



OGDEN VALLEY PLANNING COMMISSION  
PLANNING MEETING AGENDA

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July 05, 2016  
5:00 p.m.

*Pledge of Allegiance*  
*Roll Call:*

1. **Administrative Items:**
  - a. **New Business:**
    1. CUP 2016-11 Consideration and action on a request for a conditional use permit to operate a recreational lodge on Lot 6 of the Sanctuary Subdivision, located at 9686 East Maple Ridge Road, within the Forest 40 (F-40) Zones. (Tim Charlwood, Applicant)
    2. CUP 2016-13 Consideration and action for an amendment to the Summit at Powder Mountain Phase 1 PRUD to include a 27 unit development identified as the Horizon Neighborhood at Powder Mountain PRUD and amend the future conceptual design from a 5 unit development with a lodge to a 12 unit development with a lodge on Lot 76 identified as Spring Park at Powder Mountain PRUD. (Summit Mountain Holding Group LLC, Applicant)
    3. CUP 2016-12 Consideration and action on a request for a conditional use permit for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. The application includes the request to run concurrently for preliminary subdivision approval of The Bridges at Wolf Creek Resort, PRUD in the Forest Residential (FR-3) and Residential Estate (RE-15) Zone. (WCU LLC and Bridges Holding Company LLC, Applicants; Eric Householder, Agent)
2. **Legislative Items:**
  - a. **New Business: Public Meeting:**
    1. ZTA 2016-01 A public hearing to consider and take action on a request to amend Natural Hazards Text Amendment within the Weber County Land Use Code.
    2. ZTA 2016-02 A public hearing to consider and take action on a request to amend the Planned Residential Unit Development (PRUD) Chapter (Title 108, Chapter 5) within the Weber County Land Use Code. (Brad Blanch, Applicant)
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 to Convene to a Work Session**
  - WS1. **DISCUSSION:** Review and Discuss the CV-2 and CVR-1 Zone Text Amendment

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah. Work Session will be held in the Breakout Room. A pre-meeting will be held in Room 108 beginning at 4:30 p.m. – No decisions are made in this meeting*



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

## Meeting Procedures

### Outline of Meeting Procedures:

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

### Role of Staff:

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

### Role of the Applicant:

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

### Role of the Planning Commission:

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

### Public Comment:

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

### Planning Commission Action:

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

## Testifying at Public Meetings and Public Hearings

### Address the Decision Makers:

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

### Speak to the Point:

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

### Handouts:

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

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful. It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration of, and action on, a Conditional Use Permit to operate a recreational lodge on lot 6 of the Sanctuary subdivision, at 9686 East Maple Ridge Road.

**Agenda Date:** Tuesday, July 05, 2016

**Applicant:** Tim Charlwood

**File Number:** CUP 2016-11

### Property Information

**Approximate Address:** 9686 East Maple Ridge Road

**Project Area:** Lot area: 1,755,032.4 sqft. (40.29 Acres).  
Building area: 7,440.25 sqft.

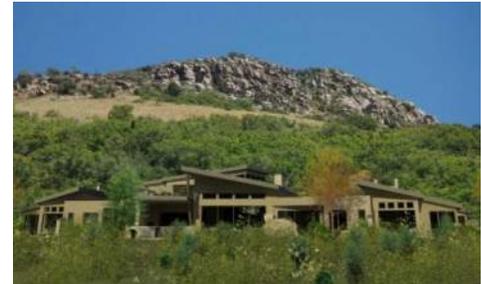
**Zoning:** F-40 (Forest 40)

**Existing Land Use:** Vacant subdivided land.

**Proposed Land Use:** Recreation Lodge

**Parcel ID:** 21-130-0003

**Township, Range, Section:** Township: 6 North, Range: 2 East, Section: 03 (Southwest Quarter Section)



### Adjacent Land Use

<b>North:</b> Vacant/Forest and Wildland/Rural Recreation	<b>South:</b> Large (40 acre) Subdivision Lot
<b>East:</b> Open Space/Common Area (Green Hills HOA)	<b>West:</b> Large (40 acre) Subdivision Lot

### Staff Information

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

**Report Reviewer:** RG

## Applicable Ordinances

- §101-1-7 (Definitions)
- §104-9 (Forest Zones)
- §104-28 (Ogden Valley Sensitive Lands Overlay District)
- §108-1 (Design Review)
- §108-2 (Ogden Valley Architectural, Landscape and Screening Standards)
- §108-4 (Conditional Uses)
- §108-18 (Drinking Water Source Protection)

## Summary and Background

This is a proposal for a 10 room recreation lodge, located on Lot 6 of the Sanctuary subdivision. Recreation lodge is listed as a conditional use in the F-40 zone. Standards that the Planning Commission should consider to apply to this conditional use include:

- Standards relating to safety for persons and property, including fire fighting considerations and traffic mitigation.
- Standards relating to infrastructure, amenities, and services, including public infrastructure and utility capacity.
- Standards relating to the environment, including site disturbance and retention of native vegetation.
- Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan, including screening of incompatible uses from view from other properties, quality architectural design, landscaping, and potential noise and light issues.

