



WESTERN WEBER TOWNSHIP PLANNING COMMISSION
MEETING AGENDA

Tuesday July 14, 2015
5:00 P.M.

- *Pledge of Allegiance*
 - *Roll call*
1. Administrative Item(s):
 - 1.1. Consideration and action on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 4300 West 400 South - Travis Wallace for PAANCLLC, Applicant
 2. Legislative Item(s):
 - 2.1 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§ 101-1-7), Land Use Permit, Building Permit, and Certificate of Occupancy (§ 102-4), Conditional Uses (§ 108-4), and Supplementary and Qualifying Regulations (§ 108-7) to update and clarify provisions related to conditional use permitting and procedures.
 - 2.2. Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmers Markets (§ 108-13), to provide for instructional activities in yard area and accessory buildings and to update and clarify provisions related to home occupation permitting and procedures.
 3. Public Comment for Items not on the Agenda
 4. Remarks from Planning Commissioners
 5. Planning Director Report
 6. Remarks from Legal Counsel
 7. Adjourn

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
A pre-meeting will be held at 4:30 P.M. in the Weber County Commission Chambers Breakout Room. No decisions will
be made in this meeting.*

Work Sessions will be held in the Weber County Commission Chambers Breakout Room unless otherwise posted.



*In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should
call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791*



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 4300 West 400 South

Type of Decision: Administrative

Agenda Date: Tuesday, July 14, 2015

Applicant: Travis Wallace for PAANC LLC.

File Number: LVH051914

Property Information

Approximate Address: 4300 West 400 South.

Project Area: 12.34 Acres

Zoning: Agricultural (A-1 and A-2)

Existing Land Use: Vacant

Proposed Land Use: Residential Subdivision

Parcel ID: 15-049-0005 / 15-049-0011

Township, Range, Section: 6 North, 2 West Section 17

Adjacent Land Use

North:	Agriculture	South:	Agriculture
East:	Residential	West:	Agriculture

Staff Information

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

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (Agricultural A-1)
- Weber County Land Use Code Title 104 (Zones) Chapter 7 (Agricultural A-2)
- Weber County Land Use Code Title 108 (Standards) Chapter 3 (Cluster Subdivisions)

Background

The applicant is requesting preliminary approval of Henry Flats Cluster Subdivision located at approximately 4300 West 400 South in Western Weber County. The proposed subdivision will occupy 12.34 acres and will consist of 12 lots, with each lot being 20,000 square feet or larger. The parcel is split between the A-1 and A-2 zones, which both require 40,000 square feet and 150 feet of frontage. However, Henry Flats is being proposed as a cluster subdivision with lots being at least 20,000 square feet with 100 feet of frontage. This cluster subdivision was submitted prior to the recent changes to the cluster subdivision ordinance and falls under the provisions of the previous code.

The proposed roadway will be dedicated as a public road and will extend northerly from 400 South Street where it will provide one access to an adjacent parcel before extending further north. The Cluster Subdivision Ordinance allows a maximum bonus density of 50%, and the applicant is requesting the following:

- Fifteen percent bonus for meeting the intent of the Cluster Subdivision.
- Ten percent bonus for providing a stub road.

There are 10.32 net developable acres and a 25 percent bonus will give the applicant two additional lots. There will be 3.56 acres of open space (30 percent), with the open space left in a natural state.

Culinary water will be provided by Taylor West Weber with the developer creating a pond for irrigation water. A water capacity assessment letter needs to be provided prior to final approval. The applicant has Hooper Irrigation water shares. There is still a question as to where the secondary water pond will be located. This information should be presented to the Planning Commission.

The County Engineering Division wants the ditch in the front of the property to be piped. If the curb, gutter, and sidewalk are deferred, then the grade will need to be brought up to within a foot or less below the edge of asphalt. A note will need to be added to the plat stating: "Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed. A Storm Water Pollution Prevention Plan (SWPPP) is required to be submitted for all new development where construction is required. A Storm Water Construction Activity Permit is required for any construction that:

1. disturbs more than 5000 square feet of land surface area, or
2. consists of the excavation and/or fill of more than 200 cubic yards of material, or
3. requires a building permit for which excavation or fill is a part of the construction, and
4. is less than five acres shall apply for a county permit.

Wastewater treatment will be provided by individual septic systems. The original subdivision plat that was submitted had 13 lots. After a year of water monitoring and working with the Health Department, the Health Department has approved the subdivision for 12 lots with the condition that lots 7-12 are approved for a 3 bedroom home. A note on the plat and a covenant that is recorded as part of this subdivision needs to indicate this requirement. The reason for the limitation is because of the irrigation ditch on the rear of the lots.

The Weber Fire District has reviewed and approved the fire hydrant location.

The applicant is asking for a deferral of curb, gutter, and sidewalk. However, since the lots are below 40,000 square feet, should curb, gutter, and sidewalk be required? The review from the Weber School District states "elementary students are not eligible for bussing to West Weber Elementary site".

Summary of Planning Commission Considerations

- Does this subdivision meet the requirements of applicable County Codes?
- Should the Planning Commission defer the construction of the curb, gutter, and sidewalk?

Conformance to the General Plan

The subdivision conforms to the General Plan by meeting the requirements of the Cluster Subdivision Ordinance and the Zone in which it is located. The subdivision also conforms to the General Plan by protecting open space and sensitive lands, promoting agricultural land.

Staff Recommendation

Staff recommends preliminary approval of Henry Flats Subdivision with 12 lots, subject to staff and agency requirements, with the requirement for curb, gutter, and sidewalk, as this subdivision is within walking distance to West Weber Elementary School, the lots are smaller than an acre in size, and the students are not eligible for bussing.

Exhibits

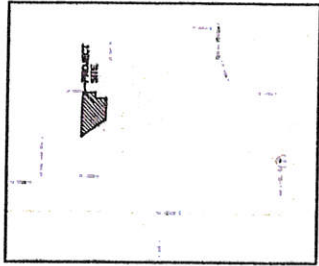
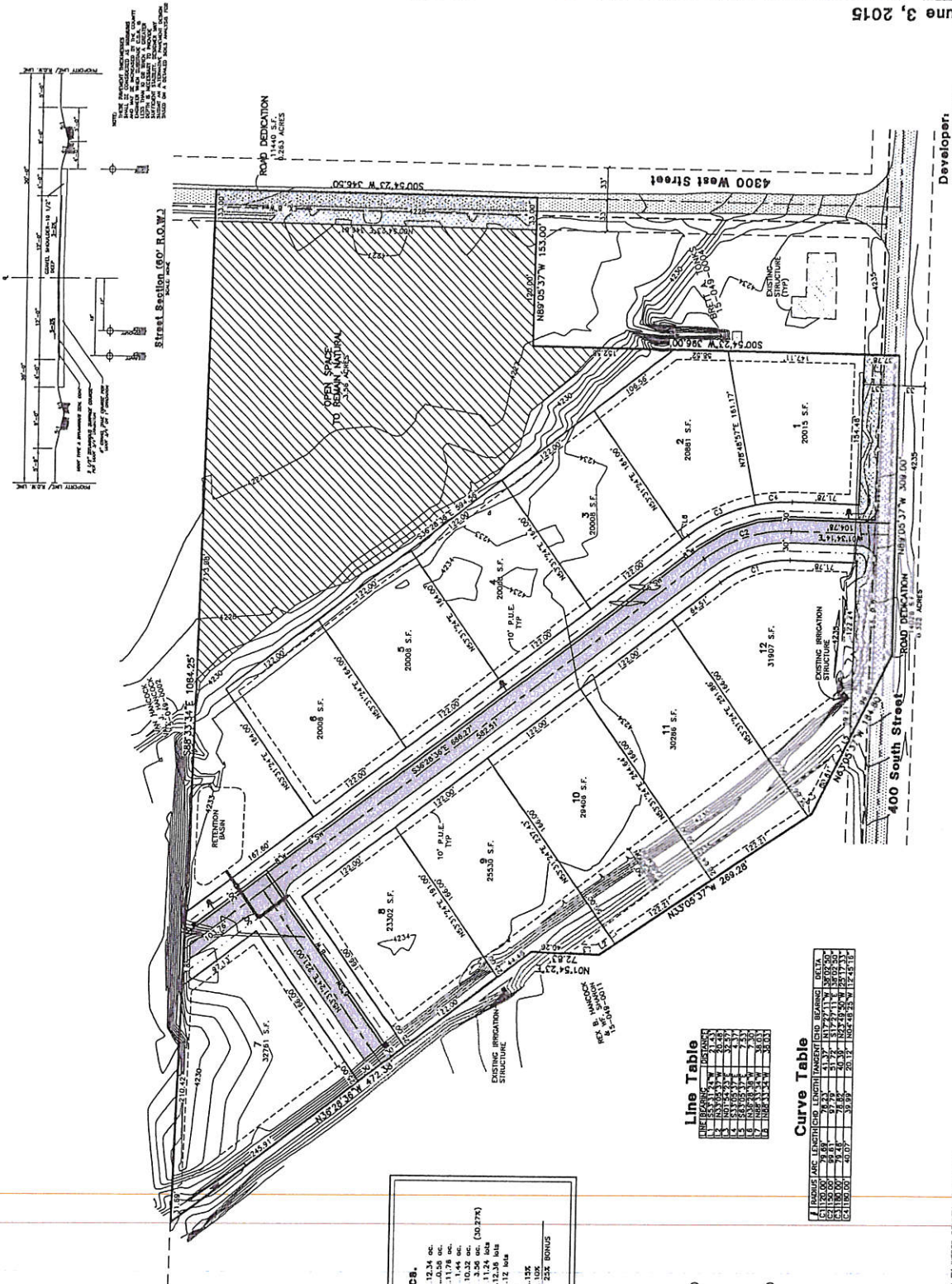
- A. Proposed subdivision plat
- B. Location Map

Revised June 3, 2015

Developer:
PAANC LLC
3872 W. 2550 S.
Troyer, UT 84401
(801) 540-9011

Weber County, Utah

Henry Flats Cluster Subdivision



Design Specs.

Total Area: 183.4 ac.
Right-of-Way (outside): 43.8 ac.
Development Area: 11.78 ac.
Right-of-Way (inside): 1.44 ac.
Open Space: 3.36 ac. (0.027%)
Base Density: 11.24 lots
Total Lots Proposed: 11.24 lots
Bonus Points Breakdown: 13X
Cluster Development: 10X
Site Roads: 22X BONUS

Line Table

LINE BEARING	LENGTH	ANGULAR FIELD	BEARING DELTA
N 107° 52' 22" E	22.22	22.22	31.72
S 72° 17' 17" E	11.78	31.72	31.72
S 72° 17' 17" E	11.78	31.72	31.72
N 107° 52' 22" E	22.22	22.22	31.72
N 107° 52' 22" E	22.22	22.22	31.72
N 107° 52' 22" E	22.22	22.22	31.72
N 107° 52' 22" E	22.22	22.22	31.72
N 107° 52' 22" E	22.22	22.22	31.72
N 107° 52' 22" E	22.22	22.22	31.72
N 107° 52' 22" E	22.22	22.22	31.72

Curve Table

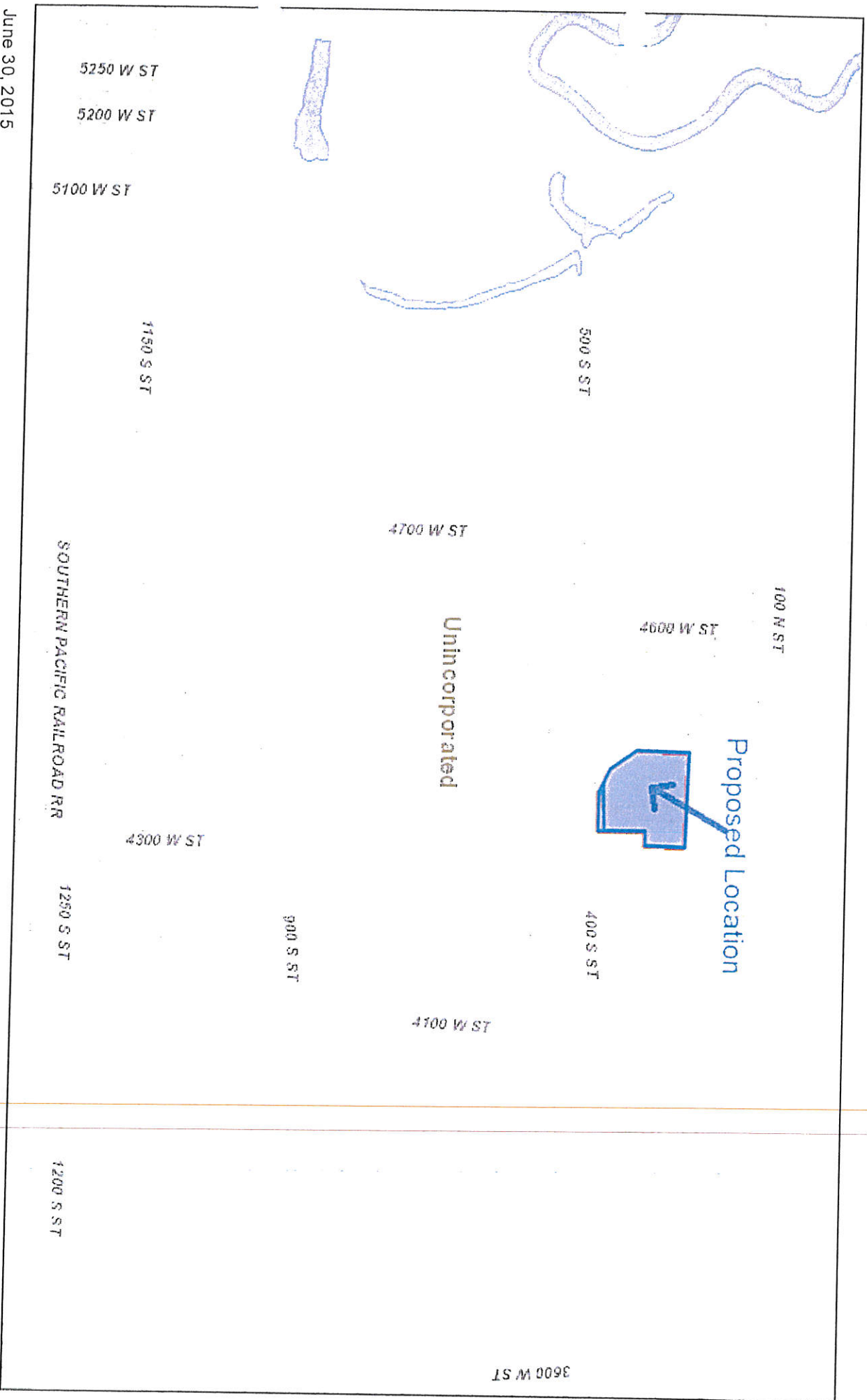
ARC BEARING	LENGTH	ANGULAR FIELD	BEARING DELTA
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00
C 118.00	40.00	118.00	118.00

- Legend**
- PROPOSED CULINARY WATER LINE (SIZE VARIES)
 - EXISTING CULINARY WATER LINE
 - PROPOSED STORM DRAIN (SIZE VARIES)
 - EXISTING STORM DRAIN
 - PROPOSED SECONDARY WATER LINE
 - EXISTING SECONDARY WATER LINE (SIZE VARIES)
 - PROPOSED FIRE HYDRANT
 - PLUS W/ 1" BELOW-OFF
 - EXISTING ASPHALT SURFACE
 - PROPOSED ASPHALT SURFACE

- NOTES**
- CONTOURS ARE SHOWN WITH A ONE FOOT INTERVAL.
 - LOTS WILL HAVE INDIVIDUAL SEPTIC SYSTEMS, AS APPROVED BY WEBER COUNTY HEALTH DEPT.
 - THE DEVELOPER IS REQUESTING A DEFERRAL OF CURB, GUTTER AND SIDEWALK.
 - CONCRETE CURB AND GUTTER SHALL BE CONSTRUCTED WITH A PUMP TO PROVIDE PRESURIZED SECONDARY WATER LINE. A 2" WATER MAIN SHALL BE INSTALLED IN THE TROUGH AND A UTILITY WILL BE PROVIDED FOR EACH LOT.

