivision; or~~

482 ~~3.—The lot lies within a cluster subdivision that is adjacent to an undeveloped~~
483 ~~parcel. A parcel is considered undeveloped if it:~~

- 484 i. ~~Does not contain an existing dwelling; or~~
- 485 ii. ~~Contains an existing dwelling that lies further than 150 feet away from all~~
- 486 ~~external boundaries of the proposed or subject cluster subdivision.~~

487 (2) ~~Lot width.~~ Unless otherwise regulated by the Weber-Morgan Health Department, ~~or~~

488 ~~Weber County Land Use Code, title 108, chapter 14, Hillside Development Review~~

489 ~~Procedures and Standards,~~ the minimum lot width in a cluster subdivision per zone is

490 as follows:

| | |
|-----------------------------------|-----------------|
| <u>F-40 and F-10 zones:</u> | <u>100 feet</u> |
| <u>FR-1, F-5, and AV-3 zones:</u> | <u>80 feet</u> |
| <u>RE-15, RE-20 zones:</u> | <u>60 feet</u> |
| <u>A-1, A-2, and A-3 zones:</u> | <u>60 feet</u> |
| <u>FR-3 zone:</u> | <u>50 feet</u> |
| <u>DRR-1 zone:</u> | <u>50 feet</u> |

- 491 a. One hundred feet in the Forest (F-40) and the Forest (F-10) Zones.
- 492 b. Eighty feet in the Forest Residential (FR-1), Forest (F-5), Agricultural Valley (AV-3), and
- 493 the Forest Valley (FV-3) Zones.
- 494 c. Sixty feet in the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2, and A-
- 495 3) Zones.
- 496 d. Fifty feet in the Forest Residential (FR-3) and the Ogden Valley Destination and Recreation
- 497 Resort (DRR-1) Zone.

499 (3) ~~Yard setbacks for dwellings.~~ The Minimum yard setbacks ~~for dwellings~~ in a cluster

500 subdivision are as follows:

| | |
|---|-----------------------------------|
| <u>Front:</u> | <u>20 feet</u> |
| <u>Side:</u> | |
| <u>Dwelling:</u> | <u>8 feet</u> |
| <u>Accessory building:</u> | <u>8 feet; except one foot if</u> |
| <u>Accessory building over 1,000 square</u> | <u>located at least six feet</u> |
| <u>feet:</u> | <u>in rear of dwelling.</u> |
| <u>Corner lot side facing street:</u> | <u>20 feet</u> |
| <u>Rear:</u> | <u>20 feet</u> |

- 501 ~~a. Front: 20 feet.~~
- 502 ~~b. Side: 8 feet.~~
- 503 ~~c. Rear: 20 feet.~~

504 (4) ~~Dwelling-Building height.~~ The maximum height for ~~dwellings~~ a building in a cluster

505 subdivision ~~is 40 feet~~ is as follows:

Comment [c25]: This code unintentionally missed alternative development regulations for accessory buildings.

| | |
|--------------------|---------|
| Dwelling | 40 feet |
| Accessory building | 30 feet |

506

507 **Sec. 108-3-8. - Bonus density.**

508 ~~The county may, in its discretion, allow for an increased number of residential lots by~~
509 ~~awarding bonus densities to those cluster subdivisions developed within the Western Weber~~
510 ~~County Planning Area. Cluster subdivisions within the Ogden Valley Planning Area are not~~
511 ~~eligible for bonus densities. The following presents the bonus density opportunities that are~~
512 ~~available to cluster subdivisions located within specific zoning boundaries:~~

513 (a) Western Weber Planning Area bonus density. In the Western Weber Planning Area, bonus
514 density shall not exceed 30 percent except as allowed herein.

515 (1) (INSERT AMENITIES REQUIRED TO EARN POINTS HERE. (i.e. street trees,
516 pathway landscaping, dark sky preservation, public-accessible recreational amenities,
517 public park (if district will accept it)...

Comment [c26]: Typical walkways should be required – no incentivized.
Comment [c27]: Still working on it.

518 (2) In an agricultural zone, up to 20 percent additional bonus may be earned in
519 accordance with the following:

520 a. the subdivision shall demonstrate qualification for the basic 30 percent bonus
521 density.

522 b. 90 percent of the total open space acreage, but no less than ten acres, shall be:

523 1. demonstrated through a soils and irrigation analysis produced by a competent
524 soils engineer to be quality farmland capable of competitive marketability to
525 typical crop-producing agricultural operations.

526 2. be permanently preserved with an agricultural-specific preservation easement
527 across all 90 percent of the total open space acreage that conforms to the
528 requirements of this chapter.

529 c. the subdivision shall preserve more than the 30 percent minimum open space
530 area. The allowed bonus density percentage may be increased at a one for one
531 ratio with the open space percentage increases that are over 30 percent, up to a
532 maximum of 50 percent bonus density award.

Comment [c28]: Idea for discussion:
Ogden Valley Planning Area bonus density. In the Ogden Valley Planning Area, bonus density shall only be allowed when an equal number of residential dwelling unit development rights are permanently removed from a parcel outside the cluster subdivision boundaries.
(1) A residential unit development right shall be considered permanently removed if the outside parcel or parcels are rezoned in a manner that would prohibit the development of the same number of units that are being added in the bonus, or if an open space preservation easement, as provided in this chapter, is recorded to the outside parcel or parcels in a manner that would prohibit the development of the same number of units that are being added in the bonus.
(2) Bonus density is not allowed in the S-1, FR-1, FV-3, F-5, F-10, or F-40 zones.
(3) Bonus density shall not exceed 150 percent unless the parcel is within one quarter mile from a village center as shown on the Commercial Locations and Village Areas Map in the 2016 Ogden Valley General Plan.

533 (b) No bonus density is allowed in the Ogden Valley.

534 ~~(1) In the Forest (F-40) Zones, the county may award a maximum bonus density of 20~~
535 ~~percent based on an accumulation of any combination of the following:~~

536 a. ~~If the cluster subdivision meets the purpose and intent of this chapter, up to a five~~
537 ~~percent bonus may be granted.~~

538 b. ~~If the cluster subdivision provides a minimum of one road stub to an adjacent~~
539 ~~property where the planning commission determines that streets are needed to~~
540 ~~provide for current or future traffic circulation, up to a five percent bonus density~~
541 ~~may be granted.~~

542 c. ~~If the cluster subdivision provides a minimum of one approved public access to~~
543 ~~public lands, up to a five percent bonus density may be granted.~~

- 544 ~~d. If the cluster subdivision provides common area that offers easily accessible~~
545 ~~amenities, such as a trail, park, or community garden, that are open for use by the~~
546 ~~general public, up to a five percent bonus density may be granted.~~
- 547 ~~e. If the cluster subdivision dedicates and conveys to the county, the state division of~~
548 ~~wildlife resources, or both, an open space easement that permanently preserves~~
549 ~~areas that have been identified by the state division of wildlife resources as having~~
550 ~~substantial or crucial wildlife habitat value, up to a 15 percent bonus density may~~
551 ~~be granted.~~
- 552 ~~(2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of~~
553 ~~up to 50 percent if the applicant preserves an open space percentage above that~~
554 ~~required by section 108-3-4(3)d; otherwise, the county may grant a bonus density of up~~
555 ~~to 30 percent. Overall bonus density potential shall be no greater than a percentage~~
556 ~~equal to the percentage of the subdivision's total area preserved as open space. The~~
557 ~~county may award bonus densities based on an accumulation of any combination of~~
558 ~~the following:~~
- 559 ~~a. If a cluster subdivision meets the purpose and intent of this chapter, up to a ten~~
560 ~~percent bonus may be granted.~~
- 561 ~~b. If a cluster subdivision provides and implements an approved roadway landscape~~
562 ~~and design plan that includes, but is not necessarily limited to, vehicle and~~
563 ~~pedestrian circulation, lighting, and street trees of an appropriate species, size of~~
564 ~~at least a two-inch caliper, and quantity of not less than eight trees for every 100~~
565 ~~feet of road length, up to 20 percent bonus density may be granted.~~
- 566 ~~c. For each five percent increment of open space preserved over 50 percent, a five~~
567 ~~percent bonus density shall be granted up to the total bonus density allowed by~~
568 ~~subsection (3).~~
- 569 ~~d. If a cluster subdivision provides a minimum of one approved access to public~~
570 ~~lands, up to a ten percent bonus density may be granted.~~
- 571 ~~e. If a cluster subdivision provides common area that offers easily accessible~~
572 ~~amenities such as trails, parks, or community gardens, that are open for use by the~~
573 ~~general public, up to a 15 percent bonus density may be granted.~~
- 574 ~~f. If ten percent of the lots and homes in a cluster subdivision are permanently set~~
575 ~~aside for affordable housing as outlined by the Affordable Housing Act of 1990, up~~
576 ~~to a 20 percent bonus density may be granted.~~
- 577 ~~If a bonus density is granted for affordable housing, the applicant shall:~~
- 578 ~~1. Present and gain Planning Commission approval of an effective plan and~~
579 ~~method for guaranteeing and enforcing perpetual affordability. Any method~~
580 ~~used, such as an affordable housing deed restriction, shall limit the sale or~~
581 ~~rental of the affected lots and homes to a household with an income at or~~
582 ~~below 80 percent of the county median income;~~
- 583 ~~2. Identify and label, on the final plat, the lots set aside as affordable housing~~
584 ~~lots; and~~
- 585 ~~3. Provide a note on the final plat explaining the nature of the housing restriction~~
586 ~~on the lot and the method by which occupancy and affordability will be~~
587 ~~regulated.~~