The Sanctuary was recorded in 2013 as an eight lot subdivision. At that time part of the subject parcel was designated for building purposes. This propose does not affect that. Subdivision approval also vetted access to the site, culinary and waste water feasibility for the site, and preliminary geologic information in the area.

With the findings and conditions listed herein, the proposal appears to comply with County ordinances. Staff is recommending approval with conditions.

## Planning Commission Considerations

**Request.** The Planning Commission is being requested to review and approve a 10 room recreation lodge in the F-40 zone. The lodge will provide general vacation services, including overnight accommodations and meal preparation, and is intended to provide recreational opportunities both on and off the property.

Please review the applicant’s summary in Exhibit A for a complete description of the proposal.

**Zoning Analysis.** The requested use is for a “Recreation Lodge.” Recreation lodge is a term defined by Weber County’s Land Use Code as follows:

*The term "recreation lodge" means a lodge constructed in a mountainous or forested location, which may include up to 16 guest sleeping rooms, and facilities for guest's meals, providing on-site winter sports amenities such as cross country ski trails, snowmobile trails, ice skating and/or similar activities, and, if open yearround, offers summer recreation amenities such as equestrian trails, mountain biking trails, hiking trails, rock climbing training stations, golf course, putting green, and/or tennis courts. Accessory uses, such as sports equipment rental and repair may be included. The number of horses allowed, in the case of a riding stable, shall be calculated and may be permitted based upon acreage and site plan review, and recommended by the planning commission. Limited day use may be allowed based upon site plan review and approval of the overall project as a conditional use by the planning commission.*<sup>1</sup>

Recreation lodge is permitted as a conditional use in the F-40 zone.<sup>2</sup> Pursuant to State Law and the County Land Use Code,<sup>3</sup> if a use is listed in the zone as a conditional use it shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

**Conditional Use Analysis.** In determining “applicable standards” that can be applied to this use, the Planning Commission should consider the following guidance offered by the Land Use Code:

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

*(a) The land use authority may apply conditions of approval related to any of the standards of this section, provided that credible evidence exists that:*

*(1) The application of the standard is relevant to the use; and*

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

*(b) The land use authority shall consider the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.*<sup>4</sup>

Based on applicable standards of the CUP code, staff recommends that the Planning Commission consider the following information when determining the reasonably anticipated detrimental effects of the use. Staff recommends reasonable conditions in this staff report that are intended to mitigate known potential detrimental effects.

**Fire control.** A specific analysis of fire control for the proposal has been conducted by the local Fire Marshal, and is attached as Exhibit B.

**Access and circulation.** The site is accessed through the Green Hills Subdivision along Maple Drive. The applicant asserts that an adjudicated right-of-way exists, with an access agreement,<sup>5</sup> between the Green Hills HOA and himself, which



<sup>1</sup> See LUC §101-1-7, “Recreation Lodge.”

<sup>2</sup> See LUC §104-9-3 to review this and other conditional uses allowed in the F-40 zone.

<sup>3</sup> See UCA §17-27a-506. Conditional Uses; and LUC §108-4-4.- Decision Requirements.

<sup>4</sup> See LUC §108-4-5. – Conditional Use Standards.

<sup>5</sup> Civil case number 010905924, Judge Michael D. Lyon.

provides the opportunity to access the site across private property, as proposed. This agreement is a private agreement between the applicant and the HOA. Enforcement of it is the responsibility of the HOA and the applicant, and as such the County should offer no opinion as to its provisions. The County's public right-of-way ends at the end of 9000 East Street.

In determining how the use will affect traffic demand, the Planning Commission should focus on whether the use will cause any material degradation in the level of service of public road infrastructure. It is anticipated that this lodge will average above 50% vacancy rate, with occasional peak times at full occupancy. In Utah, the typical year-round single family dwelling that contains a household of 6 people generates about 32.7 vehicle trips per day (coming and going equals two trips)<sup>6</sup> and possesses about two vehicles.<sup>7</sup> In comparing the suggested average annual occupancy rate of the proposed use and the anticipation for the ordinance-based standard for the maximum peak parking demand of the proposed use (as specified below) it can be anticipated that the effect of the use on average traffic patterns in the area will be similar to a (very) large-family single-family dwelling, with occasions of variance depending on peak/off-peak lodging demands. This demand does not appear to be significant enough to materially degrade any public infrastructure and as such it does not merit special traffic accommodations like off-site road or right of way improvements.