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC. THEY SHALL NOT BE REPRODUCED, RE-CHECKED, OR USED IN ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY REFERRED FOR, WITHOUT THE WRITTEN PERMISSION OF REEVE & ASSOCIATES, INC. REEVE & ASSOCIATES, INC. SHALL NOT BE RESPONSIBLE FOR ANY CHANGES OR IMPROVEMENTS MADE TO THESE PLANS OR THE DESIGN THEREBY WITHOUT THEIR CONSENT.

Proposed Location



June 30, 2015

Street Labels

City Labels





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§ 101-1-7), Land Use Permit, Building Permit, and Certificate of Occupancy (§ 102-4), Conditional Uses (§ 108-4), and Supplementary and Qualifying Regulations (§ 108-7) to update and clarify provisions related to conditional use permitting and procedures.

Agenda Date: Tuesday, July 14, 2015
Staff Report Date: Thursday, July 7, 2015
Applicant: Planning Division
File Number: ZTA 2014-07

Property Information

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

Adjacent Land Use

North: Not Applicable **South:** Not Applicable
East: Not Applicable **West:** Not Applicable

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763
Report Reviewer: SW

Applicable Ordinances

Definitions (§ 101-1-7), Land Use Permit, Building Permit, and Certificate of Occupancy (§ 102-4), Conditional Uses (§ 108-4), and Supplementary and Qualifying Regulations (§ 108-7)

Legislative Decisions

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

Background

The Planning Commission has been working with staff for the last six months to provide changes to the conditional use ordinance. The attached ordinance changes reflect this collaborative process. Both of the County's Planning Commissions have been instrumental in providing these changes.

The ordinance is being changed because the current ordinance does not comply, in part, with state code. It is also being changed because it lacks substantive standards from which to review a conditional use permit.

Policy Analysis

Compliance with state code. Under state statutory requirements¹ a conditional use permit “shall be approved” provided the use complies with applicable standards of an ordinance. This statute presumes approval. However, the County’s current conditional use ordinance presumes denial unless it complies with certain standards. The County code also fails to provide any substantive standards.² In theory, pursuant to state code, without substantive standards in the code all conditional use permits should be approved with limited or no review. This is counter to the purpose of providing for conditional uses in the land use code, which is to allow more land uses than are otherwise permitted in each zone, provided that the unique characteristics of those uses that may lead to detrimental effects on surrounding land owners are mitigated.

A permitted use is a land use for which a zone may be specifically written. For example, consider a residence in a residential zone. The zone is intended for residences and residential impacts. Obtaining a permit for a residence is straightforward. On the other hand, there are many other uses that can be allowed in that zone that have lesser known intended impacts. Providing for these uses by conditional use permit is intended to give a level of flexibility in the types of uses that can occur in the zone. Because some uses are notoriously detrimental to others or because the effect of some uses on others cannot be determined until a specific proposal has been made, allowing for these uses but requiring a heightened level of review and additional standards for them is imperative to reducing incompatibility between uses.

Best management practices. Regulating conditional uses has historic context. Historically, it was not uncommon for the conditional use process to be used to determine whether a specific use/proposal is appropriate for an area. If it was, then the permit was approved. If not, the permit was denied. This process usually involved significant public involvement, and decisions were usually based on the opinions of the neighbors.

Conditional use permit practices have changed (or perhaps better stated: conditional use permit practices have been clarified). The changes are primarily due to various court cases [and subsequent state law changes] in which the courts have decreed that the approval of a conditional use permit is an administrative approval,³ and as such an owner is entitled to the approval provided compliance with adopted codes.^{4,5} An administrative approval means that the permit is not subject to the legislative process. If it is a use allowed by the ordinance, and it complies with the standards of the ordinance, then the use is a right, and the owner is entitled to the use. Essentially, this means that the decision on a conditional use permit is not subject to the same level of discretionary decision making that a legislative decision like making a new law is; and it means that the opinions of the neighbors with respect to whether they like/dislike the proposed use is irrelevant unless their like/dislike is based on some related standard of an adopted law.⁶

Review of the proposed ordinance. The changes presented in the proposed ordinance generally fall into four categories: general clarifications, enhanced application and review provisions, the creation of new conditional use standards, and revocation provisions.

General clarifications. The general clarifications you will see throughout. They are being provided to clarify and supplement current regulations in a manner that compliments the new substantive changes.

Applications review provisions. The enhanced application and review provisions, Section 108-4-3 provides two things. First, they provide clearer application submittal requirements for conditional uses. These clearer requirements will help set the expectation for the applicant on what exactly they need to anticipate when applying for a permit. They will also help the County ensure that the correct amount of information is submitted with the application to initiate a complete review. Second, they provide clearer governmental review procedures. The County’s review has to comply with these procedures. This provides transparency for the applicant in what is occurring during the review of their permit. It also provides a level of responsibility and accountability on the County to conduct a thorough, objective, and complete review of every application.

Conditional use standards. The new standards, Section 108-4-5, provide the County with needed conditional use standards from which to review conditional use permit applications. These standards have been written to specify

¹ See UCA § 17-27a-506(2)(a).

² County code provides a list of examples of negative impacts, but fails to give standards for mitigating them.

³ See Salt Lake County Cottonwood Sanitary District v. Sandy City.

⁴ See Krejci v. Saratoga Springs.

⁵ See UCA § 17-27a-508(1)(a)(i).

⁶ Davis County v. Clearfield.

a comprehensive list of detrimental effects that conditional uses may have. They require that those detrimental effects be mitigated.

Most of the standards do not provide specific methods of mitigation. The various ways the effects may be mitigated are really up to the applicant or the County. The applicant may propose ways to mitigate detrimental effects. In the event the applicant does not, or does not do so effectively, the Land Use Authority may apply conditions of approval that the applicant must meet in order for the permit to be valid.

The realm of possible conditions is not infinite. Conditions must be reasonable; they must be related to the effects listed in the relevant standard;⁷ they must be based on credible evidence;⁸ and in most cases they should not be used for the purpose of regulating a use out of existence. Rather, conditions should be used to affirmatively help a conditional use fit into its surroundings. They should be used to help break down the conflicts between the use and other uses. To this end, Section 108-4-5 begins with a requirement to help the Land Use Authority understand how to temper decisions.

This temperance is imperative given that the Planning Commission continues to desire to hold public comment for all conditional use permits. It will be tempting to make a decision based on the will of the public rather than the merits of the proposal when reviewed against the adopted ordinance. The ordinance is written in such a way to help keep the decision at the administrative review level.

A note about objectivity in the conditional use standards: if any portion of the proposed ordinance changes turn out to be too vague or unspecific that no amount of credible evidence, relevant standard, or reasonable condition can be fairly or objectively applied, the Land Use Authority should interpret the provision in favor of the property owner.⁹ If this becomes a continual problem then we will address it with further legislative clarification.

Revocation provisions. Finally, the proposal provides procedures for permit revocation, in Section 102-4-3. This section is not part of the conditional use code. It is generally applicable to any land use that otherwise requires a permit. Revocation procedures are sparse in the current code, and are not always clear or consistent. This code section provides a clear due process for revocation of a permit. Revocation should always be a last resort to obtaining ordinance compliance.

Conformance to the General Plan

State code requires that a general plan governs four critical elements: land use, transportation, low-moderate income housing, and county resource management.¹⁰ The proposed ordinance changes touches in some manner on all of these elements. For example, a conditional use is a land use that is otherwise listed in respective zones. The proposed conditional use standards touch on traffic, circulation, and related safety concerns. Two, three, four, and multiple family housing are listed as conditional uses in several zones, which help provide for low-moderate income housing. And the proposal provides standards related to the environment and its resources.

However, the changes in this proposal go a little beyond the current general plans. The changes are really more about improving an existing provision of the land use code. However, one standard is being proposed to take note of is Section 108-4-5(4)(f). This standard will help the Land Use Authority verify that a conditional use permit generally complies with the policies of the general plan. Keeping in mind that the general plan is a guiding document and not everything in it can be applied as a requirement, items like architectural or design controls can be used to help support a condition of approval for a conditional use permit.

Conditions of Approval

Not Applicable

Past Action on this Item

No action has occurred on this item yet. Both Planning Commissions have considered it in work session only.

⁷ See *Uintah Mountain, RTC v. Duchesne County*.

⁸ See *Uintah Mountain, RTC v. Duchesne County*.

⁹ See *Patterson v. Utah County Board of Adjustments*.

¹⁰ See UCA § 17-27a-403(2).

Noticing Compliance

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

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

Staff Recommendation

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

1. The changes will bring the conditional use code into compliance with state code.
2. The changes will provide standards necessary for a complete and objective review of conditional uses.
3. The clarification will provide for a more efficient administration of code.
4. The changes comply with the intent of the land use code.
5. The changes are supported by the general plan(s), and support the general plan(s).
6. The clarifications are not detrimental to the health, safety, and welfare of County residents.

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

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change [Redlines] – Conditional Uses.
- C. Code Change [Clean] – Conditional Uses.
- D. Land Use Code Revision Process Flowchart.
- E. Conditional Use Permit Deliberation Worksheet.

34 ~~by the building official stating that the building or the proposed use thereof or the use of the land,~~
35 ~~complies with the provisions of this chapter. A certificate of occupancy either for the whole or part of a~~
36 ~~building or structure shall be applied for coincidentally with the application for a building permit, and shall~~
37 ~~be issued within ten days after the erection or structural alteration of such building or structure or part~~
38 ~~thereof, shall have been completed in conformity with the provisions of this chapter.~~

39 ~~(Ord. of 1956, § 30-3; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)~~

40 **Sec. 102-4-24. - Land use permit required.**

41 (a) In order to verify zoning requirements and setbacks compliance with applicable regulations, all land
42 uses that require a land use permit or conditional use permit by this Land Use Code are prohibited
43 until a land use permit or conditional use permit has received final written approval from the
44 appropriate Land Use Authority.

Comment [c4]: Reference new LUA section (future changes).

45 ~~(b) No for permitted or conditional uses, no~~ structure, including agricultural structures, shall be
46 constructed, changed in use, or altered, as ~~provided or as restricted in~~ regulated by this Land Use
47 Code, until and unless a land use permit ~~or, if applicable, a conditional use permit, has received final~~
48 written approval from the appropriate Land Use Authority. ~~is approved and issued by the planning~~
49 ~~director or designee.~~

Comment [c5]: Reference new LUA section (future changes).

50 (c) No application for permits or approvals governed by this Land Use Code shall be approved for any
51 lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other
52 violations on the lot or parcel, or on any parcel included in any manner as part of the application, are
53 resolved, unless approval of the application will resolve all of the existing violations.

Comment [c6]: Moved from Supplementary Regulations Section 108-7-26, with minor text clarifications.

54 **Sec. 102-4-3. - Land use permit revocation.**

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

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

59 (2) Prior to permit revocation, the land owner shall be given reasonable opportunity to resolve the
60 violation by bringing the property into compliance or by diligently pursuing an amendment or
61 modification to the permit, as may be allowed by this Land Use Code.

62 (3) In the event compliance cannot be attained the land owner shall be given a notice of the
63 impending permit revocation 14 days prior to final revocation. The notice of the impending permit
64 revocation shall specify the violation, and inform the land owner of the right to request a
65 hearing.

66 (4) The land owner shall have a right to a hearing with the Land Use Authority to show cause for
67 why the permit should not be revoked, if a written request for such is submitted prior to a final
68 written revocation decision. If a hearing is requested, final revocation of the permit shall be
69 stayed until after the hearing. The hearing shall be scheduled at a time specified by the Land
70 Use Authority.

71 (5) Revocation of a permit is final upon the issuance of a final written decision. The final written
72 decision may be appealed pursuant to Title 102, Section 3.

Comment [c7]: Verify reference.

73 ~~(+)(6)~~ Revocation of a permit shall not prohibit prosecution or any other legal action taken on
74 account of the violation, as provided in this Land Use Code or any other applicable law.

75 ~~(Ord. of 1956, § 30-4; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)~~

76 **Sec. 102-4-45. - Code enforcement.**

77 The ~~P~~planning ~~D~~irector is designated and authorized as the official charged with the enforcement of
78 this ~~chapter~~ Land Use Code.

79 (Ord. of 1956, § 30-5; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

80 Sec. 102-4-52. - Building permit required.

81 Building permits, as specified by the county, are required for any construction, alteration, repair,
82 removal, or occupancy of any structure. Construction shall not be commenced, except after the issuance
83 of a written permit by the County Building Official.

84 (Ord. of 1956, § 30-2; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

85

86 **Sec. 102-4-6. - Permits to comply with ordinance.**

87 The Building Official shall not grant a permit for the construction or alteration of any building or
88 structure if such construction or alteration is in violation of any provision of this ~~chapter~~Land Use Code;
89 nor shall any county official grant any permit or license for the use of any building or land if such use
90 would be in violation of this ~~chapter~~Land Use Code.

91 (Ord. of 1956, § 30-6; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

92 **Sec. 102-4-7. - Powers and duties of building official.**

93 It shall be the duty of the building official to inspect or cause to be inspected all setbacks of buildings
94 in the course of construction or repair. The building official shall assist in the enforcement of all provisions
95 of this chapter. The building official shall not issue any permit unless the plans of, and for, the proposed
96 erection, construction, reconstruction, alteration and use fully conform to ~~all zoning regulations~~this Land
97 Use Code.

98 (Ord. of 1956, § 30-7; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

99 ...

100 **Title 108 - STANDARDS**

101 ...

102 **CHAPTER 4. - CONDITIONAL USES**

103

104 **Sec. 108-4-1. - Purpose and intent.**

105 (a) The purposes of this Chapter are to:

106 (1) provide for the purpose and intent of the respective zones, and to provide for the vision, goals,
107 and objectives of the respective general plans, by specifying general standards that may be
108 applied by the Land Use Authority to a use listed as a conditional use in this Land Use Code;
109 and

110 (2) provide a reasonable process for the application for, and timely review of, a conditional use
111 permit.

112 (b) The intent of providing conditional use regulations is to provide allowance for additional uses in each
113 zone and give the Land Use Authority flexibility in applying reasonable conditions to effectively
114 manage unique characteristics or detrimental effects of those uses, on a case by case basis.

Comment [c8]: Future change: reference the new land use table here.

115 Conditions shall be related to the standards of this Chapter, or other applicable requirements of this
116 Land Use Code.

117 ~~(a) The purpose of this chapter is to establish standards for land uses listed in each zone as a~~
118 ~~conditional use, and to provide for a reasonable application, review, and approval process for land~~
119 ~~uses that are specified as "conditional."~~

120 ~~(b) Conditional uses are intended to allow greater flexibility by providing a wider variety of uses in a~~
121 ~~zone, while at the same time allowing conditions to be applied, due to their unique characteristics or~~
122 ~~potential impacts on surrounding uses. These may be appropriate only in certain locations and/or~~
123 ~~under specific conditions that mitigate potential impacts. If impacts cannot be mitigated, the~~
124 ~~conditional use may be deemed incompatible in some areas.~~

125 (Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

126 **Sec. 108-4-2. - Conditional use permit.**

127 (a) A conditional use permit shall be required for all uses listed as a conditional use in ~~the Weber~~
128 ~~County~~this Land Use Code. ~~The conditional use permit shall list all requirements determined~~
129 ~~appropriate to mitigate the impacts created by the use in order to make it acceptable at the specific~~
130 ~~location.~~

Comment [c9]: See new CUP definition

Comment [c10]: Future change: reference the Land Use Table.