- 588 ~~g. If a cluster subdivision preserves an agricultural parcel with an agriculturally based~~
589 ~~open space preservation plan approved by the planning commission and records~~
590 ~~an agricultural preservation easement on the parcel, a bonus density may be~~
591 ~~approved as follows:~~
- 592 ~~1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15~~
593 ~~percent bonus density may be granted.~~
- 594 ~~2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20~~
595 ~~percent bonus density may be granted.~~
- 596 ~~3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30~~
597 ~~percent bonus density may be granted.~~
- 598 ~~4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40~~
599 ~~percent bonus density may be granted if the parcel standing alone is greater~~
600 ~~than the minimum open space requirement for the subdivision.~~
- 601 ~~5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus~~
602 ~~density may be granted if the parcel standing alone is greater than the~~
603 ~~minimum open space requirement for the subdivision.~~
- 604 ~~h. If a cluster subdivision provides for the preservation of historical sites and buildings~~
605 ~~that have been identified by the state historic preservation office as having notable~~
606 ~~historical value, up to a five percent bonus density may be granted.~~
- 607 ~~i. If a cluster subdivision provides for the development of excess sewage treatment~~
608 ~~capacity, up to a five percent bonus density may be granted.~~
- 609 ~~j. If a cluster subdivision dedicates and conveys to the county, the state division of~~
610 ~~wildlife resources, or both, an open space easement that permanently preserves~~
611 ~~areas that have been identified by the state division of wildlife resources as having~~
612 ~~substantial or crucial wildlife habitat value, up to a 15 percent bonus density may~~
613 ~~be granted.~~
- 614 ~~k. If a cluster subdivision includes an open space parcel that consists of five acres or~~
615 ~~more and is contiguous to permanently preserved open space on an adjoining~~
616 ~~property located outside of the cluster subdivision, up to a 20 percent bonus~~
617 ~~density may be granted.~~

618 **Sec. 108-3-9. - Homeowners association required.**

619 In order to provide for proper management and maintenance of commonly owned areas
620 and private improvements, all cluster subdivisions with such areas or improvements are
621 required to have a homeowners association. The applicant, prior to recording a final plat of the
622 cluster subdivision, shall:

- 623 (1) Establish a homeowners association and submit for the county's review the necessary
624 articles of incorporation, bylaws, and declaration of covenants, conditions, and
625 restrictions that provide for:
- 626 a. Compliance with Utah State Code;
- 627 b. The reason and purpose for the association's existence;
- 628 c. Mandatory membership for each lot or home owner and their successors in
629 interest;

- 630 d. The perpetual nature of the easements related to all dedicated open space
631 parcels;
 - 632 e. Responsibilities related to liability, taxes, and the maintenance of recreational and
633 other infrastructure and facilities;
 - 634 f. Financial obligations and responsibilities, including the ability to adjust the
635 obligations and responsibilities due to change in needs;
 - 636 g. Association enforcement remedies; and
 - 637 h. A notification of the county's ability to enforce the terms of the owner's dedication
638 on the subdivision dedication plat.
- 639 (2) Register the homeowners association with the State of Utah, Department of
640 Commerce.

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: PRUD code amendment from administrative approval to legislative

Planning Commissioners,

In the Ogden Valley Planning Commission's last meeting they discussed the proposed amendment to the PRUD code that you discussed in your last meeting. They were less receptive to the proposed changes. Their primary issue was that there is too much "discretionary" flexibility in the PRUD ordinance to continue to allow it to be a matter for administrative approval.

Staff agrees with this concern. Attached you will find a rough proposal to amend the PRUD code to make it a legislative rezone rather than an administrative conditional use permit. This will give both the planning commission and the county commission wide discretion and control over the final outcome of a PRUD – or whether one exists at all. As is being proposed, a PRUD would require a PRUD overlay zone.

I would like to discuss the merits of this modification and any concerns the planning commission may have with it in a work session on January 9, 2018.



1 Title 102 – ADMINISTRATION

2 CHAPTER 1. - GENERAL PROVISIONS

3 ...

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

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

10 ...

11 Title 104 - ZONES

12 ...

13 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

14 ...

15 Sec. 104-3-5. - Conditional uses.

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

18 ...

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

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

24 (5) Public utility substation.

25 ...

26 CHAPTER 5. - AGRICULTURAL ZONE A-1

27 ...

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

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

31 ...

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

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

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

38 ...

39 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

40 ...

41 **Sec. 104-6-5. - Conditional uses.**

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

44 ...

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

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

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

50 ...

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

52 ...

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

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

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

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

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

61 ...

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

63 ...

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

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

67 ...

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

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

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

72 ...

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

74 ...

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

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

78 ...

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

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

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

84 ...

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

86 ...

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

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

90 ...

91 (26) Travel agency.

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

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

97 ...

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

99 ...

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

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

103 (1) Educational/institutional identification sign.

104 (2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
105 ~~Land Use Code.~~

106 (3) Private park, playground or recreation area, but not including privately owned commercial
107 amusement business.

108 ...

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

110 ...

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

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

114 ...

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

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

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

120 ...

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

122 ...

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

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

126 ...

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

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

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

132 ...

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

134 ...

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

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

138 ...

139 (2) Educational/institutional identification signs.

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

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

144 ...

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

146 ...

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

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

150 ...

151 (7) Nursing home.

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

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

156 ...

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

158 ...

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

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

162 ...

163 (7) Nightly rental.

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

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

167 ...

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

169 ...

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

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

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

175 (c) Public utility substations.

Sec. 108-5-1. - Definitions.

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

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

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

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

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

- (a) A planned residential unit development (PRUD) overlay zone is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility from traditional zoning of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.
- (b) A PRUD overlay zone approval should advance the purpose and intent of the underlying ~~Substantial compliance with the zone.~~ However, if a proposed PRUD offers material advancement of a goal or objective of an applicable general plan then concessions may be made, at the legislative discretion of the county commission. ~~Development of any PRUD shall adhere to the applicable regulations and other provisions of this chapter-Land Use Code in-requiring~~ and the county commission may apply any condition of approval reasonably necessary to promote ~~adequate standards related to the~~ public health, safety, and general welfare shall be observed, without ~~whilst being conscientious of~~ unduly inhibiting the advantages of large scale planning for residential and related purposes. However, when any provisions of an approved PRUD overlay zone conflicts with the provisions of the underlying zone the provisions of the PRUD overlay zone approval shall prevail.

Sec. 108-5-3. - ~~Permitted zones~~ Approval procedures and requirements.

- (a) ~~A planned residential unit development overlay zone may only be considered in the following zones: shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists.~~

(1) Residential estates zones:

(2) Agricultural zones:

(3) Forest, forest residential, and forest valley zones:

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

(5) Commercial valley resort recreation zone: and

(6) Residential manufactured home zone.

- (b) Approval of a PRUD overlay zone shall follow the provisions and requirements as specified herein and the rezone provisions of Title 102, Chapter 5. A development agreement that clearly documents the County's roles and responsibilities to the developer and the developer's roles and responsibilities to the County shall be prepared and approved prior to the validity of any approved PRUD overlay zone. The development agreement shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the County Commission or County Attorney's office.

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

- (a) An overall development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.
- (b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.
- (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:
- (1) That the area of landscaping area exceeds the approved landscape plan;
 - (2) That the number and quality of plants exceed the approved landscape plan;
 - (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and
 - (4) That all requirements of the Land Use Code have been met.

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

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

Sec. 108-5-5. - Area and residential density regulations.

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

- (b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.
- (c) Notwithstanding section 108-5-5(b), [c2]the county may, at its discretion, allow for an increased number of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries:
- (1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a maximum bonus density of ten percent based on an accumulation of any combination of the following:
 - a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.
 - b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.
 - c. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.
 - d. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an 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, up to a ten percent bonus density may be granted.
 - (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:
 - a. If a PRUD provides and implements 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, up to 20 percent bonus density may be granted.
 - b. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (c)(2).
 - c. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted.
 - d. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
 - e. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

- f. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:
 - 1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
 - 2. Identify and label, on the final plat, the lots set aside as affordable housing lots; and
 - 3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.
 - g. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
 - 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
 - 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
 - 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
 - 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
 - 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
 - h. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.
 - i. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.
 - j. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an 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, up to a 15 percent bonus density may be granted.
 - k. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.
- (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. ~~Therefore, the planning commission shall~~ After recommendation from the planning commission the county commission, has legislative discretion to determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to

developable portions of the PRUD ~~and, when such a~~ determination justifies ~~such an~~ inclusion, ~~the planning commission shall allow~~ the transfer of units ~~may be allowed~~. ~~In making this determination, the planning~~ Among other considerations, the county commission's decision ~~shall should~~ be guided by the following factors give general preference to the following standards:

- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD ~~shall beare~~ such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
- (2) The lands ~~shall should~~ contribute to the actual quality, livability and aesthetics of the PRUD and ~~shall should~~ be physically integrated into the development design.
- (3) The lands ~~must beare~~ suitable for and possess the capability for housing development.
- (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 and 30 percent or more in all other zones ~~shall should be discouraged from being not be~~ classified as developable land and ~~shall should~~ not be considered when determining the number of allowable units in a proposed PRUD.