*Parking.* Parking for the facility is proposed to be underground. County code does not specify the number of stalls for a recreational lodge, but offers guidance for a motel, a hotel, and a lodginghouse.<sup>8</sup> A motel is required to have one space per sleeping or living unit (10 spaces for this proposal). A hotel is required to have one space per two sleeping units (five spaces for this proposal). A lodginghouse is required to have three spaces for every four persons to whom rooms will be rented (eight spaces for this proposal). Given the smaller scale of this use and the likelihood that maximum occupancy could occasionally occur, it seems most appropriate for the Planning Commission to apply the motel standard for this proposal. The parking facilities should provide ADA accessibility to the lodge.

*Architectural design.*<sup>9</sup> The building is being designed by licensed architect James Carroll. Building materials include rock, stone, steel, aluminum, steel, glass, and quality synthetic stucco. Based on the images presented in the application it appears that the color will be muted earth tones. This complies with ordinance requirements. No specific color palette has been provided. The Planning Commission may want to condition approval on an appropriate color scheme.

The building height will be limited to 35 feet, as required by the F-40 zone.<sup>10</sup> The structure appears to be located along a ridge, but is not visible from any two mile scenic corridors as provided for in the sensitive lands ordinance.<sup>11</sup> The nearest scenic corridor (7100 East) from which the building pad might be visible is approximately three miles away.

*Lighting.* No specific lighting plans have been proposed; however, the applicant has proposed that all lighting will be downward directional in a manner that does not disturb other properties. The Planning Commission may desire a condition of approval to ensure that all constructed exterior lighting is indeed downward direction and fully shielded so as not to produce unnecessary light pollution.

*Deliveries.* The applicant asserts that deliveries can be restricted to the underground parking facilities or to the side entrance of the lodge. Considering that deliveries will pass through residential areas to get to the site, the Planning Commission may desire to limit the size and frequency of the delivery vehicles. Staff recommendation provides for this.

*Landscaping and irrigation.* The applicant is proposing to generally leave the site in its current native state of vegetation. There is currently an area that has been cleared for the building, but the applicant asserts that the clearing was conservative. In the event construction activities lend the need for reseeding or replanting, the applicant has proposed to replant or seed with the same native vegetation in the immediate vicinity. The applicant indicates that he owns 1/5 acre-foot of water for irrigation purposes if needed, but no irrigation is anticipated due to retention of native vegetation. The remote location, size, and natural state of the property may render additional landscape considerations unnecessary.

*Solid waste disposal.* Solid waste disposal will be by means of private waste removal contract or owner removal. The waste receptacles will be located in the underground parking facilities away from public view. No outdoor dumpsters are proposed; therefore no dumpster screening should be required.

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<sup>6</sup> This is a generalized average based on national statistics. In Utah, according to <http://governor.utah.gov/>, a one person household in one Utah county generated 4.7 trips per day, while a six person household generated 32.7 trips per day.

<sup>7</sup> Pulled from <http://www.smartgrowthamerica.org/documents/saltlakecitysprawl.pdf>

<sup>8</sup> See LUC §108-8-4 for parking requirements.

<sup>9</sup> See LUC §108-2-4 for general architectural standards.

<sup>10</sup> See LUC §104-9-4 for height limitations.

<sup>11</sup> See LUC §104-28-4 for Scenic corridors ridgeline protection provisions.

*Water source.* Culinary water will be provide via well. The Health Department has provided feasibility for it. The Planning Commission should consider conditioning CUP approval on the demonstration of adequate water rights, water yield, and water quality, as administered by the Health Department.

*Waste water.* The applicant has proposed a packed bed media waste water system for waste water disposal. The Health Department will review the final design and functionality during building permit review, but they have offered general feasibility for the system during subdivision review and approval. They have updated that feasibility based on this proposal for 10 room lodging facility. For the purposes of waste water the Health Department is considering the use residential in nature, which they say is more restrictive than considering if for commercial lodging purposes.

*Source Protection.* The waste water system will be located in zone two of a source protection area of another well in the [relative] vicinity. Zone two prohibits typical septic and drain fields. The Health Department and the State Division of Drinking Water does not consider a packed-bed media system<sup>12</sup> the same as a typical drain field. The Health Department finds this waste water system suitable for this location. Approval should be conditioned on a packed-bed media system, and compliance with all state and Health Department regulations.