131 ~~(b)~~ In the event a change is proposed anticipated from the originally approved proposal or conditions of
132 the original approval, an amendment to the original conditional use permit shall be required as
133 provided herein.

134 ~~(b)(c)~~ A conditional use permit shall run with the property, unless the permit has expired, or has been
135 revoked or the use has been abandoned.

136 (Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

137 **Sec. 108-4-3. -- Application and Review procedure.**

138 Applications for a conditional use permit shall be submitted to the Planning Division.

139 (1) ~~An application shall include:~~The application shall include the information in the following list. For
140 those applications where no changes are proposed to an existing site or structure, or where the
141 application requirements are unnecessary to demonstrate compliance with applicable
142 ordinances and standards, the application requirements may be modified or consolidated by the
143 Planning Director or designee.

- 144 a. ~~a~~A completed application form signed by the property owner or certified agent;
145 b. ~~a~~An application fee. The payment of a partial application fee, or the submittal of plans for a
146 pre-submittal review, does not constitute a complete application;

147 c. ~~a~~A written narrative addressing the criteria of issuance section 108-4-4 explaining the
148 proposal. The narrative shall include, at a minimum, the following information:

- 149 1. the name of the project;
150 2. the name, home address, and, if applicable, business address of the applicant;
151 3. as applicable, the name and business address of the project designer or engineer;
152 and
153 4. a written explanation of how the proposal complies with the applicable standards
154 of Section 108-4-5, and those applicable standards of Title 108, Chapter 1, and
155 Title 108, Chapter 2; and

Comment [c11]: Check reference

Comment [c12]: Check reference

156 d. ~~a~~detailed location-vicinity map. The map shall include, at a minimum, the following
157 minimum information:

- 158 1. the name of the project;
159 2. a north arrow;
160 3. all significant natural and manmade features and existing structures within 200 feet
161 of any portion of the proposed project area;
162 4. the property boundaries of the proposal; and
163 2.5. the names and site addresses of adjacent property owners; and
164 e. a site plan of the proposal. The site plan shall be designed to provide, at a minimum, the
165 following information:
166 1. the name of the project;
167 2. the name, home, and, if applicable, business address of the applicant;
168 3. if applicable, the name and business address of the project designer or engineer;
169 4. a scale, which shall be sized appropriately to make the site plan easily and clearly
170 legible;
171 5. a north arrow pointing to the left or top of the sheet;
172 6. the boundary of the site, including any building pad, public and private easements,
173 and other areas affected by the proposal;
174 7. the existing uses and ownership information for adjacent parcels;
175 8. existing zoning;
176 9. total acreage of the entire affected property and, if the property is split by zoning,
177 the total acreage of property in each zone;
178 10. the location and width of existing and proposed roads, driveways, and parking
179 areas, as may be applicable;
180 11. the location of any existing and proposed manmade features, including, but not
181 limited to, bridges, railroad tracks, trails and pathways, structures, and fences;
182 12. the existing and, if applicable, proposed culinary water, irrigation water, and
183 sanitary sewer or septic infrastructure;
184 13. the existing and proposed topographic contours, including, if applicable, any details
185 necessary to explain proposed grade changes, fills or excavations, or any other
186 earth work, together with any applicable drainage plans, storm water pollution
187 prevention plans, and revegetation plans;
188 14. the location and type of existing landscaping and vegetation, and proposed
189 changes thereto, if any. If applicable, location and type of new landscaping and
190 vegetation;
191 15. The location of flood plain boundaries, if applicable; and
192 3.16. Any other proposed site improvements showing details and other applicable
193 design and architectural requirements specified in Title 108, Chapter 1, and Title
194 108, Chapter 2; and

195 ~~Detailed building plans and site plans-Detailed building plans and site plans specifications shall be~~
196 ~~drawn to scale including electronic copies showing details and other applicable zoning requirements as~~
197 ~~which are outlined in chapter 1 of this title, Design review, and chapter 2 of this title, Ogden Valley~~
198 ~~Architectural, Landscape and Screening Standards.~~
199 a. ~~Accompanying documents including water and wastewater feasibility letters.~~

- 200 ~~b. Any additional pertinent information needed to adequately describe the proposal.~~
- 201 f. culinary water and sanitary sewer or septic verification, as may be applicable for the
- 202 specific use. Culinary water and sanitary sewer or septic verification shall include feasibility
- 203 letters from the applicable water and sanitary sewer or septic entity or agency;
- 204 ~~g. A requirement that the applicant submit~~ applicable impact studies or other technical studies
- 205 that may be necessary to provide evidence of anticipated detrimental effects of the
- 206 proposal or evidence of compliance with the applicable standards, as may be required by
- 207 the Planning Director or County Engineer; ~~regarding grading, drainage, traffic, geologic~~
- 208 ~~hazards, etc. and~~
- 209 ~~e. Any additional pertinent information needed to adequately describe the proposal, or~~
- 210 ~~provide evidence of compliance with the applicable standards, as determined by the~~
- 211 ~~Planning Director.~~
- 212 ~~d.h. For those applications where no changes are proposed to an existing structure, the~~
- 213 ~~application requirements may be modified by the planning director.~~

214 (2) Application submittal and review.

- 215 a. ~~The application review procedure for proposed conditional uses~~ Review of a conditional use
- 216 permit application and the site plan will ensure ~~is~~ intended to verify compliance with all
- 217 applicable ordinances and provide appropriate and reasonable mitigation of anticipated
- 218 detrimental effects.
- 219 b. The application review procedure ~~shall contain the following components~~ is as follows:
- 220 1. Pre-application meeting. Prior to submission of a complete application, a ~~A~~ pre-
- 221 application meeting is required to be held with Planning Division staff, in which the
- 222 applicant will provide preliminary site plans ~~are reviewed and~~ for Planning Division
- 223 staff to review and discussed ~~discuss~~ with the applicant. This meeting is intended
- 224 to provide the applicant with a better understanding of the conditional use process
- 225 and requirements in order to assist with the submission of a complete
- 226 application. ~~prior to finished plans being submitted for review;~~
- 227 2. Complete application submission. Upon assembling a complete application, the
- 228 applicant shall submit it for substantive review. Incomplete applications shall not be
- 229 accepted. Staff will review the application for completeness. In the event the
- 230 application is incomplete, staff will return it to the applicant with a list of
- 231 deficiencies. ~~A review of the application for completeness;~~
- 232 3. Referral of the application to reviewers. Upon acceptance of an application,
- 233 planning staff shall transmit it to applicable reviewers as may be determined
- 234 necessary to verify compliance with the standards of this chapter, or any other
- 235 relevant requirements of this Land Use Code.
- 236 4. Reviewer's recommendations. Within a reasonable timeframe, applicable reviewers
- 237 shall forward to Planning Division staff reasonable recommendations for conditions
- 238 necessary to substantially mitigate the reasonably anticipated detrimental effects of
- 239 the proposed use in accordance with applicable standards.
- 240 5. Planning staff review and recommendation to the Land Use Authority. Planning
- 241 staff shall review the application, together with any reasonable recommendations
- 242 from applicable reviewers, to determine compliance with this Land Use Code.
- 243 Planning staff shall assemble a staff recommendation, with conditions and findings,
- 244 for the application, then forward the recommendation with the application to the
- 245 Land Use Authority for a final decision.
- 246 ~~3.6. Land Use Authority review and decision. Upon receipt of the application and staff~~
- 247 ~~recommendation the Land Use Authority shall make final decision on whether the~~
- 248 ~~application complies with this Land Use Code, in accordance with the requirements~~

249 of Section 108-4-4. Final decisions shall be accompanied by any applicable
250 conditions and relevant findings.

251 7. ~~The Planning Commission is the Land Use Authority for conditional use permits. De~~
252 ~~minimis revisions to a previously approved conditional use permit may be approved~~
253 ~~by the Planning Director provided it can be determined that the changes are slight,~~
254 ~~inconsequential, and not in violation of any substantive provision of this code. The~~
255 ~~Planning Director's written approval of a de minimis revision shall be appended to~~
256 ~~the written decision of the Planning Commission. Revisions that are de minimis~~
257 ~~shall not require public notice.~~

258 1. ~~A review of the proposed site plan for compliance with applicable sections of the~~
259 ~~Land Use Code;~~

260 2. ~~A review of the proposed use and site plan to ascertain potential negative impacts~~
261 ~~and whether reasonable conditions can be imposed to mitigate those impacts.~~

262 (Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

263 **Sec. 108-4-4. -- Decision requirements. Criteria for issuance of conditional use permit.**

264 ~~Conditional uses shall be approved on a case-by-case basis. The planning commission shall not~~
265 ~~authorize a conditional use permit unless evidence is presented to establish:~~

266 (a) ~~A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to~~
267 ~~substantially mitigate the reasonably anticipated detrimental effects of the proposed use in~~
268 ~~accordance with the standards of this chapter, or relevant standards or requirements of any other~~
269 ~~chapter of this Land Use Code. When considering any of the standards, the Land Use Authority shall~~
270 ~~consider the reasonably anticipated detrimental effects of the proposed use in the context of current~~
271 ~~conditions and, to the extent supported by law, the policy recommendations of the applicable general~~
272 ~~plan.~~

273 (b) ~~If the reasonably anticipated detrimental effects of a proposed conditional use cannot be~~
274 ~~substantially mitigated by the proposal or the imposition of reasonable conditions to achieve~~
275 ~~compliance with applicable standards, the conditional use may be denied.~~

276 (1) ~~Reasonably anticipated detrimental effects of a proposed conditional use can be substantially~~
277 ~~mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance~~
278 ~~with applicable standards. Examples of potential negative impacts are odor, vibration, light,~~
279 ~~dust, smoke, or noise.~~

280 (2) ~~That the proposed use will comply with the regulations and conditions specified in the Land Use~~
281 ~~Code and other applicable agency standards for such use.~~

282 (Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

283 **Sec. 108-4-5. -- Conditional use standards.**

284 (a) ~~The Land Use Authority may apply conditions of approval related to any of the standards of this~~
285 ~~section, provided that credible evidence exists that:~~

286 (1) ~~the application of the standard is relevant to the use; and~~

287 (2) ~~the conditions are reasonable and necessary to substantially mitigate detrimental effects of the~~
288 ~~use as specified in the standard.~~

289 (b) ~~The Land Use Authority shall consider the expertise and experience of applicable reviewers and~~
290 ~~qualified professionals to help determine credible evidence, relevant standards, and reasonable~~
291 ~~conditions.~~

292 (c) ~~Conditional use standards are as follows:~~

Comment [c13]: This is a placeholder until the Land Use Authority matrix is completed and the land use table is completed. It may change after that.

Formatted: Space After: 6 pt, Line spacing: single, Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.9" + Indent at: 1.2", Tab stops: Not at 2"

Comment [c14]: Definition of "mitigate";

1: to cause to become less harsh or hostile : mollify <aggressiveness may be mitigated or ... channeled — Ashley Montagu>

2a : to make less severe or painful : alleviate
b : extenuate

Comment [c15]: From State Code. UCA §17-27a-506.

In essence: find a way to enable the use, but mitigate the negative effects. Use standards to help mitigate the effects.

Comment [c16]: Straight from State Code. UCA §17-27a-506.

- 293 (1) Standards relating to safety for persons and property.
- 294 a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services
- 295 on applicable fire fighting agencies.
- 296 b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable
- 297 emergency medical service agencies.
- 298 c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace
- 299 keeping activities, or other disproportionate demand for services on the County Sheriff's
- 300 Office.
- 301 d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood
- 302 hazard, if credible evidence of such a detrimental effect is present.
- 303 e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of
- 304 traffic hazards caused by:
- 305 1. the location, massing, size, or height of buildings, structures, and other facilities,
- 306 including signage, fencing, and landscaping;
- 307 2. the frequency of heavy truck traffic to and from the site (i.e. import and export of
- 308 materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and
- 309 pedestrian traffic.
- 310 f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily
- 311 injury or property damage to potential persons or property in the area.
- 312 (2) Standards relating to infrastructure, amenities, and services.
- 313 a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.
- 314 b. Mitigate internal vehicle or pedestrian circulation inefficiencies onsite, and provide for
- 315 adequate onsite parking given the unique specificities of the proposed use or the proposed
- 316 site plan.
- 317 c. Mitigate material degradation of the level of service of any street.
- 318 d. Mitigate material degradation of the level of service of any storm water drainage facility or
- 319 infrastructure, and adequately provide for storm water drainage from the site.
- 320 e. Mitigate material degradation of the level of service of any culinary and irrigation water
- 321 facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water
- 322 service to the site. To help determine adequacy of culinary water provisions the Land Use
- 323 Authority may require, but are not limited to, the following as a condition of approval of the
- 324 conditional use permit:
- 325 1. written verification that the culinary water source of any new public water system can
- 326 meet the requirements of the Utah Division of Drinking Water and/or the Weber
- 327 Morgan Health Department; or
- 328 2. a capacity assessment letter from the Utah Division of Drinking Water for additional
- 329 connections to any existing public water system; or
- 330 3. written verification that the source of any non-public well providing culinary water for
- 331 the use meets the requirements of the Weber Morgan Health Department. This
- 332 verification shall be based on a test of a new or existing well.
- 333 f. Mitigate material degradation of the level of service of any sanitary sewer service, and, if
- 334 applicable, provide adequate sanitary sewer service to, or septic system on, the site.
- 335 g. Mitigate material degradation of the level of service of any other utility, and, if applicable,
- 336 adequately provide such utility services to the site.

Comment [c17]: Examples of conditions for mitigation may include any reasonable method of fire hazard avoidance or fire fighting, including, but not limited to: coordination and cooperation with the local fire authorities, site design and layout; building, structure, or other facility design and layout; defensible space; ingress and egress; emergency evacuation; fire fighting facilities; fire flow capacity; fire apparatus access; fire fighting staging; and other related fire hazards mitigation as authorized by local, state, and federal laws.

Comment [c18]: Examples of conditions for mitigation may include coordination and cooperation with the fire and EMS agencies, and compensation for the need for additional fire and EMS presence beyond typical service levels.

Comment [c19]: Examples of conditions for mitigation may include coordination and cooperation with the Sheriff's Office, and compensation for the need for additional Sheriff's Deputy presence beyond typical service levels.

Comment [c20]: Examples of conditions for mitigation may include appropriate design, construction, and location of structures, buildings and facilities.

Comment [21]: This standard is intended to be the "umbrella" standard to catch what the others do not. Much more difficult to track the outcomes, and the resulting conditions are going to be more difficult to defend without really good findings, but it may be useful when a proposal is presented that other standards do not catch.

Comment [c22]: Examples of conditions for mitigation: this may include provision for, relocation of, or protection of infrastructure or amenities. Mitigation may take into consideration the existing and, if applicable, proposed configuration and size of streets, driveways, driveway and parking lot approaches, parking lots and/or parking spaces, and pedestrian pathways. Mitigation may also consider peak traffic demands, and other applicable infrastructure constraints.

Comment [c23]: Examples of conditions for mitigation may include the provision for infrastructure or amenities for the reduction of vehicle and pedestrian conflicts; the provision of sufficient space for loading and unloading; the provision of sufficient space and access to waste collection facilities; and the provision for additional parking lot standards beyond those required in Section 108-8, including, but not limited to, number of parking spaces, parking space dimensions, parking lot isle dimensions, parking lot isle and driveway connections and configuration, and cross access easements or agreements for adjacent properties.