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

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be detrimentally affected without the county imposing reasonable conditions or, in the absence of appropriate natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission may, at its discretion and after receiving a recommendation from the planning commission, consider and approve a plan that provides for ownership, preservation, maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows:
 - (1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures.
 - a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.
 - b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.
 - (2) *Ownership.*
 - a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium Ownership Act, or § 57-8a-101 et seq., the Community Association Act.
 - b. Other open space parcels, consisting of five acres or more, may be owned individually.

1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same PRUD.
3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:
 - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
 - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
 - iii. A notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) *Preservation.*

- a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
- b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
- c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:
 1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;
 2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;
 3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and
 4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.
- e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

- a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to

the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.

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

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

Sec. 108-5-7. - Submission of application.

- (a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.
- (b) Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

Sec. 108-5-8. - Planning commission consideration.

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

- (1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.
- (2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- (3) The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.
- (4) Lighting and the size, location, design, and quality of signs.
- (5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
- (6) The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

Sec. 108-5-9. - Planning commission action.

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

Sec. 108-5-10. - County commission action.

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

Sec. 108-5-11. - Land use permit issuance.

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

Sec. 108-5-12. - Time limit.

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

...

Title 108 - STANDARDS

...

CHAPTER 5. - RESERVED.^[c3] ~~PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)~~

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: Work session for definition of height and other height standards and requirements.

Planning Commissioners,

In our last meeting we held a hearing to possibly change the definition of height. The planning commission requested we finesse the language for clarity purposes. After further review, staff has determined that part of the previous suggestion leaves a loophole we did not consider.

In order to mitigate the overall concerns, in the attached proposal, for which we have schedule a work session on January 2, 2018, you will find a significantly more simple definition for “height of building” and additional supplemental standards and requirements that will help better govern the issues that have been concerning staff about the way our code is currently written.

Also, as we have taken the time to offer clarifications regarding height, there is another topic that has offered staff some concern. That is the visual aesthetics of cell phone towers. The attached language also addresses measures to disguise new cell towers in a manner that fits in with its surroundings.

This work session will be time-pending.



1 Title 101 - GENERAL PROVISIONS

2 ...

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

4 ...

5 *Building envelope.* The term "building envelope" means a portion of a lot, parcel, or tract of land which is
6 to be utilized as the building site as may be required by the cluster subdivision ordinance or as otherwise
7 volunteered on a subdivision plat. "Building envelope" shall not be construed to mean "buildable area"
8 as provided in this section.

9 *Building, height of.* The ~~term phrase~~ "height of building," or any of its variations, normally means the
10 vertical distance between the highest point of the building or structure and the average elevation of the
11 land at the exterior footprint of the building or structure using the finished grade. See Section 108-7-5 for
12 supplemental height provisions. ~~from the average of the highest natural grade and the lowest natural~~
13 ~~grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the~~
14 ~~highest point of the ridge of a pitch or hip roof.~~

15 *Building, main.* The term "main building" means the principal building or one of the principal buildings
16 located on a lot or parcel designed or used to accommodate the primary use to which the premises are
17 devoted. Where a permissible use involves more than one structure designed or used for the primary
18 purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this
19 title shall be deemed a main building.

20 ...

21 *Glare.* The term "glare" means light, originating from a direct artificial light source, or any light reflected
22 off a reflective surface, that causes visual discomfort or reduced visibility.

23 ~~*Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent ground~~
24 ~~elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or~~
25 ~~sidewalk within the area between the building and the property line or, when the property line is more~~
26 ~~than five feet from the building, between the building or structure and a line five feet from the building or~~
27 ~~structure.~~

28 *Grade, finished.* The term "finished grade," or any of its variations, means the final slope of the ground
29 after being altered from natural grade.

30 *Grade, natural.* The term "natural grade" or any of its variations, means the slope of the ground as it
31 existed ten years prior to the time at which the grade is to be determined.

32 *Guest house.* The term "guest house" means a separate dwelling structure located on a lot with one or
33 more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold
34 separate from the rental, lease or sale of the main dwelling.

35 ...

36 *Quasi-public.* The term "quasi-public" means the use of premises by a ~~public~~-utility, the utility being
37 available to the general public, such as utility substations and transmission lines (see also "utility"); also
38 a permanently located building or structure, together with its accessory buildings and uses, commonly
39 used for religious worship, such as churches and monasteries.

40 ...

41 *Utility.* The term "utility" means utility facilities, lines, and rights of way related to the provision,
42 distribution, collection, transmission, transfer, storage, generation or disposal of culinary water,
43 secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information,
44 telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also
45 "quasi-public."

46 Public utility substation. The phrase "public utility substation" means an unattended building or structure
47 designed for the provision of services of a public or quasi-public utility, excluding utility transportation lines
48 and incidental supports and their rights-of-way.

49 ...

50 Structure. The term "structure" means anything constructed or erected which requires location on the
51 ground or attached to something having a location on the ground.

52 Structure, height of. The phrase "height of structure," or any of its variations, shall have the same
53 meaning as "height of building" as defined in this Section.

54 ...

55 Tower. The term "tower" means a structure that is intended to support antennas for transmitting or
56 receiving wireless signals including but not limited to television, cellular, radio, or telephone
57 communication signals. A tower is also a "public utility substation" as defined in this section.

58 ...

59 Title 108 - STANDARDS

60 ...

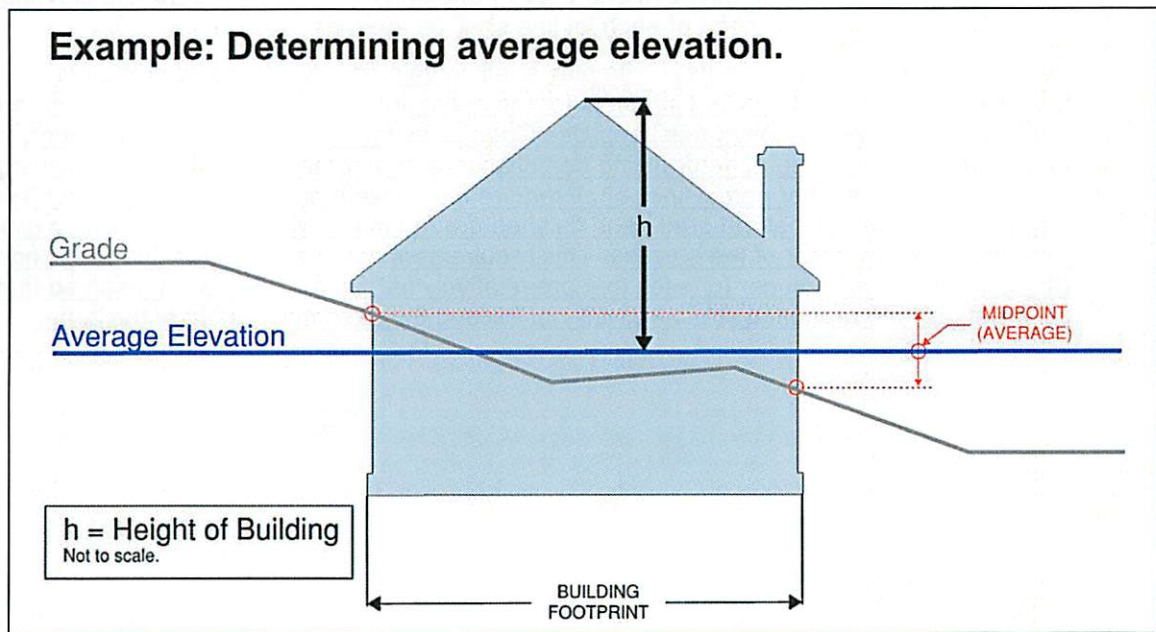
61 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

62 ...

63 Sec. 108-7-5. - **Exceptions to height** Building or structure height limitations **requirements.**

64 (a) Measuring height. For the purpose of determining "height of building," as defined in Section 101-1-7,
65 the following shall apply:

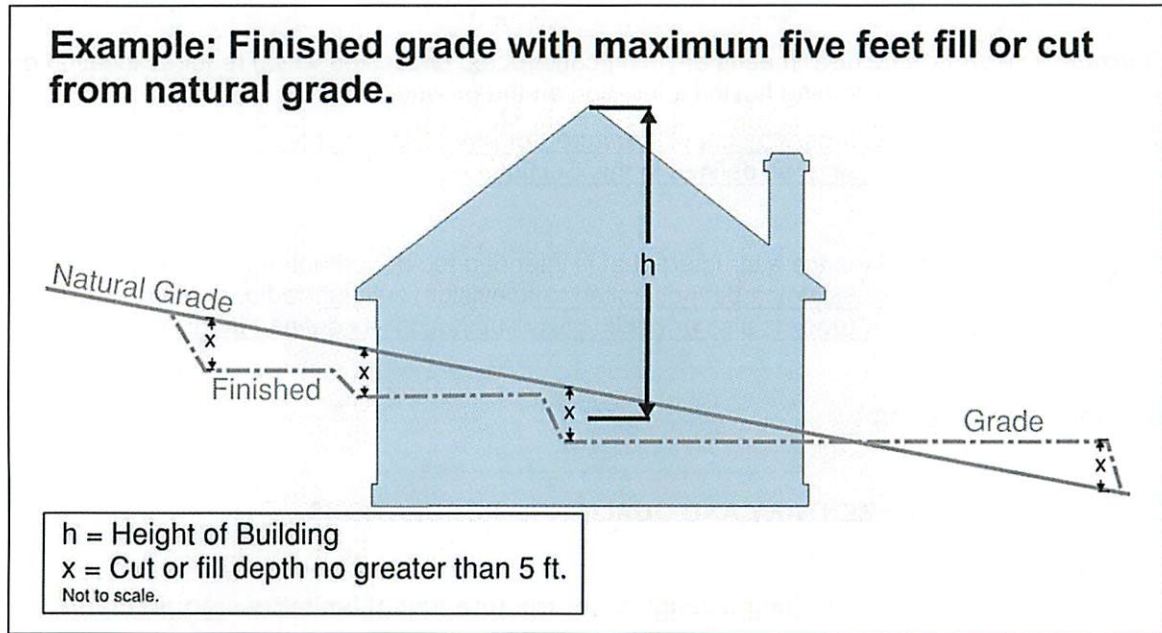
66 (1) Average elevation. Average elevation shall be determined by averaging the highest elevation and
67 the lowest elevation at the exterior footprint of the building or structure, including any support
68 posts that require a footing. An alternative means of calculating average elevation may be
69 approved by the Planning Director for an individual building if it follows industry best practices and
70 is proposed by a licensed surveyor, engineer, or architect.