*Flood plain.* According to the FEMA flood data, the property is located in the "X" flood zone. The X flood zone denotes areas determined to be outside the 500-year floodplain, or determined to be outside the 1% and 0.2% annual chance floodplains.

*Signage.* No specific signage is being proposed for the property. There is an existing non-illuminated neighborhood identification sign made of timber and iron at the entrance of the lower approach road of the Sanctuary subdivision.

*Geology.* This site is in a geologic hazards study area.<sup>13</sup> A hazard study was provided for the Sanctuary subdivision<sup>14</sup> that offered general guidance and recommendations to building in the area. It found minimal concern. Considering that the report was not specific to the footing/foundation of this proposed lodge, the Planning Commission should consider the need for an update letter from the project geologist to verify that the general scope, conditions, and findings listed in the report are sufficient to provide for a reasonable degree of safety when developing the site. An update letter from Western Geologic is in the process at this time, and will be provided prior to building permit review.

*Noise.* Because the use involves short term lodging for persons not permanently vested in a quiet residential neighborhood experience, it could potentially produce intrusive noises during uninviting hours of the day. The Planning Commission should consider imposing quiet hours for the use in order to mitigate this concern.

## Conformance to the General Plan

The Ogden Valley general plan recreation element supports recreation opportunities and uses. The allowance of recreation in the F-40 zone appropriately executes this desire.

## Staff Recommendation

Staff recommends approval of the Sanctuary Recreation Lodge conditional use permit, file #CUP 2016-11, based on the following findings and conditions:

Conditions:

1. The limits of disturbance shall not exceed the building pad areas, as shown in the application. In the event building activities must exceed the building pad area, a de minimis planning division review of the changes shall be conducted.
2. That quiet hours shall be observed from 10 p.m. to 7 a.m. Daytime noises (related to the use of the lodge) that are unreasonable, obnoxious, or out of character for a quiet residential neighborhood are prohibited.
3. All exterior lighting shall be downward directional and fully shielded in a manner that obstructs the visible light source from view from adjacent properties. The intensity of outdoor lighting, including any landscape lighting, shall be minimized so as not to create unnecessary reflection on the mountain side. Exterior lighting shall be configured in a manner that has minimal visual impact when viewed from other properties. The building permit application shall include for staff approval the specifics of the light fixtures to be used.

<sup>12</sup> Pursuant to a letter dated October 28, 2013, sent to the Weber County Planning Director from The Director of the Department of Environmental Quality, Division of Drinking Water.

<sup>13</sup> The Utah Geological Survey's Ogden 30x60 Geologic Quadrangle, updated in 2016, indicates that the building site is in the Zkc geologic unit. This unit requires a geologic hazards study and report.

<sup>14</sup> See report from Western Geologic, LLC dated September 23, 2010, located in project file.

4. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per day between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted offsite.
5. The applicant shall either submit an updated letter from a qualified geologist indicating that the findings of the general geologic hazards report(s) previously conducted are still valid for the specific building location, or an updated building-specific report shall be submitted with the building permit application that provides any necessary mitigation measures.
6. Storm water drainage shall comply with typical engineering standards, as approved by the County Engineering Division during building permit review.
7. CUP approval shall be subject to final review and approval by the Weber County Engineering Division during building permit review.
8. CUP approval shall be subject to final review and approval of the culinary water and waste water systems, commercial kitchen, and pool or spa (if applicable), in accordance with Health Department requirements.
9. The colors of the facility shall be limited to general muted earth tones that are found in abundance on the site such that all man-made facilities have minimal visual impact and blend with the natural state of the property.
10. There shall be sufficient parking spaces, pursuant to the Weber County parking standards of LUC §108-8, to provide for 10 onsite parking spaces. Parking provisions shall comply with ADA standards. The building permit application shall include a specific parking plan for staff verification.
11. The proposal shall maintain compliance with all other local, state, and federal laws.