- 337 h. Mitigate material degradation of the level of service, functionality, capacity, or usability of
 338 the existing open spaces, public features, or recreational amenities in the area, and, if
 339 applicable, adequately provide additional open spaces, public features, or recreational
 340 amenities.
- 341 i. Mitigate any disproportionate demand for government services, generally.
- 342 (3) Standards relating to the environment.
- 343 a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected
 344 areas, if credible evidence of such a detrimental effect is present; including, but not limited
 345 to, rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, ground water
 346 protection, and slopes.
- 347 b. Mitigate detrimental effects on the natural environment of the site, and the surrounding
 348 affected areas, if credible evidence of such a detrimental effect is present; including, but
 349 not limited to, wildlife, air quality, water quality (including erosion control), local natural
 350 resources, natural vegetation (including protection against noxious or invasive species),
 351 and wildland areas.
- 352 (4) Standards relating to the current qualities and characteristics of the surrounding area and
 353 compliance with the intent of the general plan.
- 354 a. Provide buffering, screening, or fencing of the use or site, or provide other landscape
 355 features, sufficient to mitigate the proximity of incompatible uses, objectionable site
 356 features, and disharmony with existing and future land uses in the area.
- 357 b. Provide hours of operation appropriate for the general nature and character of existing land
 358 uses in the area to mitigate conflict or incompatibility with surrounding uses.
- 359 c. Provide reclamation, restoration, clean-up, or beautification of the site as the use evolves,
 360 or as the use is terminated, in order to mitigate aesthetic and nuisance effects.
- 361 d. Mitigate nuisance factors including, but not limited to, light and glare, noise, vibrations,
 362 smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and
 363 radiation, if credible evidence of such a nuisance is present.
- 364 e. Mitigate detrimental effects of the use considering the combined effect of it and other main
 365 uses on the property.
- 366 f. To the extent supported by law, mitigate other general detrimental effects in a manner that
 367 sustains the objectives and intentions of the County's general plan, future land use map (or
 368 proposed land use map), and this Land Use Code.
- 369 (5) Standards Relating to Performance.
- 370 a. Mitigate potential noncompliance or poor performance by providing appropriate
 371 performance measures, including, but not limited to, completion or performance bonds,
 372 completion agreements, and development agreements.
- 373 b. Mitigate potential noncompliance or poor performance by requiring regular review or
 374 monitoring of certain specified detrimental effects by an appropriately qualified
 375 professional.
- 376 (6) Standards Generally
- 377 a. Mitigate unsustainable effects on the economy of the surrounding area or County,
 378 generally, if credible evidence of such negative effects is present.
- 379 b. Provide appropriate mitigation of detrimental effects as required in standards found
 380 elsewhere in this Land Use Code in a manner that complies with this Land Use Code, and
 381 any other federal, state, or local regulation, as may be applicable.

Comment [c24]: There can be a lot of subjectivity in this determination. Stick to the facts. Try not to be tempted to deny a permit because it does not comply with your interpretation of this. Try not to use this to overdesign the proposal so much that it is cost prohibitive. Instead, find reasonable ways to help the proposal fit in better. Look to existing design features in the area. Look to the design review standards for help. Strengthen the design review standards if necessary.

Comment [c25]: Rather than denying an application because "it doesn't fit," help it fit by requiring these types of site features.

382 ~~(4)~~(7) Voluntary contributions providing satisfactory compliance with applicable standards.
383 When considering a conditional use the Land Use Authority has discretion to determine
384 satisfactory compliance with any applicable standard, requirement, provision, or restriction of
385 this Chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the
386 reasonably anticipated detrimental effects of the use than those otherwise specified here. The
387 Land Use Authority may require a development agreement to execute the voluntary alternative.

388 **Sec. 108-4-65. - Appeal.**

389 (a) ~~The decision of the planning commission~~The decision of the Land Use Authority may be appealed to
390 the ~~county commission~~Appeal Authority, in accordance with Title 102, Chapter 3 of this Land Use
391 Code.

Comment [c26]: Verify reference.

392 (b) The Board of Adjustment is the Appeal Authority for conditional use permits.

393 ~~A conditional use permit may be revoked by the planning commission upon failure to comply with the~~
394 ~~conditional use permit.~~

Comment [c27]: This is a placeholder until the Appeal Authority section has been re-written. It may change after that.

395 (Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

396 **Sec. 108-4-76. - Permit and improvement guarantee.**

397 (a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required
398 letters and/or permits from the appropriate review agencies.

399 (b) Prior to the issuance of a certificate of occupancy permit, a business license or any other permit
400 required by the county, the developer shall deposit funds into an escrow account with the county
401 engineering division for all off-site improvements and on-site landscaping, as may be allowed by law,
402 as per the approved site plan, and for the completion of any ~~un~~completed improvements or
403 conditions of approval.

404 (Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

405 **Sec. 108-4-87. -- Revocation and Expiration.**

406 (a) A conditional use permit may be revoked by the Land Use Authority upon failure to comply with the
407 applicant's approved proposal, or any applied standard, or applicable requirement, provision,
408 restriction, or condition of approval. Violation of any condition of approval of a conditional use permit
409 shall constitute a violation of this Land Use Code. Rules for revocation are provided in Section 102-
410 4-3.

Comment [c28]: Verify reference.

411 (a)(b) Unless there is substantial action under a conditional use permit within a maximum period of one
412 year of its approval from the ~~planning commission~~Land Use Authority, the conditional use permit
413 shall expire. The ~~planning commission~~Land Use Authority may grant a maximum extension of six
414 months. Upon expiration of any extension of time granted by the ~~planning commission~~Land Use
415 Authority, the approval for the conditional use permit shall expire and become null and void.

416 (Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

417 **Sec. 108-4-98. - Discontinued-Abandoned use.**

418 When an approved conditional use has been discontinued and/or abandoned for a period of one
419 year, the conditional use permit becomes null and void. In order to restore the conditional use, a new
420 application shall be filed for review and consideration by the ~~planning commission~~Land Use Authority.

421 (Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

422

Exhibit C: Code Change [Clean] – Conditional Uses

1 Title 101 - GENERAL PROVISIONS

2 ...

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

4 ...

5 Use, conditional. "Conditional use" means a land use that, because of its unique characteristics or
6 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in
7 some areas or may be compatible only if certain conditions are required that mitigate or eliminate the
8 detrimental impacts.

9 ...

10 Title 102 - ADMINISTRATION

11 ...

12 CHAPTER 4. – PERMITS REQUIRED AND ENFORCEMENT

13

14 Sec. 102-4-1. - Purpose and intent.

15 The purpose of this chapter is to establish the requirements for land use permits from the Planning
16 Division and building permits from the Building Division. This chapter identifies the responsibilities for
17 enforcing the requirements of this Land Use Code.

18 (Ord. of 1956, § 30-1; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

19 Sec. 102-4-2. - Land use permit required.

20 (a) In order to verify compliance with applicable regulations, all land uses that require a land use permit
21 or conditional use permit by this Land Use Code are prohibited until a land use permit or conditional
22 use permit has received final written approval from the appropriate Land Use Authority.

23 (b) No structure, including agricultural structures, shall be constructed, changed in use, or altered, as
24 regulated by this Land Use Code, until and unless a land use permit or, if applicable, a conditional
25 use permit, has received final written approval from the appropriate Land Use Authority.

26 (c) No application for permits or approvals governed by this Land Use Code shall be approved for any
27 lot or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other
28 violations on the lot or parcel, or on any parcel included in any manner as part of the application, are
29 resolved, unless approval of the application will resolve all of the existing violations.

30 Sec. 102-4-3. – Land use permit revocation.

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

- 33 (1) Revocation shall be conducted by the Land Use Authority that is authorized to approve the
34 permit.
- 35 (2) Prior to permit revocation, the land owner shall be given reasonable opportunity to resolve the
36 violation by bringing the property into compliance or by diligently pursuing an amendment or
37 modification to the permit, as may be allowed by this Land Use Code.
- 38 (3) In the event compliance cannot be attained the land owner shall be given a notice of the
39 impending permit revocation 14 days prior to final revocation. The notice of the impending permit
40 revocation shall specify the violation, and inform the land owner of the right to request a
41 hearing.
- 42 (4) The land owner shall have a right to a hearing with the Land Use Authority to show cause for
43 why the permit should not be revoked, if a written request for such is submitted prior to a final
44 written revocation decision. If a hearing is requested, final revocation of the permit shall be
45 stayed until after the hearing. The hearing shall be scheduled at a time specified by the Land
46 Use Authority.
- 47 (5) Revocation of a permit is final upon the issuance of a final written decision. The final written
48 decision may be appealed pursuant to Title 102, Section 3.
- 49 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account
50 of the violation, as provided in this Land Use Code or any other applicable law.

51 (Ord. of 1956, § 30-4; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

52 **Sec. 102-4-4. - Code enforcement.**

53 The Planning Director is designated and authorized as the official charged with the enforcement of
54 this Land Use Code.

55 (Ord. of 1956, § 30-5; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

56 **Sec. 102-4-5. - Building permit required.**

57 Building permits, as specified by the county, are required for any construction, alteration, repair,
58 removal, or occupancy of any structure. Construction shall not be commenced, except after the issuance
59 of a written permit by the County Building Official.

60 (Ord. of 1956, § 30-2; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

61 **Sec. 102-4-6. - Permits to comply with ordinance.**

62 The Building Official shall not grant a permit for the construction or alteration of any building or
63 structure if such construction or alteration is in violation of any provision of this Land Use Code; nor shall
64 any county official grant any permit or license for the use of any building or land if such use would be in
65 violation of this Land Use Code.

66 (Ord. of 1956, § 30-6; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

67 **Sec. 102-4-7. - Powers and duties of building official.**

68 It shall be the duty of the building official to inspect or cause to be inspected all setbacks of buildings
69 in the course of construction or repair. The building official shall assist in the enforcement of all provisions
70 of this chapter. The building official shall not issue any permit unless the plans of, and for, the proposed
71 erection, construction, reconstruction, alteration and use fully conform to this Land Use Code.

72 (Ord. of 1956, § 30-7; Ord. No. 33-78; Ord. No. 22-2001; Ord. No. 2009-28)

73 ...

74 **Title 108 - STANDARDS**

75 ...

76 **CHAPTER 4. - CONDITIONAL USES**

77

78 **Sec. 108-4-1. - Purpose and intent.**

79 (a) The purposes of this Chapter are to:

80 (1) provide for the purpose and intent of the respective zones, and to provide for the vision, goals,
81 and objectives of the respective general plans, by specifying general standards that may be
82 applied by the Land Use Authority to a use listed as a conditional use in this Land Use Code;
83 and

84 (2) provide a reasonable process for the application for, and timely review of, a conditional use
85 permit.

86 (b) The intent of providing conditional use regulations is to provide allowance for additional uses in each
87 zone and give the Land Use Authority flexibility in applying reasonable conditions to effectively
88 manage unique characteristics or detrimental effects of those uses, on a case by case basis.
89 Conditions shall be related to the standards of this Chapter, or other applicable requirements of this
90 Land Use Code.

91 (Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

92 **Sec. 108-4-2. - Conditional use permit.**

93 (a) A conditional use permit shall be required for all uses listed as a conditional use in this Land Use
94 Code.

95 (b) In the event a change is anticipated from the originally approved proposal or conditions of the
96 original approval, an amendment to the original conditional use permit shall be required as provided
97 herein.

98 (c) A conditional use permit shall run with the property unless the permit has expired or has been
99 revoked or the use has been abandoned.

100 (Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

101 **Sec. 108-4-3. – Application and review procedure.**

102 Applications for a conditional use permit shall be submitted to the Planning Division.

103 (1) The application shall include the information in the following list. For those applications where
104 no changes are proposed to an existing site or structure, or where the application requirements
105 are unnecessary to demonstrate compliance with applicable ordinances and standards, the
106 application requirements may be modified or consolidated by the Planning Director or designee.

107 a. a completed application form signed by the property owner or certified agent;

108 b. an application fee. The payment of a partial application fee, or the submittal of plans for a
109 pre-submittal review, does not constitute a complete application;

110 c. a written narrative explaining the proposal. The narrative shall include, at a minimum, the
111 following information:

- 112 1. the name of the project;
- 113 2. the name, home address, and, if applicable, business address of the applicant;
- 114 3. as applicable, the name and business address of the project designer or engineer;
- 115 and
- 116 4. a written explanation of how the proposal complies with the applicable standards
- 117 of [Section 108-4-5](#), and those applicable standards of Title 108, Chapter 1, and
- 118 Title 108, Chapter 2; and
- 119 d. a detailed vicinity map. The map shall include, at a minimum, the following information:
- 120 1. the name of the project;
- 121 2. a north arrow;
- 122 3. all significant natural and manmade features and existing structures within 200 feet
- 123 of any portion of the proposed project area;
- 124 4. the property boundaries of the proposal; and
- 125 5. the names and site addresses of adjacent property owners; and
- 126 e. a site plan of the proposal. The site plan shall be designed to provide, at a minimum, the
- 127 following information:
- 128 1. the name of the project;
- 129 2. the name, home, and, if applicable, business address of the applicant;
- 130 3. if applicable, the name and business address of the project designer or engineer;
- 131 4. a scale, which shall be sized appropriately to make the site plan easily and clearly
- 132 legible;
- 133 5. a north arrow pointing to the left or top of the sheet;
- 134 6. the boundary of the site, including any building pad, public and private easements,
- 135 and other areas affected by the proposal;
- 136 7. the existing uses and ownership information for adjacent parcels;
- 137 8. existing zoning;
- 138 9. total acreage of the entire affected property and, if the property is split by zoning,
- 139 the total acreage of property in each zone;
- 140 10. the location and width of existing and proposed roads, driveways, and parking
- 141 areas, as may be applicable;
- 142 11. the location of any existing and proposed manmade features, including, but not
- 143 limited to, bridges, railroad tracks, trails and pathways, structures, and fences;
- 144 12. the existing and, if applicable, proposed culinary water, irrigation water, and
- 145 sanitary sewer or septic infrastructure;
- 146 13. the existing and proposed topographic contours, including, if applicable, any details
- 147 necessary to explain proposed grade changes, fills or excavations, or any other
- 148 earth work, together with any applicable drainage plans, storm water pollution
- 149 prevention plans, and revegetation plans;
- 150 14. the location and type of existing landscaping and vegetation, and proposed
- 151 changes thereto, if any. If applicable, location and type of new landscaping and
- 152 vegetation;
- 153 15. The location of flood plain boundaries, if applicable; and

- 154 16. Any other proposed site improvements showing details and other applicable design
 155 and architectural requirements specified in Title 108, Chapter 1, and Title 108,
 156 Chapter 2; and
- 157 f. culinary water and sanitary sewer or septic verification, as may be applicable for the
 158 specific use. Culinary water and sanitary sewer or septic verification shall include feasibility
 159 letters from the applicable water and sanitary sewer or septic entity or agency;
- 160 g. applicable impact studies or other technical studies that may be necessary to provide
 161 evidence of anticipated detrimental effects of the proposal or evidence of compliance with
 162 the applicable standards, as may be required by the Planning Director or County Engineer;
 163 and
- 164 h. Any additional pertinent information needed to adequately describe the proposal, or
 165 provide evidence of compliance with the applicable standards, as determined by the
 166 Planning Director.

167 (2) Application submittal and review.