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(2) Fills and cuts affecting building height. Except as provided in this subsection, when grading the site to obtain the finished grade, as defined in Section 101-1-7, no fill or cut may exceed five vertical feet at any point from the site's natural grade, as also defined in 101-1-7.



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- a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or
- b. If the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, cuts and fills are allowed that provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.

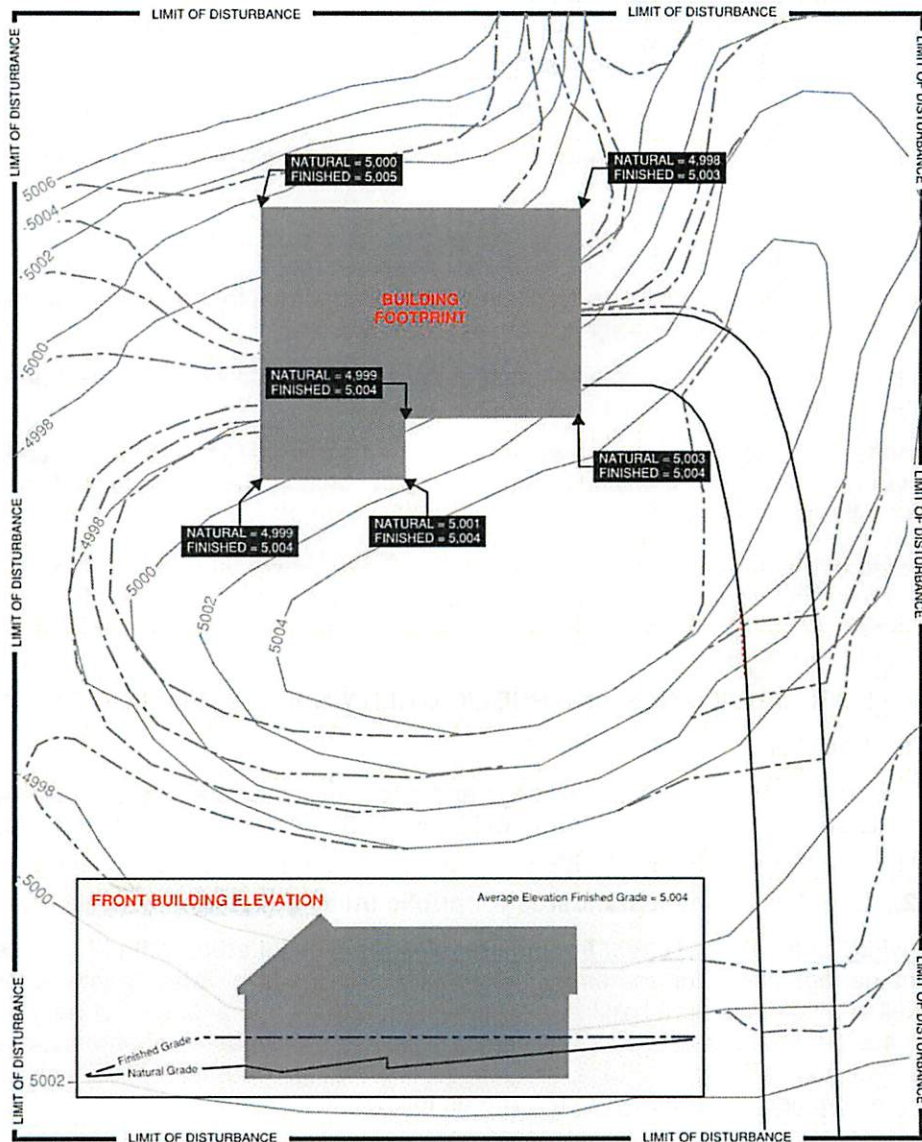
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(3) Site plan submittal requirements. A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the Planning Director or County Engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the Planning Director or County Engineer for sites that are relatively flat, or if evidence is presented that clearly shows the proposed structures will not exceed the maximum height of the zone.

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Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



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94 (b) Roof structure height exception. Penthouse or roof structures for the housing of elevators, stairways,
 95 tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or
 96 parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water
 97 tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the
 98 height limit of the zone in which they are located, but no space above the height limit shall be
 99 allowed for the purpose of providing additional floor space, and at no time shall the height be greater
 100 than 15 feet higher than the maximum height of the zone. ~~and if in proximity to an airport, no~~
 101 ~~heights exceptions are permitted above the maximum allowed under airport height regulations.~~

102 (b) All exceptions to height shall be subject to applicable design review requirements and all mechanical
 103 equipment shall be screened by materials consistent with those used on the main
 104 building.

105 (c) Air traffic height conflicts. If in proximity to an airport, no building or structure or other appurtenance
106 is permitted above the maximum height allowed by the Federal Aviation Administration, or other
107 applicable airport or airspace regulation.

108 (d) Minimum height of a dwelling. Unless on a lot or parcel five acres or greater, no dwelling shall be
109 erected to a height less than one story above natural grade.

110 **Sec. 108-7-6. - ~~Minimum height of dwelling~~Reserved.**

111 ~~No dwelling shall be erected to a height less than one story above natural grade.~~

112 ...

113 **Sec. 108-7-12. - ~~Reserved Towers.~~**

114 ~~(a) No commercial tower installation shall exceed a height equal to the distance from the base of~~
115 ~~the tower to the nearest overhead power line by less than five feet.~~

116 ~~(b) A tower that exceeds the height limitation of the zone in which it is to be located as permitted~~
117 ~~by section 108-7-5, shall be considered a conditional use.~~

118 ~~(c) In all zones, except in commercial and manufacturing zones, towers shall not be located within~~
119 ~~the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a~~
120 ~~corner lot, nor on the roof of a residential structure.~~

121 ~~(d) A building permit shall be required for a tower. An application for a permit shall include~~
122 ~~construction drawings showing the method of installation and a site plan depicting structures on the~~
123 ~~property and on any affected adjacent property and a structural engineering certification by a registered~~
124 ~~structural engineer from the state.~~

125 **CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~OR STRUCTURES~~**

126 **Sec. 108-10-1. - Location.**

127 The location and arrangement of public buildings and public utility substations ~~or structures~~ will comply
128 with requirements set forth in this chapter and will be in accordance with construction plans submitted
129 to and approved by the planning commission.

130 **Sec. 108-10-2. - Site development standards for public utility substation ~~or structure.~~**

131 (a) Lot area, width, setback, and street frontage regulations. The lot area, width, ~~depth,~~ setback, and
132 street frontage regulations for ~~an unmanned culinary or secondary water system facility, storage~~
133 ~~tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline~~
134 ~~regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility;~~
135 ~~or other unmanned utility service regeneration, transformation, or amplification facility.~~ a public utility
136 substation, as defined in Section 101-1-7, are as follows:

137 (1) *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain
138 an area and width of sufficient size and dimension to safely accommodate the utility facility or
139 use, any necessary accessory use, any landscaping required by this Land Use Code, the
140 required setbacks, and space to park two maintenance vehicles.

141 (2) *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if
142 the lot does not directly front on a public or private street right-of-way, provided that ~~the~~ no
143 substation ~~or structure~~ shall be located closer to a public or private street right-of-way than the
144 minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.

145 (3) *Side yard setback.* The side yard setback requirement shall comply with the typical setback
146 specified in the applicable zone regulating the property.

147 (4) *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

148 a. In a residential zone: five feet.

149 b. In an agricultural zone: ten feet.

