



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend the subdivision ordinance to better address culinary and secondary water provisions.

Agenda Date: Tuesday, May 11, 2021

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Applicable Ordinances

§ 101-2 Definitions
 § 106-1-4 Subdivision Application Requirements
 § 106-1-8 Final Plat Requirements
 § 106-4-2 Subdivision Improvements Required

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The attached proposal is a culmination of several years worth of discussion between the Ogden Valley Planning Commission, the Western Weber Planning Commission, and the County Commission. It pertains to improving culinary and secondary water requirements applicable during subdivision review and approval process.

The Planning Commission reviewed a previous version of the attached proposed ordinance in their last work session meeting. The requirements between the two versions are very similar. Other than clerical edits, the primary difference is that both the culinary water and the secondary water requirements are merged into one section. The two sections were so closely related that keeping them in separate sections resulted in a great deal of duplicated language. For administrative, interpretive, and implementation purposes, combining these similarities will assist in reviewing efficiencies and help reduce interpretation errors.

Given the level of attention this proposal has received, in collaboration with multiple agencies and concerned citizens, the attached should be fairly self-explanatory.

Noticing Compliance

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

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

Staff Recommendation

Staff recommends that the Planning Commission give a positive recommendation to the County Commission for file ZTA2019-04, a proposal to amend the culinary and secondary water provisions of the County's subdivision ordinance, with the following findings:

1. That the proposal will help protect culinary water resources for the general public.
2. That the proposal will promote and encourage the merger of multiple different water systems.
3. That the proposal will enhance the collaboration amongst various water service providers and county/agency reviewers during the review subdivision process.
4. That the proposal will discourage the proliferation of private wells.
5. That the proposal will encourage water-wise landscaping.
6. That the proposal does not run contrary to the general plan and will promote the health, safety, and welfare of the public.

Exhibits

- A. Proposed Ordinance

SECTION 1: AMENDMENT “Sec 101-2-13 La Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-13 La Definitions

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

Landscape plan. The term "landscape plan" means:

- (a) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (b) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (c) Number, type and mature and planted size of all landscape plantings; method of ~~irrigation~~watering, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (d) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

SECTION 2: AMENDMENT “Sec 101-2-24 W Definitions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-24 W Definitions

Water, irrigation. The term "irrigation water" means water usually delivered by a non-pressurized pipe or ditch system that is typically used for crop irrigation, but which may also be used for irrigation of other vegetation.

Water, secondary. The term “secondary water” means water delivered by a pressurized water delivery system that is used for crop or landscape irrigation and not treated for culinary drinking water purposes.

Water service provider. The term "water service provider" means a person or entity who owns or operates a public water system, as defined by UCA 19-4-102, or a person or entity that supplies secondary water to more than one lot.

Weeds. The term "weed" means any undesirable plant that the Utah Commissioner of Agriculture designates as noxious, and also including all green debris, such as, but not limited to, poison ivy, thistles, sticker plants, dyers woad, medusa-head rye, leafy spurge, purple loosestrife and other vegetation commonly considered weeds. It also includes ungrazed grasses, but does not include crops grown as a source of food, income, or feed for livestock.

SECTION 3: ADOPTION “Sec 106-1-4* Subdivision Application Requirements” of the Weber County Code is hereby *added* as follows:

ADOPTION

Sec 106-1-4* Subdivision Application Requirements(*Added*)

- (a) **Pre-application meeting required.** Each person who proposes to subdivide land shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, neighborhood circulation plan, landscape design, and water budget submittal.
- (b) **Subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:
 - (1) **Application form.** A complete subdivision application form, signed by the property owners.
 - (2) **Preliminary plan.** A preliminary plan meeting the requirements listed in this title. This includes a phasing plan if phasing is proposed. This requirement shall be met prior to the submittal for final plat approval.
 - (3) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.
 - (4) **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.
 - a. The statement of culinary water feasibility shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:
 1. The local health department for lots proposed to be served by a private well;
 2. An existing culinary water service provider; or
 3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign

on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.

- b. The statement of secondary water feasibility shall come from the secondary water service provider.
- c. The statements from the culinary water authority and secondary water service provider shall contain:
 - 1. An acknowledgement of the number of lots proposed to be served;
 - 2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
 - 3. The method of water delivery to each proposed lot;
 - 4. The proposed source of the water rights or shares necessary to serve the lots; and
 - 5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.

(5) Statement of sanitary sewer or septic system feasibility. A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.

- a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-27a-603 as follows:
 - 1. The local health department for lots proposed to be served by a septic system;
 - 2. An existing sanitary sewer service provider; or
 - 3. If the sanitary sewer authority is being newly formed, the statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
- b. The statement shall provide:
 - 1. An acknowledgment of the number of lots proposed to be served;
 - 2. The method of wastewater disposal for each applicable proposed lot;
 - 3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
 - 4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.

(6) *An application fee.* Full payment of the application fee is required at the time of application submittal. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

SECTION 4: REPEAL “Sec 106-1-4 Subdivision Application Requirements” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-1-4 Subdivision Application Requirements (Repealed)~~

- ~~(a) *Pre-application meeting required.* Each person who proposes to subdivide land shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.~~
- ~~(b) *Subdivision application submittal.* Subdivision applications shall be submitted to the planning division, by appointment, and shall include:

 - ~~(1) A completely filled-out subdivision application, signed by the property owners.~~
 - ~~(2) Five full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in this title. This includes two 24 by 36 copies of the phasing plan. Once all preliminary requirements have been met, two 24 by 36 copies and a one digital copy shall be submitted to the planning division. This requirement shall be met prior to the submittal for final approval.~~
 - ~~(3) All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.~~
 - ~~(4) A written statement of feasibility from the county or state health department which states the recommendation of the health department regarding:

 - ~~a. Sanitary sewage disposal;~~
 - ~~b. Culinary water availability; and~~
 - ~~c. A project notification form from the Utah State Department of Environmental Quality, Division of Drinking Water.~~~~
 - ~~(5) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.~~~~

~~(Ord. of 1952, title 26, § 1-4; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

SECTION 5: AMENDMENT “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

- (a) ~~f~~**Preliminary approval required.** ~~f~~ Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.
- (b) **Final plat required.**
 - (1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.
 - (2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.
- (c) **Final plat requirements.** The following are requirements for final plat consideration:
 - (1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:
 - a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."
 - c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in

- the heading. (Meaning the date, year and month the survey markers were placed.)
- d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.
 - e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.
 - f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
 - g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be