- 168 a. Review of a conditional use permit application is intended to verify compliance with
 169 applicable ordinances and provide appropriate and reasonable mitigation of anticipated
 170 detrimental effects.
- 171 b. The application review procedure is as follows:
- 172 1. Pre-application meeting. Prior to submission of a complete application, a pre-
 173 application meeting is required to be held with Planning Division staff, in which the
 174 applicant will provide preliminary plans for Planning Division staff to review and
 175 discuss with the applicant. This meeting is intended to provide the applicant with a
 176 better understanding of the conditional use process and requirements in order to
 177 assist with the submission of a complete application.
- 178 2. Complete application submission. Upon assembling a complete application, the
 179 applicant shall submit it for substantive review. Incomplete applications shall not be
 180 accepted. Staff will review the application for completeness. In the event the
 181 application is incomplete, staff will return it to the applicant with a list of
 182 deficiencies.
- 183 3. Referral of the application to reviewers. Upon acceptance of an application,
 184 planning staff shall transmit it to applicable reviewers as may be determined
 185 necessary to verify compliance with the standards of this chapter, or any other
 186 relevant requirements of this Land Use Code.
- 187 4. Reviewer's recommendations. Within a reasonable timeframe, applicable reviewers
 188 shall forward to Planning Division staff reasonable recommendations for conditions
 189 necessary to substantially mitigate the reasonably anticipated detrimental effects of
 190 the proposed use in accordance with applicable standards.
- 191 5. Planning staff review and recommendation to the Land Use Authority. Planning
 192 staff shall review the application, together with any reasonable recommendations
 193 from applicable reviewers, to determine compliance with this Land Use Code.
 194 Planning staff shall assemble a staff recommendation, with conditions and findings,
 195 for the application, then forward the recommendation with the application to the
 196 Land Use Authority for a final decision.
- 197 6. Land Use Authority review and decision. Upon receipt of the application and staff
 198 recommendation the Land Use Authority shall make final decision on whether the
 199 application complies with this Land Use Code, in accordance with the requirements
 200 of Section 108-4-4. Final decisions shall be accompanied by any applicable
 201 conditions and relevant findings.
- 202 7. The Planning Commission is the Land Use Authority for conditional use permits. De
 203 minimis revisions to a previously approved conditional use permit may be approved

204 by the Planning Director provided it can be determined that the changes are slight,
205 inconsequential, and not in violation of any substantive provision of this code. The
206 Planning Director's written approval of a de minimis revision shall be appended to
207 the written decision of the Planning Commission. Revisions that are de minimis
208 shall not require public notice.

209 (Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

210 **Sec. 108-4-4. – Decision requirements.**

211 (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to
212 substantially mitigate the reasonably anticipated detrimental effects of the proposed use in
213 accordance with the standards of this chapter, or relevant standards or requirements of any other
214 chapter of this Land Use Code. When considering any of the standards, the Land Use Authority shall
215 consider the reasonably anticipated detrimental effects of the proposed use in the context of current
216 conditions and, to the extent supported by law, the policy recommendations of the applicable general
217 plan.

218 (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be
219 substantially mitigated by the proposal or the imposition of reasonable conditions to achieve
220 compliance with applicable standards, the conditional use may be denied.

221 (Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

222 **Sec. 108-4-5. – Conditional use standards.**

223 (a) The Land Use Authority may apply conditions of approval related to any of the standards of this
224 section, provided that credible evidence exists that:

- 225 (1) the application of the standard is relevant to the use; and
226 (2) the conditions are reasonable and necessary to substantially mitigate detrimental effects of the
227 use as specified in the standard.

228 (b) The Land Use Authority shall consider the expertise and experience of applicable reviewers and
229 qualified professionals to help determine credible evidence, relevant standards, and reasonable
230 conditions.

231 (c) Conditional use standards are as follows:

232 (1) Standards relating to safety for persons and property.

233 a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services
234 on applicable fire fighting agencies.

235 b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable
236 emergency medical service agencies.

237 c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace
238 keeping activities, or other disproportionate demand for services on the County Sheriff's
239 Office.

240 d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood
241 hazard, if credible evidence of such a detrimental effect is present.

242 e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of
243 traffic hazards caused by:

- 244 1. the location, massing, size, or height of buildings, structures, and other facilities,
245 including signage, fencing, and landscaping;

- 246 2. the frequency of heavy truck traffic to and from the site (i.e. import and export of
 247 materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and
 248 pedestrian traffic.
- 249 f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily
 250 injury or property damage to potential persons or property in the area.
- 251 (2) Standards relating to infrastructure, amenities, and services.
- 252 a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.
- 253 b. Mitigate internal vehicle or pedestrian circulation inefficiencies onsite, and provide for
 254 adequate onsite parking given the unique specificities of the proposed use or the proposed
 255 site plan.
- 256 c. Mitigate material degradation of the level of service of any street.
- 257 d. Mitigate material degradation of the level of service of any storm water drainage facility or
 258 infrastructure, and adequately provide for storm water drainage from the site.
- 259 e. Mitigate material degradation of the level of service of any culinary and irrigation water
 260 facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water
 261 service to the site. To help determine adequacy of culinary water provisions the Land Use
 262 Authority may require, but are not limited to, the following as a condition of approval of the
 263 conditional use permit:
- 264 1. written verification that the culinary water source of any new public water system can
 265 meet the requirements of the Utah Division of Drinking Water and/or the Weber
 266 Morgan Health Department; or
- 267 2. a capacity assessment letter from the Utah Division of Drinking Water for additional
 268 connections to any existing public water system; or
- 269 3. written verification that the source of any non-public well providing culinary water for
 270 the use meets the requirements of the Weber Morgan Health Department. This
 271 verification shall be based on a test of a new or existing well.
- 272 f. Mitigate material degradation of the level of service of any sanitary sewer service, and, if
 273 applicable, provide adequate sanitary sewer service to, or septic system on, the site.
- 274 g. Mitigate material degradation of the level of service of any other utility, and, if applicable,
 275 adequately provide such utility services to the site.
- 276 h. Mitigate material degradation of the level of service, functionality, capacity, or usability of
 277 the existing open spaces, public features, or recreational amenities in the area, and, if
 278 applicable, adequately provide additional open spaces, public features, or recreational
 279 amenities.
- 280 i. Mitigate any disproportionate demand for government services, generally.
- 281 (3) Standards relating to the environment.
- 282 a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected
 283 areas, if credible evidence of such a detrimental effect is present; including, but not limited
 284 to, rivers and creeks, lakes, ponds, reservoirs, wetlands, drainage ways, ground water
 285 protection, and slopes.
- 286 b. Mitigate detrimental effects on the natural environment of the site, and the surrounding
 287 affected areas, if credible evidence of such a detrimental effect is present; including, but
 288 not limited to, wildlife, air quality, water quality (including erosion control), local natural
 289 resources, natural vegetation (including protection against noxious or invasive species),
 290 and wildland areas.

- 291 (4) Standards relating to the current qualities and characteristics of the surrounding area and
 292 compliance with the intent of the general plan.
- 293 a. Provide buffering, screening, or fencing of the use or site, or provide other landscape
 294 features, sufficient to mitigate the proximity of incompatible uses, objectionable site
 295 features, and disharmony with existing and future land uses in the area.
- 296 b. Provide hours of operation appropriate for the general nature and character of existing land
 297 uses in the area to mitigate conflict or incompatibility with surrounding uses.
- 298 c. Provide reclamation, restoration, clean-up, or beautification of the site as the use evolves,
 299 or as the use is terminated, in order to mitigate aesthetic and nuisance effects.
- 300 d. Mitigate nuisance factors including, but not limited to, light and glare, noise, vibrations,
 301 smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and
 302 radiation, if credible evidence of such a nuisance is present.
- 303 e. Mitigate detrimental effects of the use considering the combined effect of it and other main
 304 uses on the property.
- 305 f. To the extent supported by law, mitigate other general detrimental effects in a manner that
 306 sustains the objectives and intentions of the County's general plan, future land use map (or
 307 proposed land use map), and this Land Use Code.

308 (5) Standards Relating to Performance.

- 309 a. Mitigate potential noncompliance or poor performance by providing appropriate
 310 performance measures, including, but not limited to, completion or performance bonds,
 311 completion agreements, and development agreements.
- 312 b. Mitigate potential noncompliance or poor performance by requiring regular review or
 313 monitoring of certain specified detrimental effects by an appropriately qualified
 314 professional.

315 (6) Standards Generally

- 316 a. Mitigate unsustainable effects on the economy of the surrounding area or County,
 317 generally, if credible evidence of such negative effects is present.
- 318 b. Provide appropriate mitigation of detrimental effects as required in standards found
 319 elsewhere in this Land Use Code in a manner that complies with this Land Use Code, and
 320 any other federal, state, or local regulation, as may be applicable.

321 (7) Voluntary contributions providing satisfactory compliance with applicable standards. When
 322 considering a conditional use the Land Use Authority has discretion to determine satisfactory
 323 compliance with any applicable standard, requirement, provision, or restriction of this Chapter if
 324 the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably
 325 anticipated detrimental effects of the use than those otherwise specified here. The Land Use
 326 Authority may require a development agreement to execute the voluntary alternative.

327 **Sec. 108-4-6. - Appeal.**

- 328 (a) The decision of the Land Use Authority may be appealed to the Appeal Authority, in accordance with
 329 Title 102, Chapter 3 of this Land Use Code.
- 330 (b) The Board of Adjustment is the Appeal Authority for conditional use permits.

331 (Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

332 **Sec. 108-4-7. - Permit and improvement guarantee.**

- 333 (a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required
 334 letters and/or permits from the appropriate review agencies.

335 (b) Prior to the issuance of a certificate of occupancy permit, a business license or any other permit
336 required by the county, the developer shall deposit funds into an escrow account with the county
337 engineering division for all off-site improvements and on-site landscaping, as may be allowed by law,
338 as per the approved site plan, and for the completion of any incomplete improvements or conditions
339 of approval.

340 (Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

341 **Sec. 108-4-8. – Revocation and expiration.**

342 (a) A conditional use permit may be revoked by the Land Use Authority upon failure to comply with the
343 applicant's approved proposal, or any applied standard, or applicable requirement, provision,
344 restriction, or condition of approval. Violation of any condition of approval of a conditional use permit
345 shall constitute a violation of this Land Use Code. Rules for revocation are provided in Section 102-
346 4-3.

347 (b) Unless there is substantial action under a conditional use permit within a maximum period of one
348 year of its approval from the Land Use Authority, the conditional use permit shall expire. The Land
349 Use Authority may grant a maximum extension of six months. Upon expiration of any extension of
350 time granted by the Land Use Authority, the approval for the conditional use permit shall expire and
351 become null and void.

352 (Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

353 **Sec. 108-4-9. - Abandoned use.**

354 When an approved conditional use has been discontinued and/or abandoned for a period of one
355 year, the conditional use permit becomes null and void. In order to restore the conditional use, a new
356 application shall be filed for review and consideration by the Land Use Authority.

357 (Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

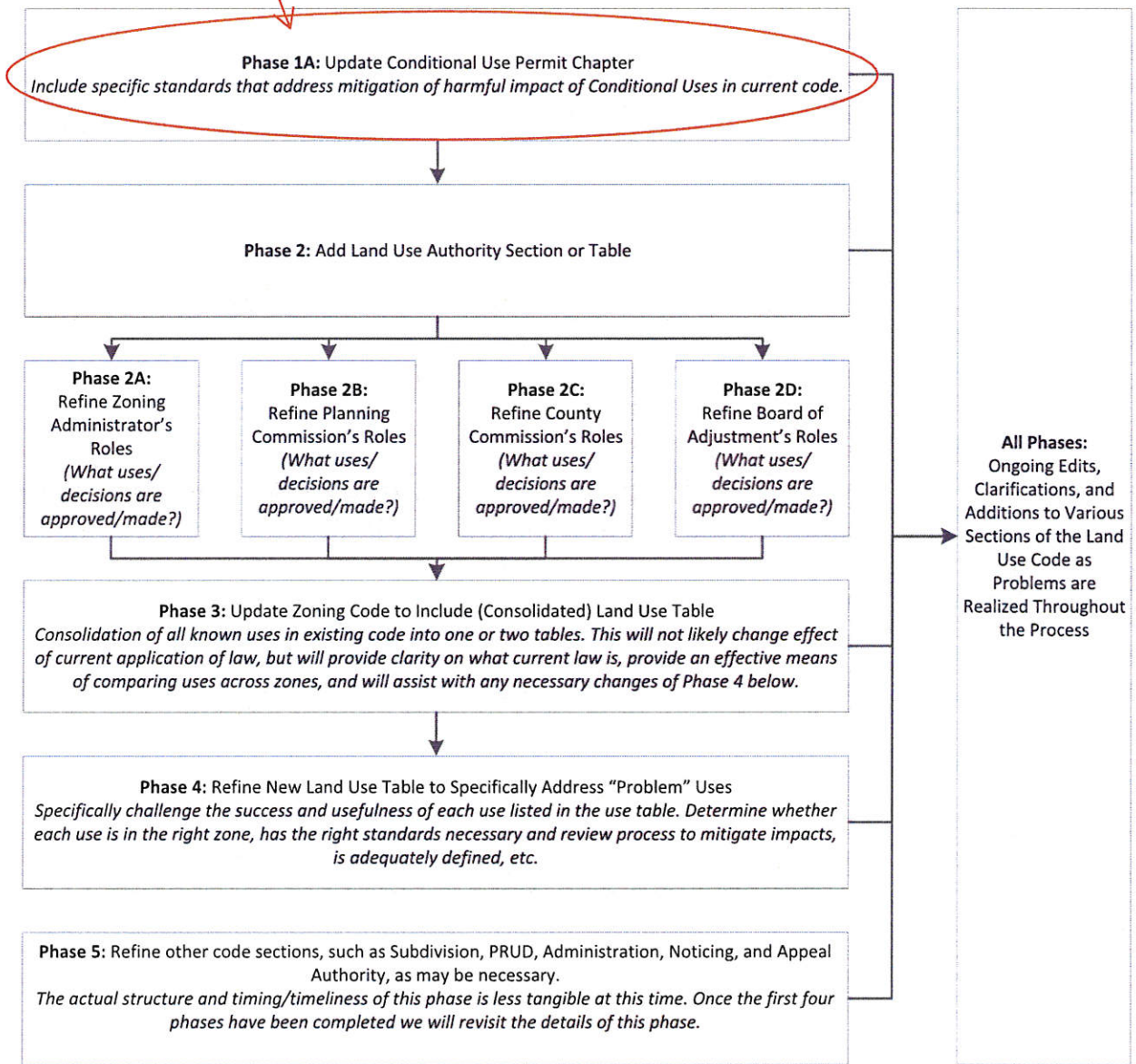
358

Exhibit D: Land Use Code Revision Process Flowchart

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits fall here



Conditional Use Permit Deliberation Method

This simple exercise outlines the four-step deliberation process for approving a conditional use permit. The Planning Commission may find it useful to help establish a consistent, predictable, efficient, and defensible method for conditional use decisions.

Note: CUP denial should be rare. Discretion is limited. Pursuant to UCA §17-27a-508 "an applicant is entitled to approval of a land use application if the application conforms to [the County's] requirements..." In other words, if it is listed in the code, it is allowed. With every conditional use review the Land Use Authority should take note of whether the allowance of the use in the zone is conducive to the intent of the zone and the intent of the General Plan. If it is not, then the code and/or plan should be changed. This provides for the continual evaluation of the codes and general plan – as is the prerogative of the Planning Commission under UCA §17-27a-302.

Step one: Identify the use to be evaluated. The use must be listed as a conditional use in the zone in which the use is located. The applicant will have likely already specified the use; however, the Land Use Authority should be familiar with the uses permitted in each zone. Some uses do not fit within the tightly defined parameters of what is listed in the code. Some uses may fall into multiple categories of regulation. It is up to the Land Use Authority to find that the request aligns with the intent of the code and is reviewed in accordance with the applicable process and applicable standards.

Use: _____

Step two: Identify the potential detrimental effects of the use. General detrimental effects of the use should be spelled out in the land use code (i.e. , vibration, light, dust, smoke, noise, etc.). More specific effects may be listed as long as the land use code enables the Land Use Authority to regulate them.

Step three: Identify the reasonable conditions that can substantially mitigate the detrimental effects. Keep in mind, "substantial mitigation" is not "total elimination." General conditions should be listed in the land use code, but the Land Use Authority may formulate more specific requirements for the conditional use permit as long as they address standards of the land use code.