- 150 c. In a forest zone: 20 feet.
- 151 d. In a zone not specifically listed above: typical zone setback as provided in the chapter for
- 152 that zone.
- 153 (5) Street Frontage. No frontage is required along a public right-of-way if clear and legal access
- 154 exists from a public right of way to the site for the purpose of the utility use.
- 155 (b) Co-location. Co-location of a public utility substation with other existing public utility substations is
- 156 required provided that the co-location does not cause interference with any public utility, or the
- 157 reasonable operation of the public utility substation.
- 158 (c) Towers. The following regulations govern the installation of public utility substation towers:
- 159 (1) Tower distance from overhead power. The height of a tower shall be one foot less than the
- 160 linear distance between the base of the tower and the nearest overhead power line, or lesser
- 161 height.
- 162 (2) Tower setbacks. In all zones, except in commercial and manufacturing zones, a tower shall not
- 163 be located within the minimum front yard setback of any lot, nor within the minimum side yard
- 164 setback facing a street on a corner lot, nor on the roof of a residential structure.
- 165 (3) Tower building permit. A building permit shall be required for a tower. An application for a permit
- 166 shall include construction drawings showing the method of installation and a site plan depicting
- 167 structures on the property and on any affected adjacent property and a structural engineering
- 168 certification by a registered structural engineer from the state.
- 169 (4) Tower disguise. A public utility substation tower which exceeds the maximum height of the zone,
- 170 or 35 feet, whichever is less, and which cannot be reasonably co-located on an existing tower,
- 171 shall be disguised so that the average person cannot discern that it is a public utility substation
- 172 from a distance greater than 200 feet.
- 173 a. With the exception of part b.1. herein, the disguise shall be constructed of painted, stained,
- 174 sandblasted or carved wood, log timbers, brick, stone, textured concrete or similar material.
- 175 Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent
- 176 reflective glare may also be used. Copper, brass, wrought iron, and other metals may
- 177 remain untreated and allowed to develop a natural patina. Support structures shall use
- 178 natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be
- 179 used as a predominant color, but may be used as an accent.
- 180 b. The disguise shall be designed by a licensed architect and shall:
- 181 1. replicate natural features found in the natural environment within 1000 feet such that the
- 182 average person cannot discern that it is not a natural feature from a distance greater
- 183 than 200 feet;
- 184 2. architecturally replicate structures that are commonly accessory to onsite agricultural
- 185 uses;
- 186 3. architecturally replicate structures that were commonly found in historic old-west or
- 187 western mining town centers prior to 1910, excluding poles, structures, or other features
- 188 that were used for overhead utilities; or
- 189 4. replicate architectural structures that support the architectural theme of an approved
- 190 master plan or development agreement applicable to the site.
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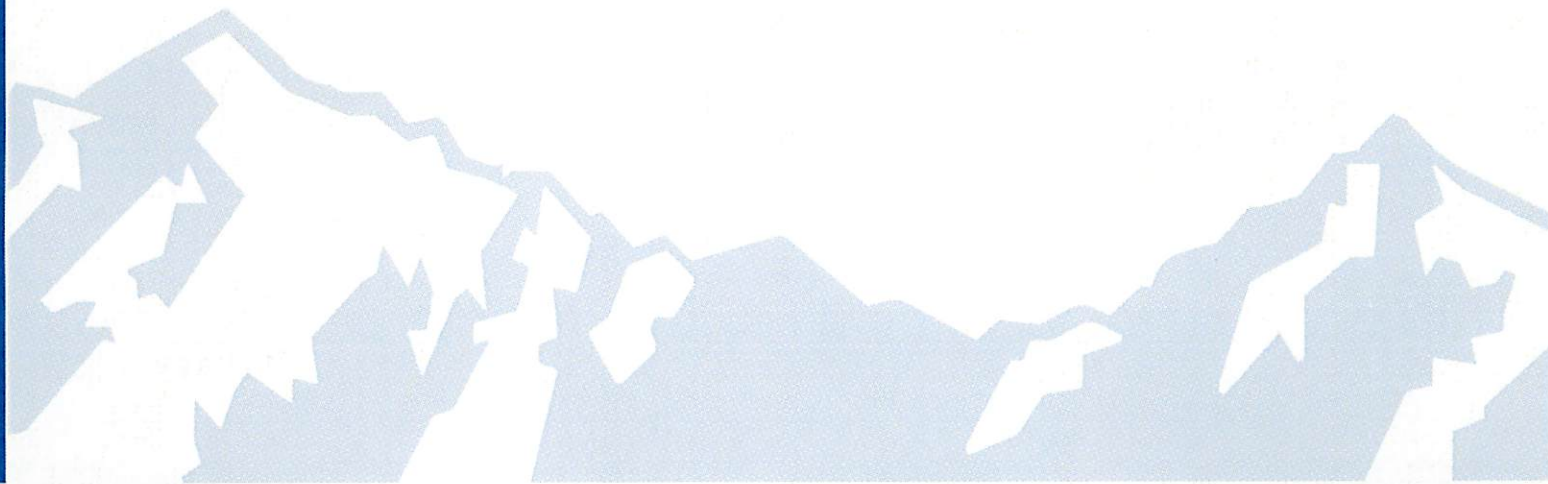
MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 29, 2017
Subject: General Plan Review and Training

Planning Commissioners,

If there is time at the end of our work sessions on January 9, 2018 I would like to continue our review and training regarding existing planning documents, their relationships, and their implementation status.

Please bring your copies of your general plan documents and see the attached. If are missing anything please email me and I will be sure I have another copy for you.
cewert@co.weber.ut.us.



State Code §17-27a-4

§17-27a-401

- Requires the adoption of a general plan for present and future needs of the County, for growth and development of all or any part of the land within the unincorporated portions of the County, and as a basis for communicating and coordinating with the Federal Government on land and resource management issues.
- The general plan is **required to contain** a resource management plan.
- Offers specific requirements if a County is to offer location of a nuclear waste storage or transfer facility.

§17-27a-402

- Specifies the State's responsibility to assist the County in obtaining information.

§17-27a-403

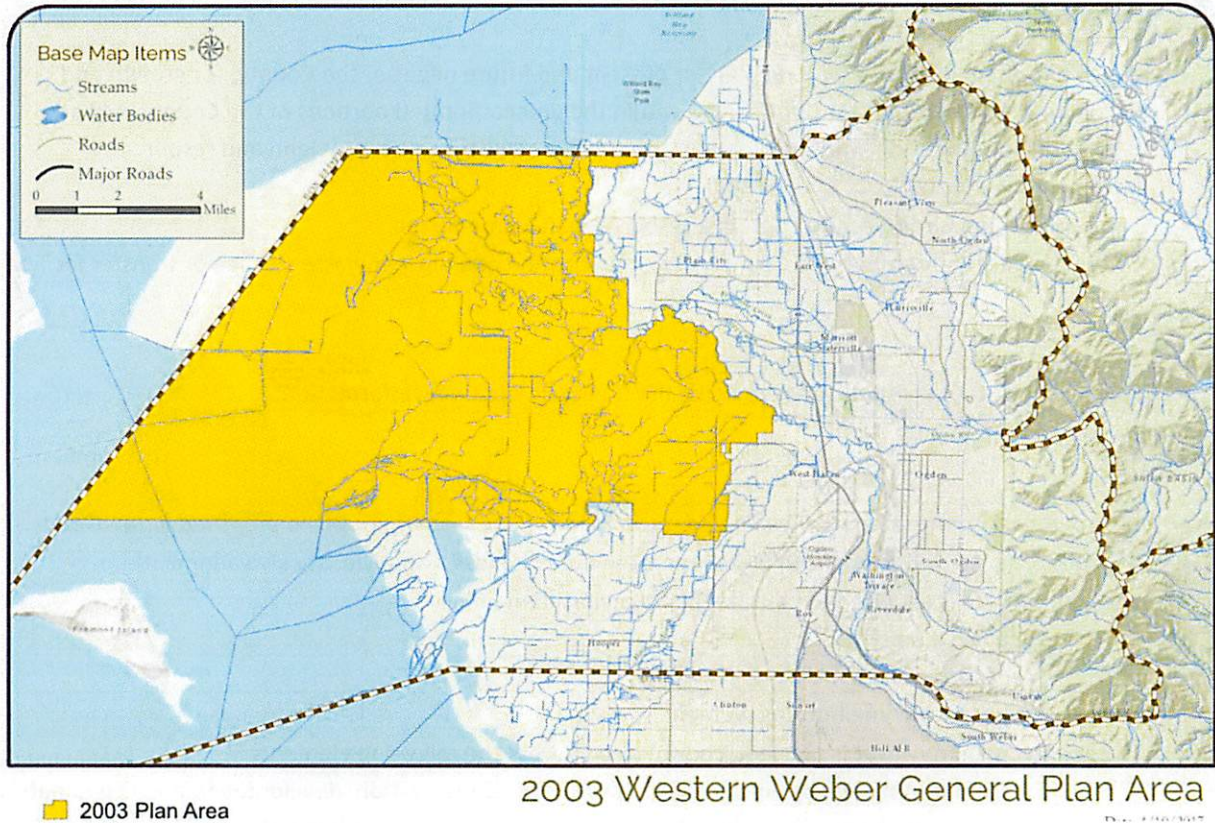
- *"The planning commission shall make and recommend to the legislative body a proposed general plan..."*
- If a County's plan only pertains to unincorporated areas (unless a municipality also adopts it).
- The general plan is **required to contain** the following elements:
 - Land use element
 - Transportation element
 - Moderate income housing element
- The general plan **may (but is not required to)** also address the following elements:
 - **Environmental element**, including the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
 - **A public services and facilities element**, including sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services.
 - **A rehabilitation, redevelopment, and conservation element**, including historic preservation, elimination of blight, and redevelopment of land.
 - **An economic element** including review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity

§17-27a-404

- Specifies public hearing requirements for the adoption of the plan and the process for the County Commission to adopt the plan.