- numbered and labeled in accordance with policies of the county recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
 - 1. Description of land included in subdivision;
 - 2. Private licensed land surveyor's "certificate of survey";
 - 3. Owner's dedication certificate;
 - 4. Notary public's acknowledgment;
 - 5. County planning commission's certificate of approval, to be signed by the planning director for the chair;
 - 6. County engineer's certificate of approval;
 - 7. County attorney's certificate of approval;
 - 8. Board of county commissioners' certificate of acceptance;
 - 9. County clerk's certificate of attest;
 - 10. County surveyor's certificate of approval;
 - 11. ~~Weber-Morgan Local Health Department~~ certificate of approval, if required by the local health department.
 - 12. Culinary water authority certificate of approval, if not the local health department; and
 - 13. Sanitary sewer authority certificate of approval, if not the local health department.
 - i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
 - j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
 - k. Map narrative. The map shall contain a written narrative which complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.
 - l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
 - m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.
 - n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
 - 1. All easements.
 - 2. Reference (the entry number and or book and page number) to all deeds in chain of title.

3. All boundary line agreements.
 4. All rights of way whether the parcel is subject to or has reserve rights.
 5. All current owners.
 6. All outstanding liens, taxes, etc.
- (2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
 - (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.
 - (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-1-7, the following shall be required on the final plat:
 - a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.
 - b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification: "Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."
 - c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.
 - (5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the 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."

- (6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of title 12, Flood Damage Prevention Ordinance.
 - (7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.
 - (8) In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from both entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's acceptance of the proposal for their respective facilities.
- (d) **Final improvement plans.** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All ~~such~~-utility and ~~road~~street construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services to the subdivision, including the level of service, from applicable utility ~~companies/entities such as~~ including but not limited to the water service provider, sewer service provider, electricity provider, natural gas provider, and tele~~phone~~communications provider ~~for services to the subdivision~~.
- (e) **Approval of final plat.**
- (1) After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under \$25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant.
 - (2) No street improvements or utilities shall be installed until after approval of the improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.
- (f) **Final plat approval; small subdivisions.** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not

offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land.

- (g) **Additional provisions.** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected.
- (h) **Tax clearance.** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (i) ~~**Record of survey.**~~ A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)

SECTION 6:**AMENDMENT** “Sec 106-4-2 Improvements Required” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 106-4-2 ~~Improvements Required~~ Specific Requirements

SECTION 7:**REPEAL** “Sec 106-4-2(a) Water Supply” of the Weber County County Code is hereby *repealed* as follows:

R E P E A L

~~Sec 106-4-2(a) Water Supply~~ (*Repealed*)

~~(a) *Public system.*~~

- ~~(1) Where an approved public water supply is reasonably accessible or procurable, the applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. Water lines and fire hydrants shall be operational before building permits are issued for any structures.~~
- ~~(2) Capacity assessment letter is required prior to final approval from the planning~~

~~commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.~~

- ~~(a) *New system.* Where an approved public water supply or system is not reasonably accessible nor procurable, the applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department.~~
- ~~(b) *Wells.* If individual well permits are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:~~
- ~~(1) That a well permit must be obtained;~~
 - ~~(2) The time it may take to obtain the permit;~~
 - ~~(3) The well must be drilled;~~
 - ~~(4) Water quality to be satisfactory; and~~
 - ~~(5) Water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.~~
- ~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.~~

SECTION 8: **ADOPTION** “Sec 106-4-2.1 Water Supply” of the Weber County County Code is hereby *added* as follows:

A D O P T I O N

Sec 106-4-2.1 Water Supply (*Added*)

- (a) *Culinary and secondary water supply and delivery system required.*** The applicant is responsible for providing a culinary and secondary water supply and delivery system to or on each lot. The system shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. The standard method for accomplishing this, and the default requirement, is for the applicant to connect to an existing public culinary water service provider’s system and to connect to an existing secondary water service provider’s system. However, to benefit applicants in certain circumstances, connection to a new water service provider’s system or a private well may be allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply with the following:
- (1) *Water service provider connection.***
 - a. *Connection to existing water supply and delivery system, requirement qualifiers.***
 - 1. *Connection requirements and qualifiers.*** If any lot within the subdivision is located within a distance of 50 feet

multiplied by the number of proposed lots from a public culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards. Each lot within the subdivision shall be connected to the service provider's water delivery system;

2. ***Multiple local systems.*** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.

b. Connection to new water supply and delivery system.

1. ***Creation of and connection to new system.*** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.

2. ***Ownership, operation, and management of new system.*** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.

3. ***New system in existing water service provider's planned expansion area.*** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary water service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:

i. ***Existing service provider's ownership of new system.*** At the existing service provider's sole option, upon written request, the applicant shall transfer ownership of the new system, including but not limited to, the piping, conveyances, easements, sources, any other infrastructure, and the related water rights, contracts and shares, to the existing service provider at no cost, unless negotiated by the

entities otherwise.

- ii. ***New system to conform to existing system.*** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.
- iii. ***New system's future consolidation into existing system.*** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.
- iv. ***Contract.*** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise:
 - (a) The contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing; and
 - (b) The infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall remain the responsibility of the users of the system for which the debt was incurred.
- v. ***Service provider maps required.*** An existing service provider intending to use this provision for future expansion shall submit documentation to the County showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.
- vi. ***Multiple local systems.*** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the County of each provider's intent to eventually serve the development. The existing system that will yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the County Engineer.

(2) ***Private well connection.*** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber

Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1. The applicant shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable, for well approval to the Utah Division of Water Rights.

- (b) **Required water quantity.** Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.
 - (1) **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
 - (2) **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 - a. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part.
 - b. **Secondary water by private well.** If secondary water will be provided by a private well, then it shall be assumed that at least 60 percent of the lot will be covered in non-drought tolerant vegetation. However, this percent may be reduced to the actual percentage of the lot not covered by drought-tolerant vegetation or pre-existing native wildland vegetation if:
 - 1. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights;
 - 2. A note is placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants; and
 - 3. The approved Exchange Application from the Utah Division of Water Rights shall be submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.
 - c. **Secondary water exemption.** A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses,

wildfire defensible space, and similar is allowed as long as it does not result in the need for outdoor watering. The following shall be provided with the final plat:

1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
2. A note shall be placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants; and

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(c) **Capacity assessment.** Prior to final plat approval, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.