Detrimental Effects:

Reasonable Conditions:

Step Four: Provide findings. You have already found that there are detrimental effects. You have also found reasonable conditions to apply that will substantially mitigate the effects. These are all findings. Other findings to help support your decision beyond these are findings about the use's compliance with the land use code, whether the use will protect the general health, safety, and welfare of the County's residents, and how the use complies with the vision, goals and objectives of the General Plan. Your findings are intended to provide clear and defensible support for your decision.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and recommendation on a proposal to amend the following section of the Weber County Land Use Code: Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmers Markets (§ 108-13), to provide for instructional activities in yard area and accessory buildings and to update and clarify provisions related to home occupation permitting and procedures.

Agenda Date: Tuesday, July 14, 2015

Staff Report Date: Thursday, July 7, 2015

Applicant: Kregg and Kami Thomassen, in partnership with the Planning Division

File Number: ZTA 2014-07

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North: Not Applicable

South: Not Applicable

East: Not Applicable

West: Not Applicable

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: SW

Applicable Ordinances

Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmers Markets (§ 108-13).

Legislative Decisions

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

Background

This is primarily an applicant driven code change to the Home Occupation code. While changes to the Home Occupation code are necessary, staff would not have prioritized them over other ordinance work without a request for a specific consideration from an applicant. The applicants, Kregg and Kami Thomassen, are requesting that the code is changed so that instructional activities are allowed in yard area and in accessory buildings. Upon review of the request, staff determined that the majority of the Home Occupation code should be re-written to provide consistence and clarity, and to remove un-administrable code provisions.

The applicant's objective is relatively simple. They have a large accessory building with an indoor basketball court. They would like the opportunity to open a business that provides athletic instruction inside the building.

There is no support for their desire in the permitted uses of the zone in which they reside (A-1 zone), or in the Home Occupation code. In order to run a business from a home/residential property, a land owner must either

qualify as a home occupation or another business use listed as a permitted or conditionally permitted use in the zone. To qualify as a home occupation current code dictates that all business activities must be 100 percent confined to the interior of the residence. There is no allowance for any business activities in yard area or in accessory buildings.

The applicant's originally requested¹ to change the listed conditional uses in the A-1 zone to allow private recreational parks for commercial gain. Upon staff consultation, it was mutually determined that the ordinance change may be better suited for the Home Occupation code, which would better provide for the intent of their request.

Policy Analysis

Policy considerations, generally. This proposed ordinance change is comprised of both staff recommended changes and applicant requested changes to the home occupation code. If at any time the staff recommended changes start to affect the expediency of a decision on the applicant's request the Planning Commission should consider separating the issues in order to get the applicants a quicker answer. For this purpose, the policy analysis below helps provide such a separation.

It is currently possible for athletic instruction to occur within a residence, provided the home owner can comply with requirements and standards of the home occupation code. These kinds of activities are limited to 400 square feet of the home (smaller if the main floor area is less than 1600 square feet) and may not be conducted outside. This proposed ordinance change has a non inconsequential policy shift to allow instructional activities outside the residence, in yard area and in accessory buildings. Under current laws, a person desiring to teach swimming lesson in their private pool, tennis lessons on their backyard tennis court, or, in the case of the applicant, basketball lessons in their accessory building, is not allowed to do so if it is done for remuneration.

Originally, staff recommended to limit the outdoor activities to "athletic instruction," however, both Planning Commissions saw value in extending the right to any instructional activities, with examples ranging from individual art lessons to group instruction. Upon evaluation of allowing "any" kind of outdoor instruction, staff felt the need to provide some additional limiting language so as not to create a loop hole in restricting industrial and commercial activities from residential areas. Those additions are better explained below.

Best management practices. Staff reached out to other counties to see who else allows home occupation activities to occur outside the main home. All had limitations and certain processes, but it appears that Cache County, Box Elder County, Morgan County, and Summit County allow some yard area to be used for a home occupation. Davis County and Wasatch County do not. We did not hear back from Salt Lake County.

Box Elder, Morgan, and Summit all have a different process for outdoor activities that Weber does not. For each of them, once a home occupation reaches an ordinance specified threshold (for example, when clientele are accessing the home, or when activities are conducted in a garage or accessory building) the permit review becomes subject to greater scrutiny. Morgan and Box Elder require conditional use permit review. Summit requires a higher impact review.

In Weber County, home occupations are permitted uses. No heightened review is required for any type. Given that current regulations completely restrict any home occupation activity to the interior of the home there does not seem to be a need for any heightened review. The Planning Commission should be aware of this when adding allowances. Staff are not recommending any change in review process/requirements with this new proposal; however, because this is a big policy shift, we recommend carefully monitoring how these uses evolve in order to determine whether additional review standards/processes are necessary.

Review of the proposed ordinance. The changes presented in the proposed ordinance generally fall into three categories: applicant requested changes, general clarifications, and missing provisions or necessary changes.

Applicant requested changes. Together, with the certain home occupations being added to the list of prohibited home occupation in §108-13-2(b), the modified standards in §108-13-2(d)(3) and (13) provide for instructional activities in yard space or in accessory buildings. The standards of §108-13-2(d)(3) are intended to keep the instruction restricted to personal or group lessons that do not involve heavy commercial or industrial activities, and

¹ See Exhibit E for a complete review of the application and supplemental correspondence with the applicant.

§108-13-2(13) limits the number of people that can be at the home occupation at any one time, which will help keep the instructional activity from becoming an incompatible nonresidential use. To further ensure that outdoor activities maintains a residential character, noise and lighting standards have been added in §108-13-2(d)(6) and (7).²

General clarifications. The general clarifications you will see throughout. They are being provided to clarify and supplement current regulations in a manner that compliments the new substantive changes.

Missing provisions or necessary changes. The current code gives a list of examples of home occupations that are prohibited, and a list of examples of home occupations that are permitted. These lists of examples do not work when trying to determine whether a use that is not listed is permitted or prohibited. Typically a home occupation code will specifically list prohibited home occupations, and leave the permitted home occupations open ended, but regulated by requirements and standards. This proposal makes this change in §108-13-2(b). Some of the new standards are derived from the current list of examples of permitted home occupations. The Planning Commission should review the list of proposed prohibited home occupations to determine whether it is sufficiently complete. This list was derived after review of other jurisdiction's home occupation codes.

The current code jumbles application and procedural requirements into the same list of 'required conditions.' This proposal separates them into two separate sections: § 108-13-2(c) Requirements; and § 108-13-2(d) Standards.

The current code lists parking requirements three different times in three different locations. The proposal consolidates them into one standard, § 108-13-2(d)(10). This section loosens the parking requirements for home occupations that deal with non-driver aged children. It also provides a new standard regarding truck traffic, wherein trucks over a certain size must be provided off street loading and unloading areas. The current code is silent on this subject.

And finally, the proposal references the revocation process that is proposed with the conditional use code re-write. In the event this proposal gets adopted prior to that proposal then that section will need to be advanced with this proposal instead.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendation of the applicable general plan. There is somewhat vague but general support for this change in the current general plans.

The West Central Weber General Plan vision statement indicates a desire for more community services³. It also explains that two out of seven key issues that were considered going into the plan were "developed ... recreation facilities," and provisions for "neighborhood commercial services."⁴ While the specificity of the rest of the plan does not detail provisions for home occupations, it may be determined by the Western Weber Planning Commission that the proposed changes are generally supported by these statements.

The Ogden Valley General Plan neither specifically opposes nor supports the proposed changes. It does contain a general goal to recognize and respect private property rights, with an objective to "engage creating zoning solutions that protect private property rights while ensuring that development is compatible with the valley's character."⁵ The Ogden Valley Planning Commission should determine whether this proposal complies with this statement, or other relevant sections of the general plan.

Conditions of Approval

Not Applicable

Past Action on this Item

No action has occurred on this item yet. Both Planning Commissions have considered it in work session only.

² See Exhibit F to review supplemental information about noise and lighting.

³ West Central Weber General Plan (2003), pg 1-6.

⁴ West Central Weber General Plan (2003), pg 2-1.

⁵ Ogden Valley General Plan (1998), pg 7.

Noticing Compliance

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

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

Staff Recommendation

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

1. The changes are necessary to enhance certain property rights.
2. The changes are necessary to provide clarity and consistency in the land use code.
3. The clarification will provide for a more efficient administration of code.
4. The changes comply with the intent of the land use code.
5. The changes are generally supported by the vision statements and goals of both of the County's general plans.
6. The changes are not found to be detrimental to the health, safety, and welfare of County residents.

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

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change [Redlines] – Home Occupation Code.
- C. Code Change [Clean] – Home Occupation Code.
- D. Land Use Code Revision Process Flowchart.
- E. Application to change the Land Use Code.
- F. Supplemental information regarding truck sizes, decibel levels, and foot-candles.

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

The following code changes are being proposed to clarify and supplement existing codes regarding home occupations, and to provide for instructional activities outdoors or in accessory buildings.

This change addresses the following code sections:

§ 108-13: Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer’s Markets

Key to reading track changes:

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

Language that has been added is shown in blue underline

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

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

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

Exhibit B: Code Change [Redlines] – Home Occupation Code

1 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY
2 OUTDOOR SALES; FARMER'S MARKETS
3

4 FOOTNOTE(S):

5 --- (1) ---

6 **Editor's note**—This chapter originally pertained solely to home occupations and was derived from Ord. of
7 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

8 **Sec. 108-13-1. - Purpose and intent.**

9 (a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which
10 home occupations are permitted ~~in residential, forest, and agricultural zones;~~ to provide a service,
11 operate certain kinds of small businesses, or maintain a professional, or business office while not
12 changing the character of the neighborhood.

13 (b) This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

14 (Ord. No. 2011-17, § 1(34-1), 10-11-2011)

15 **Sec. 108-13-2. - Home occupations.**

16 (a) Use regulations. Unless otherwise prohibited herein, Ha home occupations ~~are is allowed in~~
17 ~~specified zones as specified in respective zones in accordance with the regulations and restrictions of~~
18 ~~this ordinance.~~ provided it maintains compliance with the requirements and standards listed in this
19 chapter.

Comment [c1]: Marked for future change:
Reference land use table here.

20 (b) The following uses are not allowed prohibited as home occupations, i.e.:

Formatted: Outline numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0" + Indent at:
0.3", Tab stops: Not at 1"

21 (1) tanning salons;

22 (2) and body piercing, body art, or tattoo parlors;

23 (3) clinic or hospital;

24 (4) animal and veterinary clinic;

25 (5) restaurant;

26 (6) auto, truck, or recreational vehicle repair or sales;

27 (7) ambulance service; or

28 (8) Sexually oriented business.

29 ~~(1) The following uses are examples of allowable home occupations:~~

30 ~~(2) Barber with not more than 2 stations on the premises.~~

31 ~~(3) Business office to include book keeping and phone calls.~~

32 ~~(4) Child day care of not more than eight children, including care giver's children under six years of~~
33 ~~age.~~

34 ~~(5) Computer information services.~~

35 ~~(6) Group instruction or motivational meetings as a forum for sales presentations held not more~~
36 ~~than once every month.~~

Comment [c2]: Remove the list of examples and
rely on impact standards.

- 37 ~~(7) Massage therapy salons.~~
- 38 ~~(8) Musical instruction.~~
- 39 ~~(9) Nail salons.~~
- 40 ~~(10) Phone order or mail order services.~~
- 41 (b)(c) Requirements ~~Required conditions.~~ A home occupation ~~must~~ shall ~~meet~~ comply with ~~all of the~~
 42 following ~~conditions and~~ requirements:
- 43 (1) An application for a land use permit with a site plan depicting the site boundaries and relevant
 44 buildings or facilities onsite is ~~shall be~~ required in order to verify zoning requirements, ~~and~~
 45 ~~setbacks.~~
- 46 ~~(1)(2) The property owner's written authorization shall be submitted as part of the application for~~
 47 ~~the home occupation.~~
- 48 (3) The home occupation shall obtain an annual business license.
- 49 (e)(d) Standards. A home occupation shall comply with the following standards:
- 50 (1) A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two
 51 additional persons may be employed by the home occupation provided the residence is on a lot
 52 with a minimum of one acre in area.
- 53 ~~(1) A home occupation may be carried on in a dwelling unit by the resident(s) who actually reside~~
 54 ~~on the premises; except that two non-resident employees may be allowed having complied with~~
 55 ~~the following standards:~~
- 56 ~~a. The minimum lot size shall be one acre.~~
- 57 ~~b. Parking standards will comply with chapter 24 the parking ordinance for residential~~
 58 ~~dwelling and in addition shall require one parking space for each non-resident employee~~
 59 ~~and one for each visiting clientele.~~
- 60 (2) The home occupation shall retain the general character and appearance of a residential
 61 dwelling and not change the general character of the neighborhood except for approved
 62 signage and vehicle parking.
- 63 (3) Except as specified herein, the home occupation shall only be carried on inside a dwelling unit.
 64 The home occupation shall not use any space in an attached or unattached garage, accessory
 65 building, yard, or any space on the premises outside of the dwelling. This does not apply for the
 66 following:
- 67 a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor
 68 recreation or leisure.
- 69 b. Instructional activities may be conducted outdoors or in an accessory building provided that
 70 the instruction is limited to lessons and lesson-related equipment, materials, or objects in
 71 such a manner that maintains compliance with 108-13-2(d)(2). Instructional activities
 72 conducted outdoors or in an accessory building shall not involve any of the following:
- 73 1. manufacturing, industrial processes, or the use of heavy equipment or machinery;
- 74 2. commercial scale assembly or creation of goods or materials;
- 75 3. commercial scale construction or contractor activities; or
- 76 4. outdoor storage.
- 77 ~~(4) —~~
- 78 (4) The extent of a Hhome occupations shall be allowed provided that the home occupation is
 79 limited in extent, incidental and secondary to the use of the dwelling unit ~~property~~ for residential

Comment [c3]: Verify reference

80 purposes, ~~and~~. The part of the residence occupied by the home occupation shall not be more
81 than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.

Comment [c4]: Requested by OVPC

82 (5) The home occupation shall~~does~~ not substantially increase the demand for public services in
83 excess of those usually and customarily provided for residential uses. It shall not substantially
84 increase foot and vehicular traffic, parking, noises, lighting, vibration, smoke, dust or airborne
85 particulate matter, refuse, or anything else that is uncommon to the established character of the
86 neighborhood to such a degree as to constitute ~~an annoyance~~a nuisance to the residents of the
87 immediate area.

88 (6) The home occupation shall not create noise in excess of 60 decibels over ambient noise levels,
89 as measured from the property line.

Comment [c5]: Requested by OVPC

90 ~~(2)~~(7) Outdoor lighting used for the home occupation shall be downward directional and one
91 hundred percent shielded from view from adjacent properties. Reflected light resulting from
92 lighting used for the home occupation shall not be in excess of two foot-candles of illumination
93 over ambient light levels, when measured at the property line.

Comment [c6]: Borrowed from 108-16-6

94 ~~(3) The home occupation shall not occupy more than 400 square feet or 25 percent, whichever is~~
95 ~~less, of the ground floor area of the home. This does not apply for child day care.~~

96 ~~a. The home occupation shall not use any space in an attached or unattached garage,~~
97 ~~accessory building, yard or any space on the premises outside of the dwelling. Child day~~
98 ~~care may have an outdoor yard space.~~

99 ~~(4) The home occupation must obtain an annual business license.~~

100 ~~(5)~~(8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or
101 later than 9:00 p.m. The hours of operation for child day care shall not begin any earlier than
102 6:00 a.m., or operate later than 10:00 p.m. seven days a week.