§17-27a-405 - §17-27a-409 Address the general effects of the general plan

West Central Weber County General Plan (2003)



Chapter 1, Introduction (p. 1-1)

- This section offers introductory information and general statistical data used to create the plan. It specifies details regarding the purpose of the plan, the public process, and issues identified during the public process. It also contains the plan's vision statement:

Vision (p. 1-6):

"West Central Weber County is a place that values and protects its rural character, lifestyle, and atmosphere, manages growth to strike a balance between preservation and development, provides the necessary and desired community services to assure a high standard-of-living to its residents, encourages safe, efficient, and varied transportation systems, maintains a community that is safe from environmental hazard and criminal activity."

- p. 1-6 – p. 1-8 offers detail about the breadth and importance of each part of the vision statement.

Chapter 2, Land Use Element (p. 2-1)

- p. 2-1 – p. 2-5: Offers a snapshot assessment of land uses as they existed in 2003.
- p. 2-5 – p. 2-6: Offers a review of zoning as it existed in 2003.
- p. 2-6: Compares 2003 and uses with 2003 zoning and concludes that they are generally consistent. However, it also concludes that there is not zoning in the planning area that offers protection of the areas “rural character” and is therefore inconsistent with the plans vision statement.
- p. 2-7 – p. 2-10 present two alternative growth scenarios that were presented to the public during the planning process.
- p. 2-11 – p. 2-18 synthesizes the public’s responses to the two alternative growth scenarios into one “*preferred future.*” In essence, this growth scenario documents that even though the public has a future vision based the preservation of their current “rural character,” there was little support for implementation of tools necessary to keep the community rural.
 - No support for downzoning (making minimum lot sizes larger).
 - Agricultural protection areas are not agricultural preservation areas – land owner can remove a protection area at any time of their choosing.
 - No support to direct growth into specific growth centers while allowing open spaces to exist in others.

“This presents a dichotomy of interests regarding density and lot sizes in the region. On one end of the spectrum land owners are seeking higher density for greater development opportunity. On the other end, many existing residents desire a continuation of 1 unit per acre, 1 unit per 2 acre, and 1 unit per 3 acre densities to maintain animal rights, and to keep separation between housing units. Some residents favor the option to cluster this density onto smaller lots to maintain some open space within developing areas. Others are less favorable of a cluster option, arguing that lots below one acre are too small for the desired character of the area. Public hearing comments also indicated a desire to see a continuation of agricultural landscapes, although many who enjoy the views of agriculture do not own or operate farmland, and do not rely on their land for a future retirement.” (p. 2-11)

- p. 2-11 – p. 2-12: This dichotomy led to ‘the big punt.’ The plan advocates for growth at the status quo unregulated growth patterns until a time where there are more dwelling units in the area. Base on 2020 projected growth, the plan set a “trigger” for a new plan to be initiated. That trigger is the creation 580 new homes.

Note: Since 2003, approximately 410 permits for new single family dwellings have been issued. The number of new subdivision lots approved or in process in 2017 alone equals 291 (not including the 316 Terakkee Village and Farms entitlements).

- P. 2-12 – p. 2-18: Land use element policy and implementation status:

| Residential Land Uses – Policy or implementation strategy: | Status: |
|---|---|
| <p>Policy: When 580 building permits have been issued in the plan area, there is automatically “triggered” an update of the West Central Weber County General Plan. The “wait and see” approach is difficult to manage without a trigger to start the updated planning effort. The trigger allows residents and planning commissioners to re-look and reevaluate their direction, to make a change if desired, and to take into account new information as it becomes available.</p> | In progress. |
| <p>Policy: The existing one and two-acre zoning lends itself to a cluster subdivision pattern of development with preservation of open space...</p> <p>Implementation Action: Create an overlay in all A-1, A-2, and A-3 zones in the West Central Weber County area. The intent is to encourage clustering, which is further explained in the following example on a 20 acre parcel.</p> | <p>Complete.</p> <p>The new cluster subdivision ordinance generally implements this strategy. Although the plan advocates for more cluster density.</p> |
| <p>Policy: Managed Open Space (part 1)</p> <ul style="list-style-type: none"> • Agricultural conservation • Homeowner’s association. • Dedication to County | <p>Complete.</p> <p>The new cluster subdivision ordinance generally implements this strategy.</p> |
| <p>Policy: Managed Open Space (part 2)</p> <p>An optional consideration is provided, in which a retained open space parcel no smaller than 20 acres may be sold as a single family residence, thus creating an “estate”. In this case the single-family owner is responsible for management and maintenance of the 20 acre or larger parcel, may use it for agricultural or other open space uses, but may never develop it further due to the conservation easement. This provides an opportunity for the farmer/rancher/dairyman to either live on the property (20 acres or larger) or sell the estate to another individual.</p> | Not implemented. |

| Commercial Land Use – Policy or implementation strategy: | Status: |
|---|--|
| <p>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.</p> <p>Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1.</p> <p>Implementation Action: Rezone the existing C-2 properties to C-1.</p> | <p>Not implemented.</p> <p>Land owners in the area have commercial options. Some are scoping possibilities at this time.</p> |

| Manufacturing Land Use – Policy or implementation strategy: | Status: |
|--|---|
| <p>Policy: Industrial Development</p> <p>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.</p> <p>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 County, it may require new zones or an amendment that specifically states it applies to the West Central Weber County area.</p> <p>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.</p> <p>Implementation Action: Improve access to the existing industrial area by improving 1200 South Street or developing an additional access road.</p> | <p>Not implemented.</p> <p>Unknown.</p> <p>Completed with the 12th street rebuild.</p> |

| Agricultural Land Use – Policy or implementation strategy: | Status: |
|---|--|
| <p>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.</p> | <p>Ongoing:</p> <ul style="list-style-type: none"> • Agritourism ordinance • Agricultural open space via cluster subdivision |
| <p>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.</p> | <p>Not implemented.</p> |

| Trails – Policy or implementation strategy: | Status: |
|--|--|
| <p>Policy: Off-street Bicycle and Pedestrian Paths</p> <p>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.</p> <p>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.</p> | <p>Complete and ongoing.</p> <ul style="list-style-type: none"> • Weber pathways cooperative plan • Impact fees for specific trails • New expanded trail plan in the CRMP • Ongoing partnership with UDOT to identify trail opportunities. • Organization and ongoing coordination of the Weber Active Transportation Committee. |
| <p>Policy: Equestrian Trails</p> <p>The rural quality of the area and the abundance of horses used for leisure activity indicates that equestrian trails are highly desired and will be used. The loop system shown on the plan should be implemented with developed trailheads.</p> | <p>Not implemented.</p> |
| <p>Implementation Action: Work with Weber Pathways Committee, local equestrian interests, property owners, and others affected to secure</p> | |

funding for development of equestrian trails and trailhead facilities.

Policy: Trails Development on Private Property

Trails development shall not occur on private property unless the consent of the owner is received.

Ongoing.

Policy: Trails Development on Canal Rights-of-Way

Canals are routinely identified as trail corridors throughout Utah and the West, and are appropriate locations for trails in West Central Weber County.

Ongoing coordination between County and Weber Pathways.

Implementation Action: The Weber Pathways organization is the leading grass-roots organization promoting the development of trails in Weber County. Weber Pathways should take the lead in securing access rights to canal rights-of-way for use as pedestrian, bicycle, and equestrian trails.

Wildlife/waterfowl management areas – Policy or implementation strategy:

Status:

The existing wildlife and waterfowl management areas are zoned S-1 and remain unchanged.

Complete.

Schools – Policy or implementation strategy:

Status:

Schools Policy: As development occurs in the West Central Weber County area, new schools will be needed and should be planned.

Ongoing.

Implementation Action: Work with Weber School District to identify additional future locations for schools, as growth in the area demands.

| Parks – Policy or implementation strategy: | Status: |
|---|---|
| <p>Parks Policy: As development occurs in the West Central Weber County area, new public parks will be needed and should be planned, and generally located adjacent to new schools.</p> | <p>Ongoing.</p> |
| <p>Implementation Policy: Work with Weber School District to locate additional public parks adjacent to schools, and negotiate joint management and maintenance agreements for shared facilities.</p> | <ul style="list-style-type: none"> • New parks district as recently voted by public. |

- Following p. 2-18 are the following maps
 - Existing Land Use Map, which shows land uses as they were in 2003.
 - Prime Agriculture and Agricultural Protection Map, which shows the agricultural land as it was in 2003
 - Existing Zoning Map, which shows zoning as it was in 2003.
 - Proposed Land Use Map, which shows the land uses that this plan should implement.