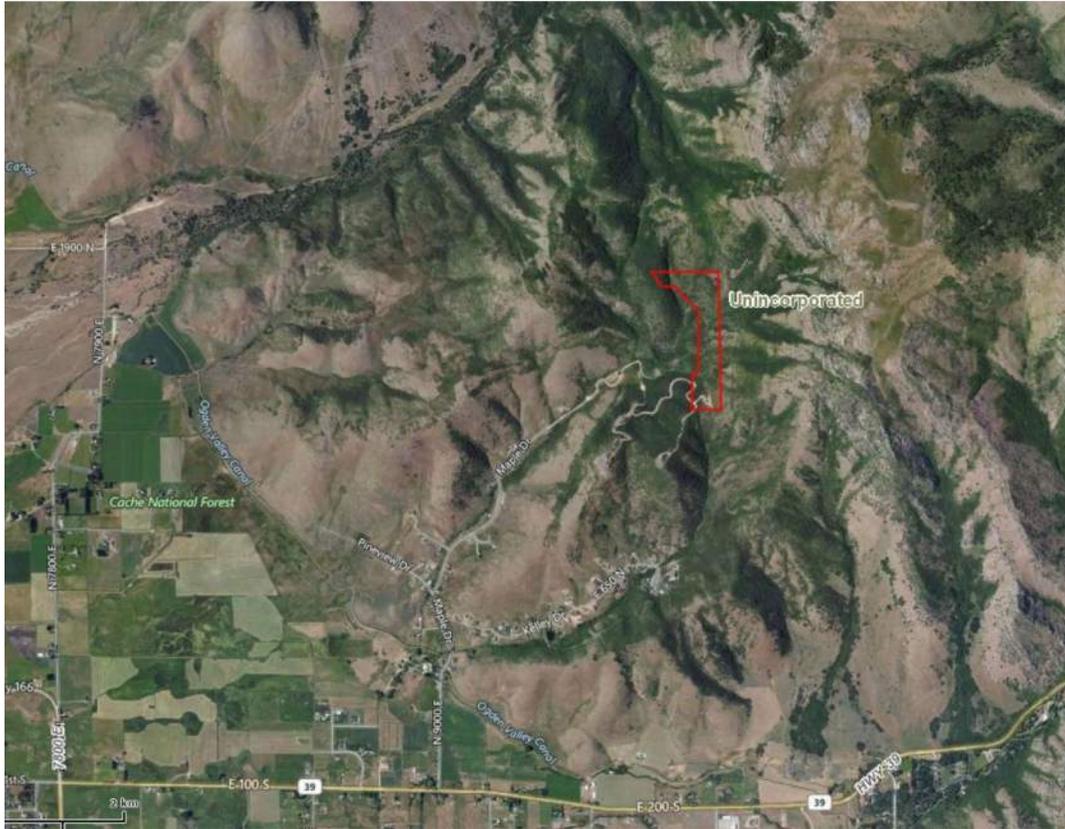
Findings:

1. The proposed use is a recreational use and supports other recreational uses in the Ogden Valley, which is in compliance with the Ogden Valley Recreation Element of the General Plan.
2. The proposed use complies with the Land Use Code's definition of "Recreation Lodge."
3. Given the applicant's proposal and the conditions provided herein, the proposal reasonably mitigates the anticipated detrimental effects of the use.
4. That the applicant asserts that private legal access exists from the public right-of-way to the site. CUP approval is contingent on legal access to the site.