(1) **Water service provider capacity assessment.** For the creation or expansion of a water service provider's water supply and delivery system, the capacity assessment shall include:

- a. Written verification from the culinary and secondary water service provider, if applicable. The assessment shall verify:
 1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
 2. That adequate culinary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;
 3. That adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and
 4. The specific details regarding the requirements or conditions for the water service of which the county should be aware during the approval or construction process.
- b. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.

(2) **Private well capacity assessment.** For a private well's water supply and delivery system, the capacity assessment shall include:

- a. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
- b. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
 1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;

- 2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and
- c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.

(d) Water supply and delivery system improvements required.

- (1) **Improvements required for water service provider.** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.
 - a. **Main delivery line extents.** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.
 - b. **Infrastructure capacity.** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the County Engineer.
 - c. **Improvements operational before permit.** Water lines and fire hydrants shall be operational before building permits are issued for any structures.
 - d. **New source.** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.
 - e. **Conflicting requirements.** The County Engineer has discretion to waive or modify any of the foregoing requirements in this Subsection (d)(1) if in conflict with the service provider's requirements.
 - f. **Prior to County's final acceptance.** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the County.
 - g. **No obligation to County.** Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.

(2) Improvements required for private well.

- a. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.

- b. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.
- (e) **Culinary water conditioned on secondary water.** If a culinary water service provider has conditioned its service on adequate access to a secondary water service, the following apply:
 - (1) **Verification.** A culinary water service provider bears full responsibility for verifying a secondary water system’s capability to satisfy the culinary water service provider’s conditions and requirements before it will offer culinary water service to the subdivision.
 - (2) **Culinary water restrictions.** Unless expressly authorized by the culinary water provider, no culinary water is authorized for outdoor use. A culinary water provider has the authority to take appropriate action if use of culinary water for an outdoor application is found.
 - (3) **Exactions and denials of water service provider.** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accordance with industry best practices.
- (f) **Irrigation water exemption in small subdivisions.** A small subdivision, as defined in Section 101-2-20, may use existing irrigation water to meet the secondary water requirements of this Section if irrigation water has been consistently used on the land prior to the subdivision, and is being proposed to be used to irrigate the same general area. Each resulting lot shall be given sufficient water rights, shares, or stock to irrigate the area specified in Subsection (b)(2) of this Section.
- (g) **Transfer of rights or shares and penalty for removal.** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner’s association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the County’s disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or County.

SECTION 9: RENUMBER “Sec 106-4-2(b) Sewage Disposal” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(b) Sewage Disposal

Sec 106-4-2~~(b)~~.2 Sewage Disposal

SECTION 10: **RENUMBER** “Sec 106-4-2(c) Stormwater” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(c) Stormwater

Sec 106-4-2~~(e)~~.3 Stormwater

SECTION 11: **RENUMBER** “Sec 106-4-2(d) Street Grading And Surfacing” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(d) Street Grading And Surfacing

Sec 106-4-2~~(d)~~.4 Street Grading And Surfacing

SECTION 12: **RENUMBER** “Sec 106-4-2(e) Curbs And Gutters” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(e) Curbs And Gutters

Sec 106-4-2~~(e)~~.5 Curbs And Gutters

SECTION 13: **AMENDMENT** “Sec 106-4-2(f) Sidewalks” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-4-2~~(f)~~.6 Sidewalks

~~Sidewalks. Five foot wide sidewalks shall be required by the planning commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance established by the local school district on both sides of the street, unless specified otherwise in this Land Use Code or other adopted street right-of-way standard. Deferrals for sidewalk will be required for lots in Ogden Valley. Where no sidewalk currently exists in the area, or where a subdivision's required sidewalk is premature given existing conditions, the required sidewalk may be deferred to a later time by recording a deferral agreement to each lot in a form as approved by the County Attorney, County Engineer, and County Planning Director. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the county commission. Approved walking paths may be substituted for sidewalks. A pathway, either paved or concrete as determined by the County Engineer given site conditions, may shall be substituted for a sidewalks along routes that are delineated on an adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material as determined by the County Engineer.~~

SECTION 14: **RENUMBER** “Sec 106-4-2(g) Street Monuments” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(g) Street Monuments

Sec 106-4-2(~~g~~).7 Street Monuments

SECTION 15: **RENUMBER** “Sec 106-4-2(h) Street Trees” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(h) Street Trees

Sec 106-4-2(~~h~~).8 Street Trees

SECTION 16: **RENUMBER** “Sec 106-4-2(i) Street Signs” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(i) Street Signs

Sec 106-4-2(~~9~~).9 Street Signs

SECTION 17: **REN U M B E R** “Sec 106-4-2(j) Fencing Or Piping Of Canals, Etc” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(j) Fencing Or Piping Of Canals, Etc

Sec 106-4-2(~~9~~).10 Fencing Or Piping Of Canals, Etc

SECTION 18: **REN U M B E R** “Sec 106-4-2(k) Staking Subdivision Corners” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(k) Staking Subdivision Corners

Sec 106-4-2(~~10~~).11 Staking Subdivision Corners

SECTION 19: **REN U M B E R** “Sec 106-4-2(l) Peripheral Fencing” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(l) Peripheral Fencing

Sec 106-4-2(~~11~~).12 Peripheral Fencing

SECTION 20: **REN U M B E R** “Sec 106-4-2(o) Fire Protection” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(o) Fire Protection

Sec 106-4-2~~(e)~~.13 Fire Protection

SECTION 21: **REPEAL** “Sec 106-4-2(m) Secondary Water*” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(m) Secondary Water* (Repealed)~~

~~The term "secondary water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the planning commission shall, as part of the approval of the subdivision, require the applicant to furnish adequate secondary water and install a secondary water delivery system to the lots in the subdivision sufficient to conform to the public works standards, if such water district or company files or has filed a written statement with the Weber County Planning Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the applicant. A certified copy of the minutes of the board of trustees of such water district or company showing the enactment of such policy must be furnished to the planning commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the applicant shall install a secondary water system in accordance with the provider's requirements or standards.~~

SECTION 22: **REPEAL** “Sec 106-4-2(n) Transfer Of Irrigation Water Rights” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(n) Transfer Of Irrigation Water Rights (Repealed)~~

~~Where the county, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the planning commission.~~

- ~~(a) The applicant shall form a lot owners association as a non-profit corporation for owning the irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to the association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The articles of incorporation of the association shall provide, in addition to the association~~

~~owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the association, is entitled to a pro rata share of irrigation water, is subject to a water distribution schedule and procedure established by the association, and is responsible for his share of the costs of ditch and system maintenance and assessments as made by the association from time to time; or (b) The applicant shall provide the county with evidence that sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, the developer/property owner shall record a covenant to run with the land that these rights or shares will not be disposed of except to the lots in the subdivision and with the sale of each lot, a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.~~

SECTION 23: **AMENDMENT** “Sec 108-1-4 Considerations In Review Of Applications” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-1-4 Considerations In Review Of Applications

The planning commission and/or the planning director shall consider the following matters and others when applicable, in their review of applications and where the plan is found deficient, the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

- (a) ***Considerations relating to traffic safety and traffic congestion.***
 - (1) The effect of the development on traffic conditions on abutting streets.
 - (2) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - (3) The arrangement and adequacy of off street parking facilities to prevent traffic congestion.
 - (4) The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.
 - (5) The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.
 - (6) The surfacing and lighting of off street parking facilities.
- (b) ***Considerations relating to outdoor advertising.*** The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.