Chapter 3, Transportation Element (p. 3-1)

- p. 3-1: Offers an assessment of transportation systems as they existed in 2003.
- p. 3-1 – p. 3-2: projects transportation needs and identifies essential transportation projects based on Wasatch Front Regional Council’s Regional Transportation Plan (RTP).
- p. 3-2: Applies the transportation projections to the alternative growth scenarios mentioned in the land use element. I found that there was no significant difference in transportation needs between the two.
- p. 3-3 – p. 3-5: Transportation element policy and implementation status:

| Transportation – Policy or implementation strategy: | Status: |
|--|---|
| <p>Policy: Road Improvements 1200 South</p> <p>Turn lanes at major intersections as well as wider shoulders on 1200 South will improve overall safety on the road, and should help to alleviate issues related to slow-moving vehicles such as tractors. Included within an improved cross-section for 1200 South is a multi-purpose trail.</p> <p>Implementation Action: Weber County should begin preserving right-of-way and requiring sufficient setbacks along this transportation facility to accommodate future expansion of these facilities.</p> | <p>Partially complete.</p> <p>12th Street under construction. Transportation studies only justify three lanes on 12th street at this time, not five.</p> <p>§108-7-10 requires increased setback to preserve ROW corridor.</p> <p>The plan also calls for a multiuse trail parallel to 12th street, which has not been implemented.</p> |
| <p>Policy: Road Improvements 4700 West</p> <p>While traffic capacity on this road is not of concern, safety is. The addition of turn lanes at major intersections and shoulders would help to alleviate safety concerns in the corridor.</p> <p>Implementation Action: Weber County should begin preserving right-of-way and requiring sufficient setbacks along this transportation facility to accommodate future expansion of these facilities.</p> | <p>Complete.</p> <p>4700 West is not a County right-of-way. The County has limited control.</p> <p>§108-7-10 requires increased setback to preserve ROW corridor.</p> |
| <p>Policy: Commercial Development Road Improvements</p> <p>With commercial development planned at the intersection of 1200 South and 4700 West, driveway spacing and possible shared access should be examined during the development approval process.</p> <p>Implementation Action: As commercial development is proposed, require access control actions such as shared driveways, master planned commercial development, and other means to reduce the number of access points onto 1200 South and 4700 West.</p> | <p>In progress.</p> <p>This will be completed as commercial development occurs in the area.</p> |
| <p>Policy: Transportation and Residential Development</p> <p>As West Central Weber County begins to see increasing residential</p> | <p>Complete.</p> <p>This is implemented in the</p> |

development, impacts of that development should be carefully examined.

Although the population increase in the area is not expected to impact traffic congestion in the area, the impacts of development on internal circulation and access issues on major roads are potential issues. Driveway spacing, increased turn movements, and safety concerns such as turn lanes and shoulders are in important part of the future of the West Weber County area.

design standards, conditional use permit standards, and subdivision review standards.

Implementation Action: As part of the development review and approval process, take into consideration impacts to roadways caused by access to new residential development areas.

Policy: Alternative North/South Roadway Corridors

North/south corridors shall be improved including 4700 West, 5100 West, and 3500 West south of 1200 South. Weber County has been preserving approximately 100 feet of right-of-way along 4700 West with plans to upgrade that facility to a four or five lane arterial. A similar approach is needed for 5100 West and 3500 West.

In progress.

3500 West complete.

Policy: Alternative Road to Industrial Area

The County should identify and preserve a 66-foot right-of-way to accommodate a three-lane facility in the southern part of the study area.

Options for this alignment include the 2550 South alignment, tying into the existing 2100 South interchange on I15, 2100 South coming out of West Haven, or some other acceptable alignment. Coordinate with West Haven and UDOT.

In progress.

2550 reconstruction being planned at this time.

Policy: Transportation Impact Fees

As development pressures increase, Weber County should consider implementing an impact fee program to assist in minimizing the impacts of development, and as a growth management tool, allowing the County to better define areas where development will be encouraged and discouraged.

Complete.

This was completed in 2005.

Implementation Action: Complete an impact fee feasibility study for new roads and other public infrastructure (water, sewer, parks), which are needed because of new development.

Due to state code changes, a new Impact Fee Analysis and Impact Fee Facilities Plan is necessary, and is currently in the works.

Implementation Action: Weber County should pursue the use of transportation impact fees to fund development related infrastructure. The County should consider preparing a capital facilities plan in preparation for the use of impact fees.

- Following p. 3-5 is the following map:
 - Transportation Map, which shows the planned road improvements as of 2003.

Chapter 4, Sensitive Lands Element (p. 4-1)

- p. 4-1 – p. 4-4: Provides a brief analysis of slopes, soils, wetlands, stream and river corridors, flood plains, and liquefaction hazards.
- p. 4-3 – p. 4-4: Sensitive lands element policy and implementation status:

Sensitive Lands – Policy or implementation strategy:

Status:

Policy: Sensitive Area Management Planning

Weber County should begin working with the Corps of Engineers and other local governmental agencies to fund a wetland delineation study, which could be combined with a Sensitive Area Management Plan (SAMP) and a shoreline protection plan. The SAMP engages government agencies, property owners, and local planning staff in the development of a management plan that treats property owners equitably, resolves critical issues, and at the same time protects valuable natural resources. Options that resolve property owner concerns with resource agency concerns will need to be addressed in the near future.

Not implemented

Coordination with the Army Corps is required during the development review process.

Implementation Action: As sensitive lands are identified and determined to be inappropriate for development, the land should be zoned as Open Space O-1 as per Chapter 22E of the Weber County Zoning Ordinance.

Policy: Weber River Floodplain Setback

The Weber River floodplain, wetland areas associated with the meander corridor, and streamside vegetation should be protected from development. A setback of 100' from the high water line on either side of the river, as determined by the County Engineer, is recommended. As development occurs, public trails for bicycles, pedestrians, and horses may be provided within the setback and with property owner approval, and if properties are purchased or donated, parks and open spaces can be developed for recreational and educational purposes.

Not implemented

Through the CRMP process the Planning Commission desired to not specify this setback as it makes lands undevelopable.

Implementation Action: Require a 100 foot setback from the high water line on either side of the river, as determined by the County Engineer.

- Following p. 4-4 are the following maps:
 - Slope Analysis Map, Showing the slopes of the area.
 - General Soils Map, showing soil formations.
 - Hydric Soils Map, showing very wet soils.
 - Priority Streams and Flood Plain Map.

Chapter 5, Possible Implementation Tools (p. 5-1)

- p. 5-1 – p. 5-10: these pages offer the following possible implementation strategies and tools:

| Possible implementation strategies and tools: | Status: |
|---|---|
| Open Space Design Standards (Cluster Subdivisions) | Adopted generally in cluster subdivision code. |
| Sensitive Land Overlays | Not implemented. New geologic hazards ordinance addresses liquefaction for critical service facilities only. |
| Fee Simple Title (Out-right Purchase) | Not implemented. Staff continue to be on the lookout for opportunities. |
| Purchase and Sellback or Leaseback | Not implemented. |
| Conservation Easements (Through Donated Development Rights, Purchased Development Rights or Transfer of Development Rights) | Implemented in part through cluster subdivision code. Bigger program not implemented. |
| Transfer of Development Rights (TDR) | Not implemented. |
| Land Banking | Not implemented. |
| United States Department of Agriculture Programs | Not intended to be implemented by County. |

**Weber County Housing Assessment and Plan 2012-2014
(Moderate Income House Element)**

Note: The housing assessment and plan was a cooperative plan from multiple participating jurisdictions and consequently takes a more macro approach to housing in the County. This outline will only cover those sections specific to unincorporated Weber County – and will emphasize the Western Weber planning area over Ogden Valley planning area. To get a more thorough sense as to why the objectives for the unincorporated area are what they are a more thorough review of the entire plan may be necessary. The entire plan can be found here: <http://www.webercountyutah.gov/planning/plans.php>.

Section 1, Executive Summary (p. 3 – p. 14). The executive summary comprehensively addresses the details of the plan. On page 12 it emphasizes the follow key findings/goals:

Goal 1: *Seek to maintain the quality of existing single-family housing stock and affordable homeownership opportunities, by facilitating the mix of new construction and in-fill in keeping with neighborhood design standards and community sustainability.*

Goal 2: *Seek to maintain the overall quality of existing multi-family housing stock and affordable rental housing opportunities, by facilitating the mix of new construction and in-fill in keeping with neighborhood design standards and community sustainability.*

Goal 3: *Seek to update and/or put in place the necessary tools enabling the community to track the: 1) mix of existing housing stock, 2) the condition of existing housing stock, 3) delivery of existing housing education made available to the public, 4) the availability of local resources enabling single- and multi- family rehabilitation and/or new construction which facilitates access and affordability for special needs populations.*

Goal 4: *Seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.*

Section 2, Demographics, Economic and Housing Study Element (p. 15)

- **p. 15 – p. 21: Offers a comparative analysis of demographic trends, primarily based on US Census data between 2000 and 2010, including population changes and shifts within the county, household changes, age, household sizes, and minority ratios. Key points for the unincorporated County area (Ogden Valley not separated from Western Weber):**
 - 1.6 percent population increase.
 - 10.7 percent household increase.
 - 11.4 percent population over 65 years.
 - 27 percent under 19 years.
 - Average household size of 3.08 people.