103 ~~(6)~~(9) Home occupations with visiting clientele will be subject to the following standards:

104 ~~a. Parking standards will comply with chapter 24 the parking ordinance for residential~~
105 ~~dwelling and in addition shall require one parking space for each visiting clientele.~~

106 ~~b.a.~~ No more than one home occupation with visiting clientele shall be permitted ~~within any~~
107 single dwelling on any property.

108 ~~e.b.~~ No home occupation with visiting clientele shall be allowed in multi-family dwelling units
109 consisting of four units or more.

110 (10) Home occupations shall provide adequate off-street parking for residential dwellings, as
111 specified in Title 108, ~~e~~Chapter 8 24 of the Weber County Zoning Ordinance of this Land Use
112 Code, and in compliance with the following:

113 a. One parking space shall be required for each driver-age patron or clientele, or one space
114 per two nondriver-age patrons or clientele.

115 b. One parking space shall be required for each non-resident person employed by the home
116 occupation.

117 ~~d.c.~~ Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant
118 to 49 CFR 565.15), except for package delivery service at times and in intervals typical for
119 a normal residential use, shall be limited to one delivery or pickup per week between the
120 hours of 8:00 am and 5:00 pm, Monday through Friday. A loading and unloading area,
121 adequately sized to accommodate the type of truck and the size of the delivery or pickup,
122 shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.

123 (11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of
124 the premises of tractor trailers, semi-trucks, or other heavy equipment used ~~for~~in an off-premise
125 business for which the dwelling is being used as a home occupation office except that not more
126 than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) ~~truck~~

127 | ~~of one-ton capacity or less~~ may be parked on premise during off work hours at night. A work
128 | trailer up to 22 feet in length may be parked at night as part of the home occupation business.
129 | All trucks and trailers used as part of the home occupation business shall be licensed and
130 | registered, and parked in accordance with Title 108, Chapter 8 of this Land Use Code~~chapter~~
131 | ~~24 of the Weber County Zoning Ordinance.~~

132 | (12) Barber or beautician services shall be limited to two stations per residence.

133 | ~~(7)~~

134 | (13) Child day care or preschool, adult day care, or instructional activities, shall be limited to eight
135 | pupils or participants at any one time. Any instructional activity, except child day care or
136 | preschool, or adult day care, that is conducted outdoors or in an accessory building shall require
137 | a minimum lot size of three acres. Instructional activities shall not include recitals, competitions,
138 | tournaments, shows or performances that may draw spectators.

Comment [c7]: Requested by the WWPC

139 | ~~(8) The home occupation approval may be revoked by the planning commission if the home~~
140 | ~~occupation does not remain in compliance with this chapter.~~

Comment [c8]: OVPC Combined instructional activities with this section.
Also eliminated 'group instruction.'

141 | ~~(9) The property owner's written authorization shall be submitted as part of the application for home~~
142 | ~~occupation.~~

143 | ~~(10)~~(14) The home occupation shall maintain compliance with all applicable local, state, and
144 | federal regulations. Home occupations that require bodily contact with patrons or equipment
145 | that create a potential for contamination between residents and clients are not allowed, e.g.,
146 | tanning salons and tattoo parlors.

Comment [c9]: Moved to prohibited uses.

147 | (e) Home occupation signSigns. One flat sign or name plate not exceeding two square feet attached to
148 | the house or mail box may be permitted. A land use permit is required for the sign. Any modification
149 | made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be
150 | permitted.

151 | (f) Inspections. Inspection during reasonable hours by county officials may occur as necessary to
152 | assure compliance with these regulations.

153 | ~~(d)~~(g) Revocation. A home occupation approval may be revoked pursuant to Section 102-4-3.

Comment [c10]: Verify that the revocation process proposed in the conditional use ordinance changes gets adopted before this, otherwise, include them with this ordinance.

154 | (Ord. No. 2011-17, § 1(34-2), 10-11-2011)

155 | ...

Exhibit C: Code Change [Clean] – Home Occupation Code

1 **CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY**
2 **OUTDOOR SALES; FARMER'S MARKETS**
3

4 FOOTNOTE(S):

5 --- (1) ---

6 **Editor's note**—This chapter originally pertained solely to home occupations and was derived from Ord. of
7 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

8 **Sec. 108-13-1. - Purpose and intent.**

- 9 (a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which
10 home occupations are permitted to provide a service, operate certain kinds of small businesses, or
11 maintain a professional, or business office while not changing the character of the neighborhood.
- 12 (b) This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

13 (Ord. No. 2011-17, § 1(34-1), 10-11-2011)

14 **Sec. 108-13-2. - Home occupations.**

- 15 (a) Use regulations. Unless otherwise prohibited herein, a home occupation is allowed as specified in
16 respective zones provided it maintains compliance with the requirements and standards listed in this
17 chapter.
- 18 (b) The following uses are prohibited as home occupations:
- 19 (1) tanning salons;
 - 20 (2) body piercing, body art, or tattoo parlor;
 - 21 (3) clinic or hospital;
 - 22 (4) animal and veterinary clinic;
 - 23 (5) restaurant;
 - 24 (6) auto, truck, or recreational vehicle repair or sales;
 - 25 (7) ambulance service; or
 - 26 (8) Sexually oriented business.
- 27 (c) Requirements. A home occupation shall comply with the following requirements:
- 28 (1) An application for a land use permit with a site plan depicting the site boundaries and relevant
29 buildings or facilities onsite shall be required in order to verify zoning requirements.
 - 30 (2) The property owner's written authorization shall be submitted as part of the application for the
31 home occupation.
 - 32 (3) The home occupation shall obtain an annual business license.
- 33 (d) Standards. A home occupation shall comply with the following standards:
- 34 (1) A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two
35 additional persons may be employed by the home occupation provided the residence is on a lot
36 with a minimum of one acre in area.

- 37 (2) The home occupation shall retain the general character and appearance of a residential
38 dwelling and not change the general character of the neighborhood except for approved
39 signage and vehicle parking.
- 40 (3) Except as specified herein, the home occupation shall only be carried on inside a dwelling unit.
41 The home occupation shall not use any space in an attached or unattached garage, accessory
42 building, yard, or any space on the premises outside of the dwelling. This does not apply for the
43 following:
- 44 a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor
45 recreation or leisure.
- 46 b. Instructional activities may be conducted outdoors or in an accessory building provided that
47 the instruction is limited to lessons and lesson-related equipment, materials, or objects in
48 such a manner that maintains compliance with 108-13-2(d)(2). Instructional activities
49 conducted outdoors or in an accessory building shall not involve any of the following:
- 50 1. manufacturing, industrial processes, or the use of heavy equipment or machinery;
51 2. commercial scale assembly or creation of goods or materials;
52 3. commercial scale construction or contractor activities; or
53 4. outdoor storage.
- 54 (4) The extent of a home occupation shall be incidental and secondary to the use of the property for
55 residential purposes. The part of the residence occupied by the home occupation shall not be
56 more than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.
- 57 (5) The home occupation shall not substantially increase the demand for public services in excess
58 of those usually and customarily provided for residential uses. It shall not substantially increase
59 foot and vehicular traffic, parking, noises, lighting, vibration, smoke, dust or airborne particulate
60 matter, refuse, or anything else that is uncommon to the established character of the
61 neighborhood to such a degree as to constitute a nuisance to the residents of the immediate
62 area.
- 63 (6) The home occupation shall not create noise in excess of 60 decibels over ambient noise levels,
64 as measured from the property line.
- 65 (7) Outdoor lighting used for the home occupation shall be downward directional and one hundred
66 percent shielded from view from adjacent properties. Reflected light resulting from lighting used
67 for the home occupation shall not be in excess of two foot-candles of illumination over ambient
68 light levels, when measured at the property line.
- 69 (8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or later than
70 9:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or
71 operate later than 10:00 p.m. seven days a week.
- 72 (9) Home occupations with visiting clientele will be subject to the following standards:
- 73 a. No more than one home occupation with visiting clientele shall be permitted on any
74 property.
- 75 b. No home occupation with visiting clientele shall be allowed in multi-family dwelling units
76 consisting of four units or more.
- 77 (10) Home occupations shall provide adequate off-street parking for residential dwellings, as
78 specified in Title 108, Chapter 8 of this Land Use Code, and in compliance with the following:
- 79 a. One parking space shall be required for each driver-age patron or clientele, or one space
80 per two nondriver-age patrons or clientele.
- 81 b. One parking space shall be required for each non-resident person employed by the home
82 occupation.

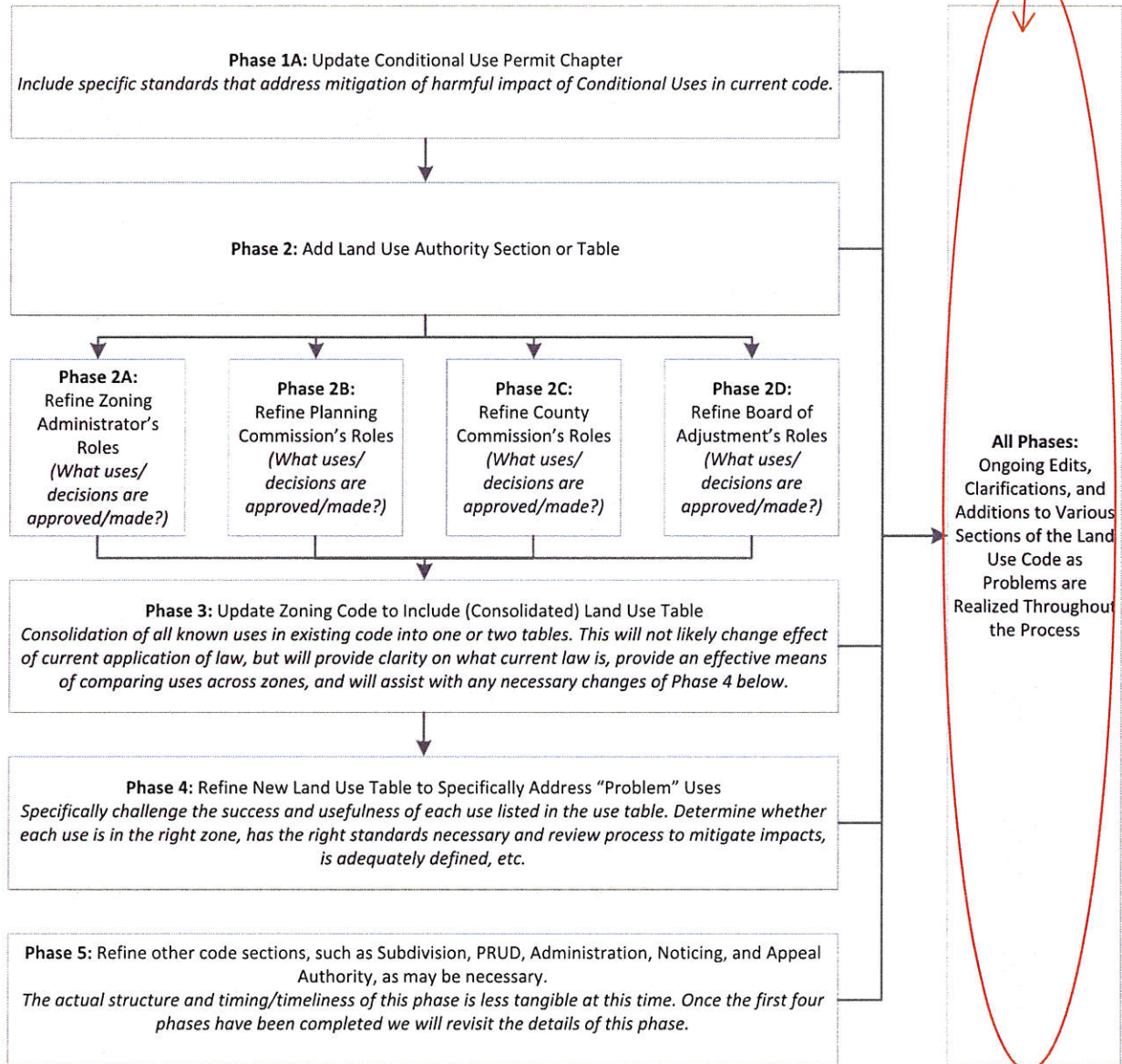
- 83 c. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant
84 to 49 CFR 565.15), except for package delivery service at times and in intervals typical for
85 a normal residential use, shall be limited to one delivery or pickup per week between the
86 hours of 8:00 am and 5:00 pm, Monday through Friday. A loading and unloading area,
87 adequately sized to accommodate the type of truck and the size of the delivery or pickup,
88 shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.
- 89 (11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of
90 the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premise
91 business for which the dwelling is being used as a home occupation office except that not more
92 than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) may
93 be parked on premise during off work hours at night. A work trailer up to 22 feet in length may
94 be parked at night as part of the home occupation business. All trucks and trailers used as part
95 of the home occupation business shall be licensed and registered, and parked in accordance
96 with Title 108, Chapter 8 of this Land Use Code.
- 97 (12) Barber or beautician services shall be limited to two stations per residence.
- 98 (13) Child day care or preschool, adult day care, or instructional activities, shall be limited to eight
99 pupils or participants at any one time. Any instructional activity, except child day care or
100 preschool, or adult day care, that is conducted outdoors or in an accessory building shall require
101 a minimum lot size of three acres. Instructional activities shall not include recitals, competitions,
102 tournaments, shows or performances that may draw spectators.
- 103 (14) The home occupation shall maintain compliance with all applicable local, state, and federal
104 regulations.
- 105 (e) Home occupation sign. One flat sign or name plate not exceeding two square feet attached to the
106 house or mail box may be permitted. A land use permit is required for the sign. Any modification
107 made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be
108 permitted.
- 109 (f) Inspections. Inspection during reasonable hours by county officials may occur as necessary to
110 assure compliance with these regulations.
- 111 (g) Revocation. A home occupation approval may be revoked pursuant to Section 102-4-3.
- 112 (Ord. No. 2011-17, § 1(34-2), 10-11-2011)
- 113 ...

Exhibit D: Land Use Code Revision Process Flowchart

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits fall here



Weber County General Plan or Text Amendment Application

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

Date Submitted

Received By (Office Use)

Added to Map (Office Use)

Property Owner Contact Information

Name of Property Owner(s)

Kregg and Kami Thomassen

Mailing Address of Property Owner(s)

2393 S. 3500 W.
Taylor, UT 84401

Phone

801 726 8070

Fax

Email Address

kreggt@gmail.com

Preferred Method of Written Correspondence

Email Fax Mail

Ordinance Proposal

Ordinance to be Amended

Describing the amendment and/or proposed changes to the ordinance:

amendment to sec 104-5-6 #8: Recreation grounds and buildings to include Private Recreation facility, for commercial gain, accessory to a dwelling unit.

possibly limited to parcel with at least three acres.

Ewert, Charles

From: Kregg [kreggt@gmail.com]
Sent: Monday, May 11, 2015 5:57 PM
To: Ewert, Charles
Subject: Re: Recreation facilities and home occupations

Charles,

Yes we would like to proceed that way that would be great. I think the home occupation option with the gym and pool along with other recreation training and development could provide the best option. Keep in mind if a team training is needed then we may have multiple kids at once but again I think it would normally be small numbers. We would like the option of possibly doing a skills type "camp" possibly. If we could do something where we could word it to a "reasonable" number of participants for the event it might be good. We will be standing by and thanks in advance for your help on all of this.

Kregg Thomassen

On May 11, 2015, at 4:17 PM, "Ewert, Charles" <cewert@co.weber.ut.us> wrote:

Kregg and Kami,

I am working on your requested code amendment. As I discussed with you on the phone, there may not be enough support to allow the use of a recreation facility for commercial gain in the zone, but I may get you close to what you want with an amendment to the home occupation code.

If that suits your need and you want me to proceed with this will you send me a quick response to this email and indicate that you are okay with amending the application to do so?