(c) ***Considerations relating to landscaping.***

- (1) The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
- (2) The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (c)(7) of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.
- (3) A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by the Ogden Valley Architectural and Landscape chapter.
- (4) The number and type of mature and planted size of all landscape plantings.
- (5) The method of ~~irrigation~~watering vegetation and approximate location of the water meter, point of connection, sprinkler and/or drip ~~irrigation~~ heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged.
- (6) The location, type, and size of any existing trees over four-inch caliper that are to be removed.
- (7) Landscape standards. Plant sizes at the time of installations shall be as follows:
 - a. Deciduous trees shall have a minimum trunk size of two inches caliper.
 - b. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.
 - c. All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.
 - d. Vines shall be five-gallon minimum size.
 - e. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
 - f. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.
 - g. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
 - h. Water conserving landscaping methods and materials are recommended and encouraged.
- (8) Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed

growth and moderate soil temperature. Non-porous material shall not be placed under mulch.

- (9) The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.

(d) ***Considerations relating to buildings and site layout.***

- (1) Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.
- (2) Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.

(e) ***Considerations relating to utility easements, drainage, and other engineering questions.*** Provision within the development shall be made to provide for adequate storm water and surface water drainage, retention facilities, and for utilities to and through the property.

(f) ***Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.***

- (1) Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?
- (2) Is this plan or phase thereof a more detailed refinement of the approved concept plan?
- (3) Are any modifications of a significant nature that first need to follow the procedure for amending the approved concept plan?

(Ord. of 1956, § 36-4; Ord. No. 19-94; Ord. No. 2002-5; Ord. No. 2003-13; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

SECTION 24: AMENDMENT “Sec 108-2-5 Minimum Standards And Guidelines; General Landscaping” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-2-5 Minimum Standards And Guidelines; General Landscaping

- (a) *Minimum landscaped area.* Sites shall have a minimum of 20 percent of the total lot area landscaped and a minimum of 80 percent of the landscaping shall be living plant materials. In Western Weber County, the land use authority may reduce the living plant material to 40 percent if all landscaped area is xeriscaped with drought tolerant plants

and, if necessary for the plants to survive, is sufficiently ~~irrigated~~watered with a drip ~~irrigation~~ system.

- (b) *Maximum turf grass area.* A maximum of 50 percent of the total landscaped area shall be planted in turf grass.
- (c) *Front and side property lines adjacent to a street.* Sites shall provide a planting area, excluding sidewalk, of at least 20 feet in width along front and side property lines adjacent to a street right-of-way. If a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building provided the street frontage meets the complete street requirements of Section 104-21-4(c), incorporated herein by reference.
- (d) *Side and rear property lines.* Side and rear property lines not adjacent to a street right-of-way shall have a planting area of not less than eight feet in width, except if a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building.
- (e) *Side and rear of building.* Minimum planting areas of at least five feet in width shall be provided along the sides and rear of the building except where service areas, docks and entrance points are located. If a lesser building setback is allowed by the applicable zone, then the width of the planting area shall be the distance from the street right-of-way to the building.
- (f) *Parkstrips.* All parkstrips shall be landscaped with a native grass mixture that is low growing. Automatic ~~irrigation~~watering of parkstrip landscaping shall also be required. ~~Irrigation~~Landscape watering equipment shall be located outside of the parkstrip. Parkstrip landscaping shall not be included in the total area and turf grass percentage requirements listed in subsections (a) and (c) of this section.
- (g) *Other areas.* All areas within the site which are not occupied by the primary and accessory uses, structures or parking areas, shall also be landscaped. This includes future expansion areas for either building or parking, except that the living plant material requirement of part (a) of this section shall be waived if replaced with mulch underlaid with industrial-grade weed barrier.
- (h) *Compliance; financial guarantee.* All elements of the landscape plan, including planting, ~~irrigation~~watering, screening, and paving shall be installed as approved. If landscaping improvements are not to be completed until after the occupancy of the primary building, a financial guarantee, not to exceed one year, shall be posted and approved by the county attorney and the county commissioners.
- (i) *Plant material.* Plant material shall be as follows:
 - (1) *Quality.* Initial plantings used in conformance with the provisions of this chapter shall be in good health and capable of flourishing.
 - (2) *Size.* Plant sizes at the time of installation shall be as follows:
 - a. *Deciduous trees.* All deciduous trees shall have a minimum trunk size of two inches caliper.
 - b. *Evergreen trees.* All evergreen trees shall have a minimum height of six feet.
 - c. *Shrubs.* Woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit. As a point of reference, plants in five-gallon containers will usually comply with this standard.
 - d. *Vines.* Vines shall be five-gallon size minimum.