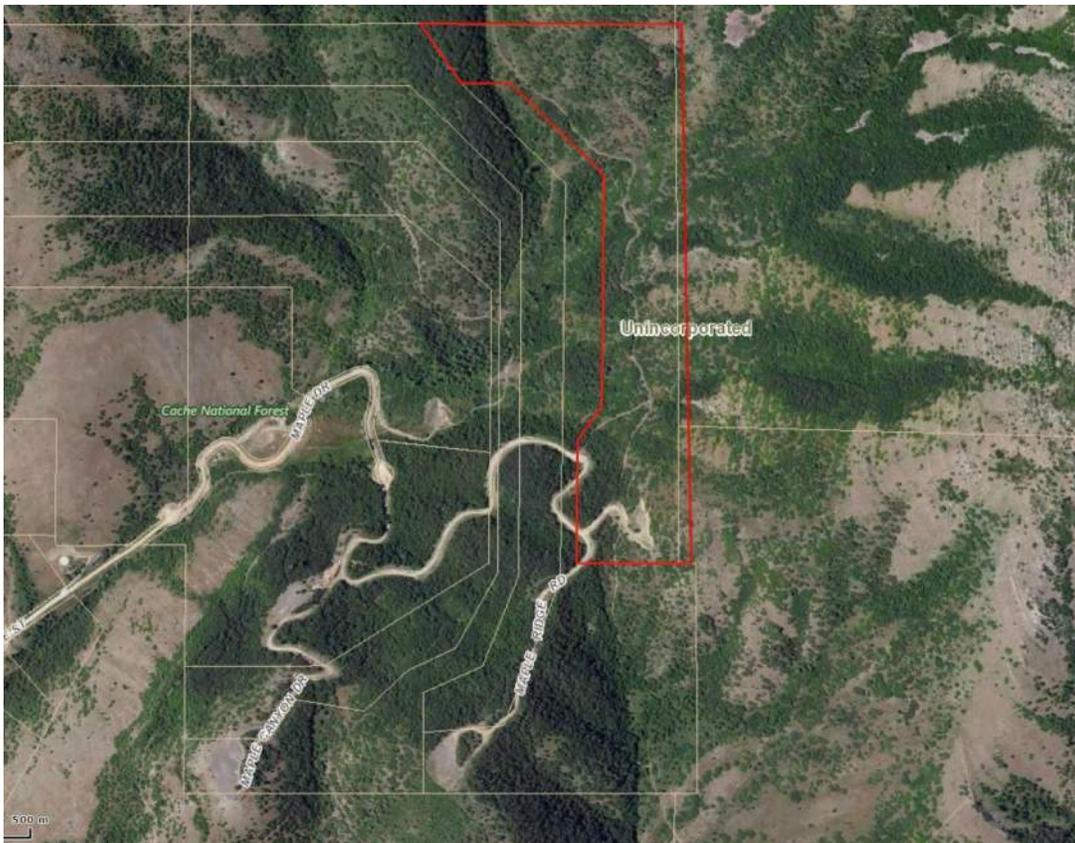
## Exhibits

- A. Application
- B. Fire Marshal Review
- C. Engineering Review

Map 1



Map 2



## Weber County Conditional Use Permit Application

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

Date Submitted / Completed 5/25/2016	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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### Property Owner Contact Information

Name of Property Owner(s) TIMOTHY CHARLWOOD		Mailing Address of Property Owner(s) PO Box 980400 PARK CITY UTAH 84098-0400	
Phone 435 901 2337	Fax N/A		
Email Address (required) TIMCHARLWOOD@GMAIL.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) TIMOTHY CHARLWOOD		Mailing Address of Authorized Person PO box 980400 PARK CITY UTAH 84098-0400	
Phone 435 901 2337	Fax N/A		
Email Address TIMCHARLWOOD@GMAIL.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

### Property Information

Project Name THE SANCTUARY RECREATIONAL LODGE	Total Acreage 40	Current Zoning FR-40
Approximate Address THE SANCTUARY MAPLE DRIVE HUNTSVILLE UTAH 84317 LOT 6.	Land Serial Number(s) 21 126 0006	

Proposed Use: RECREATIONAL RETREAT

### Project Narrative

SEE ATTACHED

**Basis for Issuance of Conditional Use Permit**

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

THE RECREATIONAL LODGE IS INTENDED AS HIGH QUALITY RETREAT WITH IMMEDIATE ACCESS TO ENDLESS RECREATION IN A PROTECTED ENVIRONMENT. BOUND RESTRICTIVE EASEMENT STAFF WILL ENSURE THE RETREAT MAINTAINS STANDARDS SET HIGH IN THE INTERESTS OF OUR ENVIRONMENT AND GUESTS. THIS IS TO BE STRICTLY OBSERVED.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

THE LODGE WILL COMPLY WITH ALL ZONING ORDINANCE UNDER FR-40

**Property Owner Affidavit**

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

[Signature]  
\_\_\_\_\_  
(Property Owner)



Subscribed and sworn to me this 25<sup>th</sup> day of May, 20    

[Signature]  
\_\_\_\_\_  
(Notary)

**Authorized Representative Affidavit**

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

\_\_\_\_\_  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

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

\_\_\_\_\_  
(Notary)



Tim Charlwood • (435) 901-2337 • timcharlwood@gmail.com • PO Box 980400, Park City, Utah, 84098