- 7.3 percent minority population
- **P. 22 – p. 41: Offers an in depth analysis of economic and employment trends as they primarily relate to housing choices throughout the County. Key points for the unincorporated County area (Ogden Valley not separated from Western Weber):**
 - There is very little distribution of affordable housing in the unincorporated area.
 - There was an additional 1,315 dwelling units added in the unincorporated areas between 2000 and 2010.
 - 10.7 percent increase in owner occupied dwelling units.
 - 40.6 percent change in renter occupied dwelling units.
 - 60.6 percent reduction for single-family home sales price and 63.9 percent reduction in condominium sales prices.
 - The unincorporated areas of the county need to add 145 “extremely low income” housing units, 265 “very low income” housing units, and 344 “low income” housing units in order to offer fair housing market opportunities across these incomes within the area.
- **p. 42 – p. 52: Offers economic, housing and demographic trends specific to Unincorporated Weber County (Ogden Valley not separated from Western Weber). Key points are:**
 - Since 2004 unincorporated Weber County has issued 693 permits for single-family homes, 102 condominiums, 6 apartments and 10 cabins.
 - New home construction has fallen from a high of 257 units in 2005 to 20 units in 2011, a decline of 92 percent.
 - Of the 325 homes sold between 2005 and 2011 about 16 percent of all homes sold were affordable to the moderate income household.
 - 54 were affordable to households at 80 percent AMI.
 - Seven were affordable for low income households (2.2 percent).
 - Of the 112 condominiums sold between 2005 and 2011 about 50 percent were affordable to moderate income households
 - 19 percent were affordable to low income households.
 - ***Without condominiums as a housing alternative housing affordability in unincorporated Weber County is reduced.***
 - From 2005 to 2011, housing prices in unincorporated Weber County have fallen from above \$300,000 to \$258,000.
 - Short sales account for about 11 percent of all home sales in the past between 2007 and 2011 (pushing median sales price down).
 - Maps 3-6 (p. 49 – p. 52) show the distribution of affordable single-family housing and rental housing in unincorporated Weber County as well as minority owner and renter occupied units. Minorities own 109 homes and rent 27 rental units. These maps have specific data for Western Weber planning area.

Section 3, Community Assessment and Plan (p. 134)

- p. 134 – p. 141: Offers discussion and finding points related to the following subjects: neighborhood stabilization, housing education opportunities, multi-family development and

housing opportunities, housing for persons with special needs, homeless and domestic violence victims, housing for the disabled, elderly housing, persons being released from incarceration, youth aging out of foster care, and implementation of new housing-based policies and ordinances. Perhaps the most relevant to the unincorporated areas statement is:

Weber County and participating jurisdictions recognize that while there appears to be an ample supply of affordable housing stock at this time in most areas, that the need for the creation of new diversified housing opportunities in strategic locations will still be needed to serve moderate-, low- and very-low income households as the community continues to grow.

- p. 141 – p. 144: Outlines the housing plan, goals, and objectives generally applicable to the entire County. They are as follows:

| County-Wide Goals, Objectives, and Policies: | Status: |
|--|---|
| <p>Goal 1: Single Family – Seek to make the improvement and maintenance of existing single family housing stock a priority; while facilitating new in-fill construction in keeping with neighborhood design standards and community sustainability.</p> | <p>NA. Applicable for urban jurisdictions.</p> |
| <p>Objective 1.1: Determine the current mix and condition of 1-4 unit owner and non-owner occupied single family housing types located within each participating jurisdiction.</p> | <p>Weber County supports the Housing Authority.</p> |
| <p>Policy 1.1.1: Within one year of plan adoption, accurately inventory and map in-fill lots and 1-4 unit owner and non-owner occupied single family housing stock by type, price, square footage and condition into a usable data base to determine target housing type(s) for programmatic focus in all participating jurisdictions.</p> | <p>Geogizmo offers most of these mapping capabilities. Weber County supports the Housing Authority.</p> |
| <p>Policy 1.1.2: Review and adopt design standards, explore financial and technical assistance resources and partnerships to leverage for renovation or build out of new housing of the target type(s) while promoting housing choice and maintaining affordability.</p> | |
| <p>Goal 2: Multi-Family – Seek to maintain the overall quality of existing multi-family housing stock and affordable rental housing opportunities, by facilitating the mix of new construction and in-fill in keeping with neighborhood design standards and community sustainability.</p> | <p>This goal is partial executed with the adoption of the new cluster subdivision code.</p> |
| <p>Objective 2.1: Within one year of plan adoption accurately inventory and map in-fill lots and multi-family housing stock by type, rental rate, square footage and condition into a usable data base to determine target housing type(s) for programmatic focus in all participating jurisdictions.</p> | <p>NA Weber County supports the Housing Authority.</p> |

| | |
|--|---|
| Policy 2.1.1: Encourage enactment of a program like or similar in scope to the Good Landlord Program and review city ordinances to assure the ability to enforce maintenance of these facilities as a long term community asset in participating jurisdictions. | Not implemented. |
| Objective 2.2: Preserve and maintain existing multi-family properties, promote in-fill and new site development in keeping with local market demand, neighborhood design standards and community sustainability. | Ongoing. |
| Goal 3: Tools – Participating jurisdictions will take action to implement on the following coordinated research and planning tools, including: land use mapping, form based ordinance assessments, housing stock inventory and condition, rehab and in-fill design standards, consideration of future ‘visitability’ policies related to subsidized housing, creation of a bilingual housing resource and referral marketing materials, upgrading the WHA web-site and setting up municipal web-sites linkages to ease access to information by the general public. | Land use mapping is ongoing. Form based codes have not been implemented. Weber County supports the Housing Authority. |
| Goal 4: Monitoring – Participating jurisdictions will continue to monitor market data for all housing sectors, regulatory barriers and RDA project proposal priorities every two years and update the moderate income housing plan as needed for state reporting compliance. | Weber County supports the Housing Authority. |

- p. 145 – p. 149: Offers an overview of federal, state, and local resources, including private and nonprofit partners that could be useful to help implement the plan’s goals, objectives, and implementation strategies.
- p. 152: Offers Unincorporated Weber County’s Individual Plan for West Central Weber County. The goals and implementation strategies for West Central Weber are as follows:

| West Central Weber Goals and Implementation Strategies: | Status: |
|--|--|
| Goal 1: Maintain the quality of existing single family housing stock and affordable homeownership opportunities. | Ongoing. |
| Implementation Strategies: facilitate a mix of new construction in keeping with neighborhood design standards and community sustainability; support the Weber Housing Authority in re-establishing an emergency home repair program to assist in housing maintenance for moderate to low income home owners. | Incomplete and/or ongoing. Subdivision and cluster codes offer neighborhood design standards. Cluster code offers smaller lot sizes conducive to smaller home styles. |

Goal 2: Maintain the quality of existing multi-family housing stock and affordable rental housing opportunities.

Ongoing.

Implementation Strategies: facilitate a mix of new construction in keeping with neighborhood design standards and community sustainability; encourage the development of urban housing development in nodes; develop cluster and node ordinances that will allow for mixed type of housing choices in compact areas consistent with the General Plan locations to preserve the remaining agricultural lands and open spaces and develop and adopt design standards for the nodes and mixed use communities.

Partially completed with new cluster subdivision code – including increased density in exchange for affordable housing. PRUD code allows mixed use development.

Higher density “nodes” are not supported by the West Central Weber General Plan.

Goal 3: Provide housing choices in neighborhoods that will allow residents to live in the same neighborhood for their entire life-cycle.

Ongoing.

Implementation Strategies: support the Weber Housing Authority’s role in developing mixed use housing projects resulting in additional housing opportunities; where mixed use development occurs provide a variety of housing types and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.

Not implemented – or implemented only by PRUD.

Weber County supports the Housing Authority.

Goal 4: Update and or put in place the necessary tools enabling the community to track the:

1) mix of existing housing stock, 2) the condition of existing housing stock, 3) delivery of existing housing education made available to the public, 4) the availability of local resources enabling single and multi – family rehabilitation and or new construction which facilitates access and affordability for special needs populations.

Ongoing.

Weber County supports the Housing Authority.

Implementation Strategies: maintain land use inventory maps and analysis to track land use and housing and the transitioning of various land uses; establish a mechanism to track housing condition of the existing housing stock, including multifamily and single family residences and conduct a survey of how other communities are tracking their housing stock in order to determine the most efficient and effective way to track housing stock and condition in unincorporated Weber County.

Generally offered through ongoing land use and development.

Weber County supports the Housing Authority.

Goal 5: Seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.

Not implemented.

Implementation Strategy: conduct a housing barriers analysis as part of the two year update of the moderate income housing plan. Coordinate this effort with the Weber Housing Authority.

Not implemented.

- p. 154 – p. 155 offers additional County-wide goals:

| Additional County-wide Goals: | Status: |
|---|---|
| Collaboration of Housing Goals: continue to have collaboration between Weber County and the cities within the county to accomplish common housing needs and goals. | Ongoing. |
| Single Family Housing Goals: preserve existing housing stock and conduct infill development as a primary focus; work with local jurisdictions to develop new outreach materials for rehabilitation; explore partnerships to leverage available resources to expand program impact via Home Depot 203K, financial institutions, foundations and municipal funding strategies and create a Volunteer Service Programs; and map future infill and re-use sites. | NA. This implementation is more appropriate for urban areas. |
| Multi-Family Housing Goals: Promote Fair Share Housing and work on geographic de-concentration and project set asides to address future demand/needs for housing affordable to households at 30 percent of AMI and seek to collectively support applications and provide funding for priority community-wide housing development activities to meet future market demand and identify priority projects for next one to five years for households at 40 to 80 percent of AMI. | Weber County supports the Housing Authority. |
| Miscellaneous Additional Goals: Utilize collaboration and sustainability as a driving implementation force; conduct housing dispersion, commercial nodes and land use mapping for Master Planning analysis; use life-cycle philosophy; conduct roof-top surveys; establish educational resources in English and Spanish hosted centrally by Weber County Housing Authority; use a “put a face on it” strategy as a community education and marketing campaign; jointly sponsor education initiatives through local municipal councils; consider implementation of Good Landlord Program and seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years. | Weber County supports the Housing Authority. |

Section 4, Appendices (p. 187 – p. 212): The appendices offer a 10 year plan implementation matrix, documents stakeholder interviews, provides planning forms and offers additional resource materials to help execute the housing plan.