- e. *Groundcover*. Groundcover may be used in place of turf grass provided it is planted densely enough that it will grow into reasonably full and even coverage within two growing seasons after planting.
 - f. *Turf grass*. Turf grass species shall be hardy to the site and be of the type normally specified for the area. A drought tolerant fescue seed blend is strongly encouraged. Turf may be planted by sodding, plugging, sprigging or seeding. Application rates for plugs, sprigs and seed shall be high enough to provide even and uniform coverage of turf within one growing season after planting. Turf areas where erosion is expected to occur under normal conditions, such as drainage swales and/or slopes greater than 30 percent, shall be planted exclusively with sod.
- (3) *Selection*. Plants used in conformance with the provisions of this chapter shall be hardy and capable of withstanding the extremes of the climate of the site. The use of drought tolerant and native plants is strongly encouraged where site conditions can support them.
 - (4) *Installation*. All plant materials shall be installed in accordance with the current professional planting procedures.
 - (5) *Irrigation Watering*. All landscaped areas containing living plant material shall be provided with an automatic *irrigation watering* system except as authorized by the land use authority.
- (j) *Maintenance*. Plant maintenance shall be as follows:
- (1) *Responsibility*. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the site. Each owner is also responsible for maintenance of the parkstrip in front or to the side of the property.
 - (2) *Materials*. All plant materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant material, refuse and/or debris.
 - (3) *Replacement*. All dead or removed plants shall be replaced with the same type and size of plant material as originally specified on the approved landscape plan. No substitutions shall be allowed without prior approval of the land use authority. Replacement shall be made within 30 days of the plant's demise or removal. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
 - (4) *Fences, walls and hedges*. Fences, walls and hedges shall be maintained in good repair.
 - (5) *Irrigation Watering systems*. *Irrigation Watering* systems shall be maintained in good operating condition to promote water conservation.
- (k) *Design guidelines*. Landscaping design shall be as follows:
- (1) *Scale*. The scale and nature of landscaping materials shall be appropriate to the size of the structures to be landscaped. Large buildings should generally be complemented by larger plants and planting beds.
 - (2) *Selection*. Plants shall be selected for form, texture, color, habit and adaptability to local conditions.
 - (3) *Evergreens*. In the Ogden Valley, evergreen plant materials shall be

incorporated into the landscape to provide some year round structure and enhance screening and buffering.

- (4) *Softening.* Plants shall be placed intermittently against building walls, fences and other barriers longer than 50 feet to create a softening effect and add variety.
- (5) *Mulch.* Planting beds may be mulched with bark chips, decorative stone or similar materials. Mulch shall not be used as a substitute for plant material unless specifically allowed in this chapter. Mulched areas shall be underlaid with an industrial-grade weed barrier.
- (6) *Water conservation.* All ~~irrigation~~watering systems shall be designed for efficient use of water. Turf grass areas and other planting areas shall be on separate ~~irrigation~~watering valve systems and adjusted to generally support the minimum watering needs of the plant types being ~~irrigated~~watered.
- (7) *Energy conservation.* Placement of plant materials shall be designed to reduce the energy requirements for heating and cooling of the development. Summer shade and blocking of winter winds should be considered.
- (8) *Berming.* Earth berms and existing topographic features shall be incorporated into the proposed landscape, where appropriate, to enhance screening and provide variety in the ground plane.
- (9) *Pedestrian access and area connectivity.* Landscape and site design shall provide for the most efficient and direct pedestrian accessibility and connectivity practicable given typical pedestrian traffic patterns.
 - a. *Connection to main entrance.* Except for a building with a zero setback from the street right-of-way, at least one five-foot-wide pedestrian connection shall be provided from the street right-of-way to the most prominent public entrance onsite. Additional five-foot-wide pedestrian connections shall be provided for other public entrances if they are located greater than 200 feet from another entrance with a designated pedestrian connection. The connections shall:
 1. Offer the most efficient and direct path practicable; and
 2. Be buffered on at least one side with landscaping to protect from automobile cross-traffic, except that a pedestrian crossing no greater than 24 feet in width may be provided where a pedestrian connection crosses vehicle accessways. This width may be increased to up to 40 feet if the pedestrian crossing is raised at least six inches above the grade of the vehicle accessway. A pedestrian crossing shall be either painted on the parking lot surface or be colored concrete.
 - b. *Connection to adjacent land.* Pedestrian connections shall be made to pedestrian facilities stubbed to the property from an adjacent site. Pedestrian connections to adjacent undeveloped land shall be provided when the land use authority has a reasonable anticipation of impending development on the adjacent site. These connections shall align along the most efficient and direct path practicable given reasonably anticipated alignment of adjacent facilities and site conditions.
 - c. *Pathway dedication.* When roughly proportionate and essentially

linked to the development of the site, public street right-of-way dedication or a public easement shall be provided across the front of a lot or development project adjacent to a street. The dedication or easement shall be of a width sufficient to support a 10-foot-wide multi-use pathway, including area necessary to operate and maintain the pathway. A six-foot-wide sidewalk may be substituted based on site conditions and public facility needs at the discretion of the land use authority after consultation with the county engineer. The pathway or sidewalk shall be installed as a condition of site plan approval if any of the following circumstances apply:

1. A pedestrian pathway or sidewalk exists along the street right-of-way on the same side of the street within 500 feet of the site's street frontage;
 2. An informal pedestrian trail exists on the street's shoulder as a result of the lack of sidewalk or pathway along the street right-of-way; or
 3. The nature or scale of the development merits it.
- d. *Pathways and pedestrian access maintenance.* It shall be the responsibility of the owner of the land to ensure a pathway or pedestrian access running over the land or running in a public easement or public right-of-way generally parallel and adjacent to the land is continuously maintained. It shall be kept clear for safe pedestrian use, including, but not limited to, the removal of debris, refuse, ice, snow, weeds or other unwanted vegetation, and carts, vehicles, or any other object that may disrupt safe pedestrian access.
- (10) *Noise, dust, and transportation mitigation.* In addition to the general landscape requirements and where a proposed use creates noise or dust emissions greater than surrounding uses, a landscaped buffer shall be required along the affected area accommodating such uses.
- a. *Berming and trees.* A landscaping buffer shall consist of a four-foot or taller earthen berm incorporated into a 20-foot wide landscape area/strip. The berm shall be planted with a minimum of three evergreen and three deciduous trees per 50 lineal feet and shall be sized at a minimum of six feet in height for evergreen trees and three-inch caliper for deciduous trees.
 - b. *Berming and shrubs.* A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time of installation.