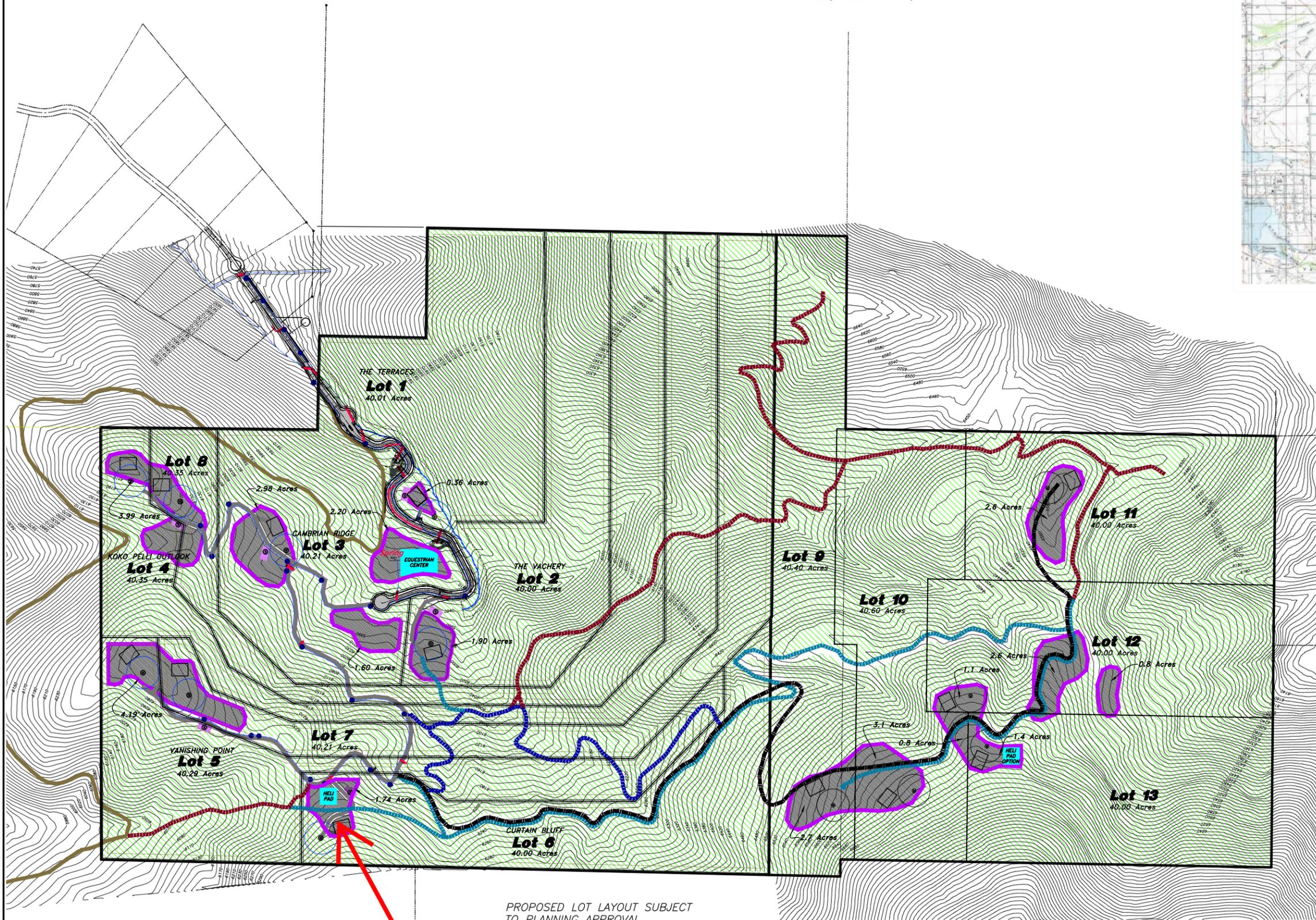
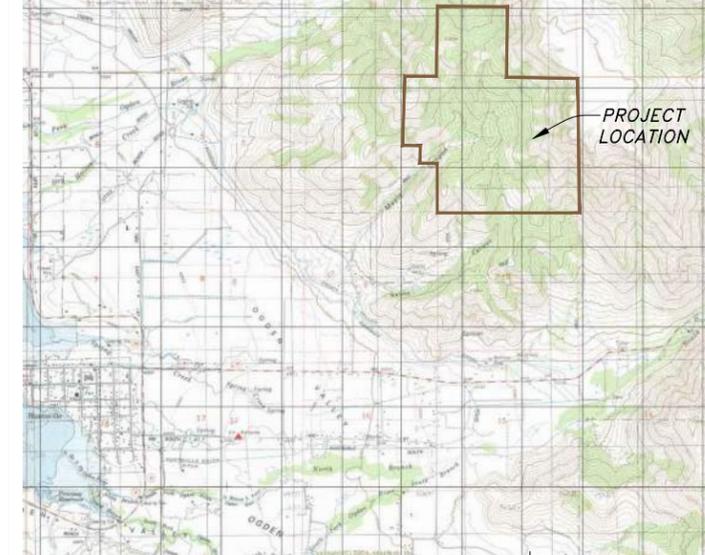
## Sanctuary Recreational Lodge, Curtain Bluff, Lot 6 The Sanctuary

Owner; Tim Charlwood, PO Box 980400, Park City, Utah, 84098-0400.