<image001.jpg>

Charlie Ewert, AICP

801-399-8763

cewert@co.weber.ut.us

<image002.jpg>



FOOT CANDLE LIGHT GUIDE

Foot candles are the most common unit of measure used by lighting professionals to calculate light levels in businesses and outdoor spaces. A foot candle is defined as the illuminance on a one-square foot surface from a uniform source of light. The Illuminating Engineering Society, IES, has recommended the following foot candle levels to ensure adequate illumination and safety for occupants. Below is a guideline for common areas to assist in achieving appropriate light levels with the greatest energy efficiency.

Building Area & Task	Average Maintained Foot-Candles (Horizontal) (FC)	Range of Maintained Foot-Candles (Horizontal) (FC)	Average Maintained Foot-Candles (Vertical) (FC)	Range of Maintained Foot-Candles (Vertical) (FC)	Comments
WAREHOUSING & STORAGE					
Bulky Items—Large Labels	10		5		
Small Items—Small Labels	30		15		
Cold Storage	20	10 - 30	10	5 - 15	
Open Warehouse	20	10 - 30			
Warehouse w/Aisles	20	10 - 30	10	5 - 15	
COMMERCIAL OFFICE					
Open Office	40	30 - 50			@30" Above Finished Floor (AFF)
Private Office	40	30 - 50			@30" AFF
Conference Room	30				Matte surface reflectance for the table 40% recommended
Restroom	18	7.5 - 30			
Lunch & Break Room	15	5 - 20			
EDUCATIONAL (SCHOOLS)					
Classroom	40	30 - 50			@30" AFF
Gymnasium					
Class I (Pro or Div. 1 College)	125		30		
Class II (Div. 2 or 3 College)	80		20		
Class III (High School)	50		150		
Class IV (Elementary)	30		100		
Auditorium	7.5	3 - 10	5	2.5 - 10	
Corridor	25	10 - 40			

This guide is a collaborative effort of Energy Trust of Oregon and the Lighting Design Lab in Seattle, Washington.

Building Area & Task	Average Maintained Foot-Candles (Horizontal) (FC)	Range of Maintained Foot-Candles (Horizontal) (FC)	Average Maintained Foot-Candles (Vertical) (FC)	Range of Maintained Foot-Candles (Vertical) (FC)	Comments
INDUSTRIAL/MANUFACTURING					
Assembly					
Simple (Large Item)	30	15 - 60	30	15 - 60	
Difficult (fine)	100	50 - 200	100	50 - 200	
Component Manufacturing					
Large	30	15 - 60	30	15 - 60	
Medium	50	25 - 100	50	25 - 100	
EXTERIOR					
Parking (Covered)	5				1FC min, 10:1 Max to Min Uniformity
Parking (Open) (Medium Activity)					
Lighting Zone 3 (Urban)	1.5	.75 - 3	.8	.4 - 1.6	
Lighting Zone 2 (suburban)	1	0.5 - 2	.6	.3 - 1.2	
Gas Station Canopy	12.5	10 - 15			
Safety (Building Exterior)	1	0.5 - 2			If security is an issue—raise average level to 3
RETAIL					
General Retail (Ambient)					
Department Store	40	20 - 80	15	7.5 - 30	
Perimeter			75	35 - 150	
Accent Lighting (Displays)					3 - 10 times greater than ambient light levels
AUTOMOTIVE					
Showroom					
Service Area	50	25 - 100	10	5 - 20	
Sales Lot (Exterior)					
Lighting Zone 3 (Urban)	20	10 - 40	20	10 - 40	
Lighting Zone 2 (Suburban)	15	7.5 - 30	15	7.5 - 30	
GROCERY					
Circulation					
General Retail	20	10 - 40	7.5	3.5 - 15	
Perimeter	50	25 - 100	20	10-40	
BANKING					
ATM					
ATM	20	10-40	15		Vertical at face of ATM

- NOTES:**
- This guide is based on information gathered from the IES 'The Lighting Handbook' 10th Edition. It is highly recommended that all lighting professionals refer to the full IES guide when specifying lighting projects.
 - At least half of users are in the 25 - 65 age range
 - Horizontal—horizontal plane that average maintained foot-candles are measured
 - Vertical—vertical plane the average maintained foot-candles are measured
 - It is the responsibility of the specifier to determine and provide appropriate lighting levels for each space

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are

		annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/environ10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

manufacturer and type of the motor vehicle if the manufacturer is a high-volume manufacturer. If the manufacturer is a low-volume manufacturer, positions one through three (1-3) along with positions twelve through fourteen (12-14) in the VIN shall uniquely identify the manufacturer and type of the motor vehicle. These characters are assigned in accordance with §565.16(a). A "9" shall be placed in the third position of the VIN if the manufacturer identifier is six characters. A "9" in the third position always indicates the presence of a six-character manufacturer identifier. The National Highway Traffic Safety Administration offers access to manufacturer identifier assignments via its search engine at the following Internet Web site: <http://www.nhtsa.dot.gov/cars/rules/manufacture>.

(b) The second section shall consist of five characters, which occupy positions four through eight (4-8) in the VIN. This section shall uniquely identify the attributes of the vehicle as specified in Table I. For passenger cars, and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg (10,000 lb) or less, the fourth character (position 7) of this section shall be alphabetic. The characters utilized and their placement within the section may be determined by the manufacturer, but the specified attributes must be decipherable with information supplied by the manufacturer in accordance with §565.16(c). In submitting the required information to NHTSA relating gross vehicle weight rating, the designations in Table II shall be used. The use of these designations within the VIN itself is not required. Tables I and II follow:

TABLE I—TYPE OF VEHICLE AND INFORMATION DECIPHERABLE

Passenger car: Make, line, series, body type, engine type, and all restraint devices and their location.
Multipurpose passenger vehicle: Make, line, series, body type, engine type, gross vehicle weight rating, and for multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 4536kg (10,000 lb) or less all restraint devices and their location.

TABLE I—TYPE OF VEHICLE AND INFORMATION DECIPHERABLE—Continued

Truck: Make, model or line, series, chassis, cab type, engine type, brake system, gross vehicle weight rating, and for trucks with a gross vehicle weight rating (GVWR) of 4536 kg (10,000 lb) or less all restraint devices and their location.
Bus: Make, model or line, series, body type, engine type, and brake system.
Trailer, including trailer kits and incomplete trailer: Make, type of trailer, body type, length and axle configuration.
Motorcycle: Make, type of motorcycle, line, engine type, and net brake horsepower.
Incomplete vehicle other than a trailer: Make, model or line, series, cab type, engine type, and brake system.
Low speed vehicle: Make, engine type, brake system, restraint system type, body type, and gross vehicle weight rating.
Note to Table I: Engine net brake horsepower when encoded in the VIN shall differ by no more than 10 percent from the actual net brake horsepower; shall in the case of motorcycle with an actual net brake horsepower of 2 or less, be not more than 2; and shall be greater than 2 in the case of a motorcycle with an actual brake horsepower greater than 2.

TABLE II—GROSS VEHICLE WEIGHT RATING CLASSES

- Class A—Not greater than 1360 kg. (3,000 lbs.)
- Class B—Greater than 1360 kg. to 1814 kg. (3,001–4,000 lbs.)
- Class C—Greater than 1814 kg. to 2268 kg. (4,001–5,000 lbs.)
- Class D—Greater than 2268 kg. to 2722 kg. (5,001–6,000 lbs.)
- Class E—Greater than 2722 kg. to 3175 kg. (6,001–7,000 lbs.)
- Class F—Greater than 3175 kg. to 3629 kg. (7,001–8,000 lbs.)
- Class G—Greater than 3629 kg. to 4082 kg. (8,001–9,000 lbs.)
- Class H—Greater than 4082 kg. to 4536 kg. (9,001–10,000 lbs.)
- Class 3—Greater than 4536 kg. to 6350 kg. (10,001–14,000 lbs.)
- Class 4—Greater than 6350 kg. to 7257 kg. (14,001–16,000 lbs.)
- Class 5—Greater than 7257 kg. to 8845 kg. (16,001–19,500 lbs.)
- Class 6—Greater than 8845 kg. to 11793 kg. (19,501–26,000 lbs.)

TABLE II—GROSS VEHICLE WEIGHT RATING CLASSES—Continued

Class 7—Greater than 11793 kg. to 14968 kg.(26,001–33,000 lbs.)
Class 8—Greater than 14968 kg. (33,001 lbs. and over)

(c) The third section shall consist of one character, which occupies position nine (9) in the VIN. This section shall be the check digit whose purpose is to provide a means for verifying the accuracy of any VIN transcription. After all other characters in VIN have been determined by the manufacturer, the check digit shall be calculated by carrying out the mathematical computation specified in paragraphs (c) (1) through (4) of this section.

(1) Assign to each number in the VIN its actual mathematical value and assign to each letter the value specified for it in Table III, as follows:

TABLE III—ASSIGNED VALUES

A = 1
B = 2
C = 3
D = 4
E = 5
F = 6
G = 7
H = 8
J = 1
K = 2
L = 3
M = 4
N = 5
P = 7
R = 9
S = 2
T = 3
U = 4

TABLE III—ASSIGNED VALUES—Continued

V = 5
W = 6
X = 7
Y = 8
Z = 9

(2) Multiply the assigned value for each character in the VIN by the position weight factor specified in Table IV, as follows:

TABLE IV—VIN POSITION AND WEIGHT FACTOR

1st	8
2d	7
3d	6
4th	5
5th	4
6th	3
7th	2
8th	10
9th	(check digit)
10th	9
11th	8
12th	7
13th	6
14th	5
15th	4
16th	3
17th	2

(3) Add the resulting products and divide the total by 11.

(4) The check digit is based on either the Fractional Remainder or the Decimal Equivalent Remainder as reflected in Table V. All Decimal Equivalent Remainders in Table V are rounded to the nearest thousandth. The check digit, zero through nine (0-9) or the letter "X" shall appear in VIN position nine (9).

§ 565.15

49 CFR Ch. V (10-1-11 Edition)

(5) A sample check digit calculation is shown in Table VI as follows:

(d) The fourth section shall consist of eight characters, which occupy positions ten through seventeen (10-17) of the VIN. The last five (5) characters of this section shall be numeric for passenger cars and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg. (10,000 lbs.) or less, and the last four (4) characters shall be numeric for all other vehicles.

(1) The first character of the fourth section shall represent the vehicle model year. The year shall be designated as indicated in Table VII as follows:

TABLE VII—YEAR CODES FOR VIN

Year	Code
2005	5
2006	6
2007	7
2008	8
2009	9
2010	A
2011	B
2012	C
2013	D
2014	E
2015	F
2016	G
2017	H
2018	J
2019	K
2020	L
2021	M
2022	N
2023	P
2024	R
2025	S
2026	T
2027	V
2028	W
2029	X
2030	Y
2031	1
2032	2
2033	3
2034	4
2035	5
2036	6
2037	7
2038	8
2039	9

Note to Table VII: For passenger cars, and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg (10,000 lb) or less, if position 7 is numeric, the Model Year in position 10 of the VIN refers to a year in the range 1980-2009. If position 7 is alphabetic, the Model Year in Position 10 of the VIN refers to a year in the range 2010-2039.

(2) The second character of the fourth section shall represent the plant of manufacture.

(3) The third through the eighth characters of the fourth section (positions 12 through 17) shall represent the number sequentially assigned by the

manufacturer in the production process if the manufacturer is a high-volume manufacturer. If a manufacturer is a low-volume manufacturer, the third, fourth, and fifth characters of the fourth section (positions 12, 13, and 14), combined with the three characters of the first section (positions 1, 2, and 3), shall uniquely identify the manufacturer and type of the motor vehicle and the sixth, seventh, and eighth characters of the fourth section (positions 15, 16, and 17) shall represent the number sequentially assigned by the manufacturer in the production process.

§ 565.16 Reporting requirements.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*) and have been assigned OMB Control Number 2127-0510.

(a) The National Highway Traffic Safety Administration (NHTSA) has contracted with the SAE International to coordinate the assignment of manufacturer identifiers to manufacturers in the United States. Manufacturer identifiers will be supplied by SAE at no charge. All requests for assignments of manufacturer identifiers should be forwarded directly to: SAE International, 400 Commonwealth Drive, Warrendale, Pennsylvania, 15096, Attention: WMI Coordinator (telephone: 724-776-4841). Any requests for identifiers submitted to NHTSA will be forwarded to SAE. Manufacturers may request a specific identifier or may request only assignment of an identifier(s). SAE will review requests for specific identifiers to determine that they do not conflict with an identifier already assigned or block of identifiers already reserved. SAE will confirm the assignments in writing to the requester. Once confirmed by SAE, the identifier need not be resubmitted to NHTSA.

(b) Manufacturers of vehicles subject to this part shall submit, either directly or through an agent, the unique identifier for each make and type of vehicle it manufactures at least 60 days before affixing the first VIN using the identifier. Manufacturers whose unique identifier appears in the fourth section

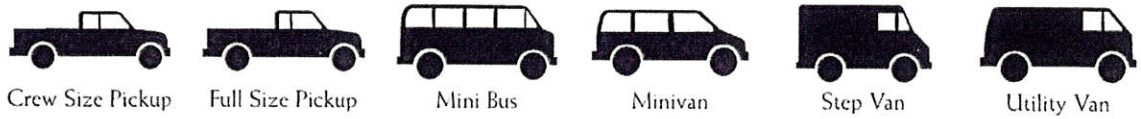
TRUCK TYPE AND WEIGHT CLASS

The vehicle icons on the following page depict examples of vehicles in each DOT classification 1-8 with corresponding load ranges. These classifications are guidelines in understanding the type of vehicle used for different applications by vehicle class.

CLASS ONE
6,000 lbs. or less



CLASS TWO
6,001 to 10,000 lbs.



CLASS THREE
10,001 to 14,000 lbs.



CLASS FOUR
14,001 to 16,000 lbs.



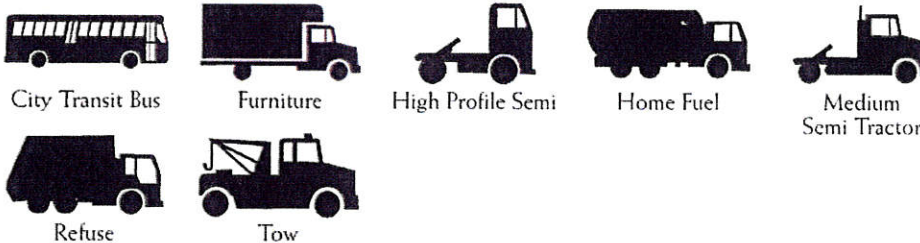
CLASS FIVE
16,001 to 19,500 lbs.



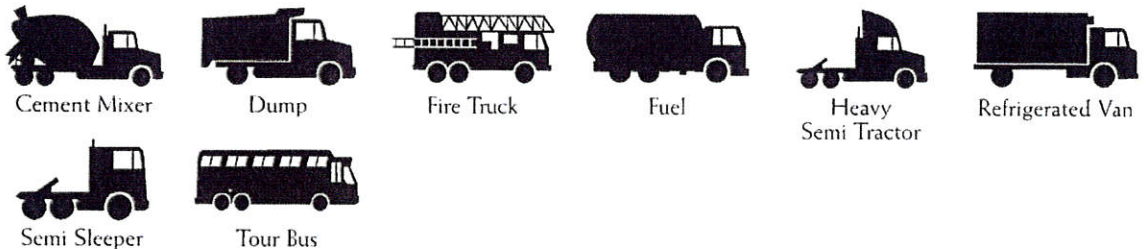
CLASS SIX
19,501 to 26,000 lbs.



CLASS SEVEN
26,001 to 33,000 lbs.



CLASS EIGHT
33,001 lbs. & over



TRAILERS