(Ord. of 1956, § 18C-5; Ord. No. 2007-32; Ord. No. 2011-5, § 2, 3-15-2011; Ord. No. 2019-5, Exh. A, 3-12-2019)

SECTION 25: **AMENDMENT** “Sec 108-2-9 Site Plan Supplemental Requirements” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-2-9 Site Plan Supplemental Requirements

- (a) *Color copies required.* In addition to site plan requirements specified elsewhere in this Land Use Code, colored architectural elevations, colored signage plans, and landscape plans shall be included with all site plan submittals.
- (b) *Landscape plan requirements.* A landscape plan shall be required whenever landscaping or alteration of landscaping is required by this chapter. Such landscape plans shall be drawn in conformance with the requirements specified in this chapter. Landscape plans shall be approved by the land use authority prior to the issuance of a building permit. All landscape plans submitted for approval shall contain the following information, unless specifically waived by the planning director:
- (1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and playground equipment, all recreational facilities, and other freestanding structural features deemed necessary to accurately portray existing and proposed site characteristics.
 - (2) The location, quantity, size and name (both botanical and common names) of all proposed plant material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of mature size.
 - (3) The location, size and common names of all existing plant material (including trees and other plants in the parkstrip) and whether they are to be retained or removed.
 - (4) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the site. Where adjacent trees are growing in native or natural clumps or groves such that showing individual tree locations is impractical, canopy outlines are acceptable.
 - (5) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals. Show any walls or retaining structures proposed, along with their respective elevations. Proposed earth beaming shall be indicated using one-foot contour intervals.
 - (6) Water-efficient ~~irrigation~~ **landscape watering** system (separate plan required). This system shall indicate the locations and types of all equipment, including sprinkler heads, control valves, quick-coupling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.
 - (7) Summary data table indicating the area of the site in the following classifications:
 - a. Total area of the site.
 - b. Total area and percentage of the site in landscape area.
 - c. Total area and percentage of the site in turf grass.

(Ord. of 1956, § 18C-9; Ord. No. 2019-5, Exh. A, 3-12-2019)

Editor's note—Ord. No. 2019-5, Exh. A, adopted March 12, 2019, amended the title of § 108-2-9 to read as herein set out. The former § 108-2-9 title pertained to landscape plan.

SECTION 26: AMENDMENT “Sec 108-4-3 Application And Review Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-4-3 Application And Review Procedure

Applications for a conditional use permit shall be submitted to the planning division.

- (a) ***Application requirements.*** The application shall include the information in the following list; for those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the planning director or designee:
- (1) A completed application form signed by the property owner or certified agent;
 - (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application;
 - (3) A written narrative explaining the proposal. The narrative shall include, at a minimum, the following information:
 - a. The name of the project;
 - b. The name, home address, and, if applicable, business address of the applicant;
 - c. As applicable, the name and business address of the project designer or engineer; and
 - d. A written explanation of how the proposal complies with the applicable standards of section 108-4-5, and those applicable standards of title 108, chapter 1, and title 108, chapter 2;
 - (4) A detailed vicinity map. The map shall include, at a minimum, the following information:
 - a. The name of the project;
 - b. A north arrow;
 - c. All significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area;
 - d. The property boundaries of the proposal; and
 - e. The names and site addresses of adjacent property owners;
 - (5) A site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following information:
 - a. The name of the project;
 - b. The name, home, and, if applicable, business address of the applicant;
 - c. If applicable, the name and business address of the project designer or engineer;
 - d. A scale, which shall be sized appropriately to make the site plan easily and clearly legible;
 - e. A north arrow pointing to the left or top of the sheet;
 - f. The boundary of the site, including any building pad, public and private easements, and other areas affected by the proposal;

- g. The existing uses and ownership information for adjacent parcels;
 - h. Existing zoning;
 - i. Total acreage of the entire affected property and, if the property is split by zoning, the total acreage of property in each zone;
 - j. The location and width of existing and proposed roads, driveways, and parking areas, as may be applicable;
 - k. The location of any existing and proposed manmade features, including, but not limited to, bridges, railroad tracks, trails and pathways, structures, and fences;
 - l. The existing and, if applicable, proposed culinary water, secondary water, irrigation water, and sanitary sewer or septic infrastructure;
 - m. The existing and proposed topographic contours, including, if applicable, any details necessary to explain proposed grade changes, fills or excavations, or any other earth work, together with any applicable drainage plans, stormwater pollution prevention plans, and revegetation plans;
 - n. The location and type of existing landscaping and vegetation, and proposed changes thereto, if any. If applicable, location and type of new landscaping and vegetation;
 - o. The location of flood plain boundaries, if applicable; and
 - p. Any other proposed site improvements showing details and other applicable design and architectural requirements specified in title 108, chapter 1, and title 108, chapter 2;
- (6) Culinary water and sanitary sewer or septic verification, as may be applicable for the specific use. Culinary water and sanitary sewer or septic verification shall include feasibility letters from the applicable water and sanitary sewer or septic entity or agency;
- (7) Applicable impact studies or other technical studies that may be necessary to provide evidence of anticipated detrimental effects of the proposal or evidence of compliance with the applicable standards, as may be required by the planning director or county engineer; and
- (8) Any additional pertinent information needed to adequately describe the proposal, or provide evidence of compliance with the applicable standards, as determined by the planning director.
- (b) ***Application submittal and review.***
- (1) Review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.
 - (2) The application review procedure is as follows:
 - a. ***Pre-application meeting.*** Prior to submission of a complete application, a pre-application meeting is required to be held with planning division staff, in which the applicant will provide preliminary plans for planning division staff to review and discuss with the applicant. This meeting is intended to provide the applicant with a better understanding of the conditional use process and requirements in order to assist with the submission of a complete application.

- b. **Complete application submission.** Upon assembling a complete application, the applicant shall submit it for substantive review. Incomplete applications shall not be accepted. Staff will review the application for completeness. In the event the application is incomplete, staff will return it to the applicant with a list of deficiencies.
- c. **Referral of the application to reviewers.** Upon acceptance of an application, planning staff shall transmit it to applicable reviewers as may be determined necessary to verify compliance with the standards of this chapter, or any other relevant requirements of this Land Use Code.
- d. **Reviewer's recommendations.** Within a reasonable time frame, applicable reviewers shall forward to planning division staff reasonable recommendations for conditions necessary to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- e. **Planning staff review and recommendation.** Planning staff shall review the application, together with any reasonable recommendations from applicable reviewers, to determine compliance with this Land Use Code. Planning staff shall assemble a staff recommendation, with conditions and findings, for the application, then forward the recommendation with the application to the land use authority for a final decision.
- f. **Land use authority review and decision.** Upon receipt of the application and staff recommendation, the land use authority shall make final decision on whether the application complies with this Land Use Code, in accordance with the requirements of section 108-4-4. Final decisions shall be accompanied by any applicable conditions and relevant findings.
- g. **Land use authority.** The planning commission is the land use authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the planning director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

(Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010; Ord. No. 2015-13, Exh. A, 8-25-2015)

Editor's note—Ord. No. 2015-13, Exh. A, adopted Aug. 25, 2015, amended the catchline of § 108-4-3 from "Review procedure" to read as herein set out.

SECTION 27: **AMENDMENT** “Sec 108-4-5 Conditional Use Standards” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-4-5 Conditional Use Standards

- (a) The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:
 - (1) The application of the standard is relevant to the use; and
 - (2) The conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.
- (b) The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.
- (c) Conditional use standards are as follows:
 - (1) *Standards relating to safety for persons and property.*
 - a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable fire fighting agencies.
 - b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.
 - c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the county sheriff's office.
 - d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.
 - e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:
 - 1. The location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing, and landscaping;
 - 2. The frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.
 - f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.
 - (2) *Standards relating to infrastructure, amenities, and services.*
 - a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.
 - b. Mitigate internal vehicle or pedestrian circulation inefficiencies onsite, and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.
 - c. Mitigate material degradation of the level of service of any street.
 - d. Mitigate material degradation of the level of service of any storm

water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.

Mitigate material degradation of the level of service of any culinary,

- e. ~~secondary, or and~~ irrigation water facility or infrastructure, and, if applicable, provide adequate culinary, ~~secondary, or and~~ irrigation water service to the site. To help determine adequacy of culinary water provisions, the land use authority may require, but are not limited to, the following as a condition of approval of the conditional use permit:
 1. Written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or
 2. A capacity assessment letter from the Utah Division of Drinking Water for additional connections to any existing public water system; or
 3. Written verification that the source of any non-public well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of a new or existing well.

- f. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.
- g. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.
- h. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.
- i. Mitigate any disproportionate demand for government services, generally.

(3) *Standards relating to the environment.*

- a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, groundwater protection, and slopes.
- b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

(4) *Standards relating to the current qualities and characteristics of the*

surrounding area and compliance with the intent of the general plan.

- a. Provide buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.
 - b. Provide hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses.
 - c. Provide reclamation, restoration, cleanup, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.
 - d. Mitigate nuisance factors, including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.
 - e. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.
 - f. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the county's general plan, future land use map (or proposed land use map), and this Land Use Code.
- (5) Standards relating to performance.
- a. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.
 - b. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of certain specified detrimental effects by an appropriately qualified professional.
- (6) *Standards generally.*
- a. Mitigate unsustainable effects on the economy of the surrounding area or county, generally, if credible evidence of such negative effects is present.
 - b. Provide appropriate mitigation of detrimental effects as required in standards found elsewhere in this Land Use Code in a manner that complies with this Land Use Code, and any other federal, state, or local regulation, as may be applicable.
- (7) *Voluntary contributions providing satisfactory compliance with applicable standards.* When considering a conditional use, the land use authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The land use authority may require a development agreement to execute the voluntary alternative.

(Ord. No. 2015-13, Exh. A, 8-25-2015)

SECTION 28: AMENDMENT “Sec 108-14-10 Landscaping” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-14-10 Landscaping

For parcels, subdivisions, lots, roads and accesses within the construction boundaries that have disturbed soil surfaces, a landscape plan shall be required. Such landscape plans shall be drawn in conformance with the requirements specified in this chapter. The planting design should coordinate with the existing vegetation and adapted fire resistant erosion control cover. A list of acceptable vegetation is available from the USU Extension Office. Landscaping shall be an integral part of the overall project design. All landscape plans submitted for approval shall contain the following information:

- (a) The location, quantity, size and name (both botanical and common names) of all proposed plant material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of mature size. Plants and materials may include lawn, ground cover, trees, shrubs, and other live plant materials. Landscaping may also include accessory decorative outdoor landscaping components such as paved or decorated surfaces. Considerations should given to appearance, height, spread growth rate, slope function and decreased maintenance when the phases are complete.
- (b) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the site. Where the adjacent trees are growing in native or natural clumps or groves such that showing individual tree locations is impractical, canopy outlines are acceptable.
- (c) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals. Show any walls or retaining structures proposed, along with their respective elevations. Proposed earth berming shall be indicated using one-foot contour intervals.
- (d) Water-efficient ~~irrigation~~ landscape watering system. This system shall indicate the locations and types of all equipment, including sprinkler heads, control valves, quick-coupling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.
- (e) Pathways, walkways, and common access shall be considered in the landscaping design plan, including plants and trees that should not interfere with the pedestrian's ability to view the pathways to ensure safety.
- (f) Graded areas that are intended for development in a later phase shall be planted with annual grasses.
- (g) A proposed schedule for implementing the landscape plan and for any replacement materials that may need time to take hold shall be included in the landscaping plan.
- (h) Summary data table indicating the area of the site in the following classifications:
 - (1) Total area of the site.
 - (2) Total area and percentage of the site in landscape area.
 - (3) Total area and percentage of the site in turf grass.

(Ord. of 1956, § 36B-10; Ord. No. 2009-20)

SECTION 29: **AMENDMENT** “Sec 108-22-2 Potential Hazards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-22-2 Potential Hazards

The following potential hazards have been identified:

(a) *Surface-fault ruptures.*

- (1) Surface faulting has been identified as a potential hazard in the county. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection (c) of this section.
- (2) Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33—35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.
- (3) Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.
- (4) No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structure designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study and report, as provided in section 108-22-3 of this Land Use Code, is required. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches and tilting may occur, and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.
- (5) Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location; therefore, site-specific plans, studies, and reports shall be required, as provided in section 108-22-3 of this Land Use Code, for development in or adjacent to

the delineated areas.

- (6) Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the setback may be considered if the report presents evidence to justify a reduction acceptable to the land use authority, after recommendation from the county engineer.

(b) *Landslide.*

- (1) Landslides, historically, have been one of the most damaging geologic processes occurring in Weber County. Most active landslides, and most older slides, have been mapped. The maps identify areas of landslides and slopes which are potentially unstable under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to abnormally high precipitation, heavy snowmelt, or excessive water application due to [landscape watering](#), irrigation, or septic system discharge. Landslides can damage structures, roads, railroads and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add water to the slide plane and promote further movement. Flooding may also be caused.
- (2) Many methods have been developed for reducing a landslide hazard. Proper planning and avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning and development process. Care in site grading with proper compaction of fills and engineering of cut slopes is a necessary follow-up to good land use planning. Where avoidance is not feasible, various engineering techniques are available to stabilize slopes, including de-watering (draining), retaining structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage diversion. Since every landslide and unstable slope has differing characteristics, any development proposed within an identified landslide hazard area shall require the submittal and review of a study and report, as provided in section 108-22-3. The study and report shall address slope stability (including natural or proposed cut slopes), evaluate slope-failure potential, effects of development and recommendations for mitigative measures. Slope stability analysis shall include potential for movement under static, development-induced and earthquake-induced conditions as well as likely groundwater conditions.

(c) *Tectonic subsidence.*

- (1) Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and sewer lines, may be adversely affected.
- (2) Because subsidence may occur over large areas (tens of square miles), it is generally not practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake shoreline flooding. For gravity-flow structures such as wastewater treatment facilities that are within areas of possible subsidence, it is advisable to consider the tolerance of such structures

to slight changes in gradient. Some structures may have to be releveled after a large-magnitude earthquake. Critical facilities which contain dangerous substances should have safety features to protect the structure, its occupants and the environment from both tilting and flooding.

- (3) Flooding problems along lakes from tectonic subsidence shall be reduced using standard techniques such as raising structures above expected flood levels and dikes can be built. Development adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake levels to protect against natural rises from wet periods, storm waves and earthquake-induced seiching, as well as hazards associated with tectonic subsidence.
- (4) Rises in the water table accompanying tectonic subsidence may cause water to pond, flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the down dropped side.
- (5) The principal application of the identified tectonic subsidence areas is to make the public aware of the hazard and to indicate those areas where further study may be necessary. Site-specific tectonic subsidence reports and studies are recommended only for critical facilities in areas of potential lake-margin and ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost wastewater treatment plants and hazardous waste facilities should also consider potential tilting.

(d) *Rock fall.*

- (1) Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As development advances higher onto the bench areas and into the canyons the risk from falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop discontinuities. Rock falls present a hazard because of the potential damage a large rock mass, traveling at a relatively high velocity, could cause to structures and personal safety. When new developments cannot be designed around a rock fall path, and hazard reduction measures must be considered, a study and report as provided in section 108-22-3, is required. Mitigation shall require design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques such as bolting, cable lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least slow down falling rocks. Strengthening a structure to withstand impact is an example of modifying what is at risk. Mitigation problems can arise when rock source areas are located on land not owned by the developer.
- (2) In areas where the rock fall hazard is present but very low, disclosure of a potential hazard to land owners and residents with an acknowledgment of risk and willingness to accept liability may be an acceptable alternative to avoidance or mitigation for single-family residences.

(e) *Debris flows.*

- (1) Debris flows are mixtures of water, rock, soil and organic material (70—90 percent solids by weight) that form a muddy slurry much like wet concrete and flow down slope, commonly in surges or pulses, due to gravity. They generally remain confined to stream channels in mountainous areas, but may reach and deposit debris over large areas on alluvial fans at and beyond

canyon mouths.

- (2) The county debris flow hazard maps were constructed from the boundaries of active alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as debris flow hazard areas shall be evaluated prior to approval of the proposed development. A study and report, as provided in section 108-22-3, shall be prepared by an engineering geologist for any development proposed in or adjacent to a debris flow hazard area and shall include:
 - a. An analysis of the history of debris flow at the site based on subsurface exploration to determine the nature and thickness of debris flow and related alluvial fan deposits. If, in the engineering geologist's professional opinion, geologic conditions have changed enough to render a debris flow inactive, the analysis may estimate the nature and approximate thickness of the debris flow and related alluvial fan deposits in lieu of subsurface exploration.
 - b. An analysis of the drainage basin's potential to produce debris flows based on the presence of debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes likely to be produced during a single event.
 - c. An analysis of the stream channel to determine if the channel will supply additional debris, impede flow, or contain debris flows in the area of the proposed development.
 - d. An analysis of manmade structures upstream that may divert or deflect debris flows.
 - e. Recommendations concerning any channel improvements, flow modifications and catchment structures, direct protection structures or floodproofing measures, if necessary, in order to protect the development.

(f) *Liquefaction areas.*

- (1) Earthquake ground shaking causes a variety of phenomena which can damage structures and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pressure in the pore water between soil grains, which decreases the stresses between the grains. The loss of intergranular stress can cause the strength of some soils to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures such as septic tanks and storage tanks may rise, and even gentle slopes may fail as liquefied soils and overlying materials move down slope.
- (2) Areas of potential liquefaction have been delineated and the following regulations and mitigation measures have been adopted in order to reduce the hazard and consequences. Areas of moderate to high liquefaction potential need not be avoided. Structural measures and site modification techniques are available to reduce a hazard. A site-specific liquefaction study and report shall be required pursuant to section 108-22-3, and shall be prepared by an engineering geologist and/or a state licensed geotechnical engineer and shall comply with the following:
 - a. Standard soil foundation study, for the proposed development, shall

include liquefaction potential evaluation based upon depth to groundwater, soil types and ground failure hazard.

- b. If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be required to determine critical accelerations needed to induce liquefaction.
- c. The study and report shall include an accurate map of the area showing any proposed development, the location of bore holes and/or test pits, the site geology, and location and depths of any liquefiable soils noted, along with the probability of critical accelerations needed to induce liquefaction in these soils being exceeded for appropriate time periods.
- d. The report shall include recommendations for hazard reduction techniques.

(g) *Flood.*

- (1) The floodplain standards are written to minimize the loss of life and property when floods do occur, not to ban development outright from the floodplain. In the event the following provisions conflict with those in title 22 of the Weber County Code, the most restrictive shall apply. The Federal Emergency Management Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for major drainages in Weber County.
- (2) FEMA recommends that no new development be permitted in the 100-year floodplain unless:
 - a. Detailed engineering study and reports, as required by section 108-22-3, prepared by a state-licensed engineer, show that the proposed development will not increase the flood hazard to other property in the area. Recommendations shall be made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site investigations for proposed development in lake-flooding areas near Great Salt Lake need only indicate the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed with respect to lake-flooding potential and compatibility of proposed use.)
 - b. The proposed development is elevated above the 100-year flood base elevation.
 - c. For federally-insured loans, flood insurance is purchased from a company participating with the Federal Insurance Administration or a like private carrier.
- (3) The study and report, as may be required by section 108-22-3, shall consider the following:
 - a. [Alluvial fans.] Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all active alluvial fans identified on debris flow hazard maps. The hazard from such flooding shall be addressed and appropriate hazard reduction measures taken.
 - b. Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction

measures taken.

(h) Other hazards.

- (1) As in many counties in the Western United States, development in the county is constrained by the presence of natural and manmade hazards. These hazards include, but are not limited to, avalanche, slope movement, soils categorized as having severe building limitations and slopes exceeding 30 percent.
- (2) Not all hazardous sites and conditions have been identified in the county. As a hazard or potential hazard becomes known, the county has discretion to require any study and report that is necessary to understand how the hazard or potential hazard may impact development. The study or report shall provide appropriate hazard mitigation measures.

(Ord. No. 2016-17, Exh. A, 11-8-2016)