An application for Recreational Lodge at Lot 6 with 40 acres within Sanctuary will comply with all FR-40 zoning standards. It is proposed to build a High quality Recreational Lodge that will blend into the environment designed by award winning architect James Carroll of Salt Lake City with a maximum of 7,500 square feet live-able area with maximum 10 Bedrooms with shared central open area with full kitchen and anticipated Chef services. It is proposed to have 10 under ground car spaces. Road access has been approved and built right to the Homesite at both upper and lower car park level with snow clearance all winter by Sanctuary HOA. Well approval has been granted and recorded. Septic to comply with Health Department standards with "Green" Packed Bed Mound System designed with no contamination. Geo Thermal heat/cool systems will be installed. Landscaping will be minimal as natural landscape is desired. Homesite with immediate landscape is in place retaining all natural vegetation. Outside of build-able is protected by an Easement and covering all our 469 acres of Open Space within Sanctuary for Home owners to share, no fencing is allowed to maintain natural Habitat. Recreation begins at this Homesite with two treed trails North and South established 10 years ago for equestrian, hiking, biking and Nordic skiing connecting to miles of environmental friendly trails built for Sanctuary use. A Heli-Ski pad is opposite the lower level car park that will accommodate other Sanctuary home owners vehicles if they choose to Heli-Ski. With over 100 Heli-Ski operations there have been no complaints, strict management control has been applied. Future use will be for Sanctuary home owners and guests only. The intention is to maintain a high quality retreat for guests to enjoy. Access through Green Hills Estate has been granted under an agreement that includes a contribution for roads, as a gesture of goodwill it has been proposed to Green Hills HOA to contribute with a double charge for any Homesite with Recreational Lodge permitted use within Sanctuary at time of building permit. This is to comply year round whether occupied or not. This conditional use has the approval of all Lots within Sanctuary being under same ownership. This property is far removed from any residence outside of Sanctuary with no disturbance potential. The building will comply with code including Disability Access and Fire Protection. The Recreational Lodge will be bound by restrictions of use applied under the Land Trust agreement with Ogden Valley Land Trust designed to protect the environment with minimal disturbance, these include No Hunting or Snowmobiles within Sanctuary. This is seen as a good support for all future Sanctuary Homeowners and their guests. A shared use Equestrian area for Sanctuary Homeowners has been designed to allow Horses to stay over night for guests working with local ranchers and is located within the lower Lot 3.



Preliminary Plat For  
**THE SANCTUARY NORTH**  
 HUNTSVILLE, WEBER COUNTY, UTAH

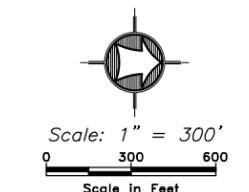


- LEGEND:**
- 50' Private Roadway
  - 50' Private Driveway Easement
  - Exist. 12' wide Green Hills Loop Trail
  - Exist. Trail or Road
  - Winter Habitat Protected Trail (Motorized Vehicles Prohibited from Jan. 1st to Apr. 7th)
  - Proposed 12' wide Equestrian/Nordic Trail
  - Future 50' Private Road
  - Minimum Building Envelope (75'x100')
  - Limited Building Area (Less than 25% slope)
  - Future Building Area (Less than 25% slope)
  - Building Setbacks:  
 Front = 75' min.  
 Side = 40' min.  
 Rear = 30' min.
  - Well Site & 100' Radius Protection Zone
  - Septic Site
  - Check Dam
  - Conservation Easement Area

PROPOSED LOT LAYOUT SUBJECT TO PLANNING APPROVAL

NOTE:  
 NO SNOWMOBILE OR SINGLE SEAT  
 ATV ALLOWED ON ANY TRAILS

**HANSEN & ASSOCIATES, INC.**  
 Consulting Engineers and Land Surveyors  
 538 North Main Brigham City, Utah 84302  
 67 East 100 North Logan, Utah 84321  
 Brigham City Logan  
 (435) 723-3491 Ogden (435) 752-9197  
 (435) 723-7663 (801) 399-4905 (435) 752-8272





ELEVATIONS  
SCALE 1/4" = 1'-0"



ELEVATIONS  
SCALE 1/4" = 1'-0"

James L. Carroll & Associates  
INCORPORATED

"INNOVATORS OF AWARD-WINNING DESIGN"  
455 EAST 400 SOUTH SUITE #403  
SALT LAKE CITY, UTAH 84111 (801) 319-8317  
www.jlcarrollassociates.com

PRIVATE RESIDENCE

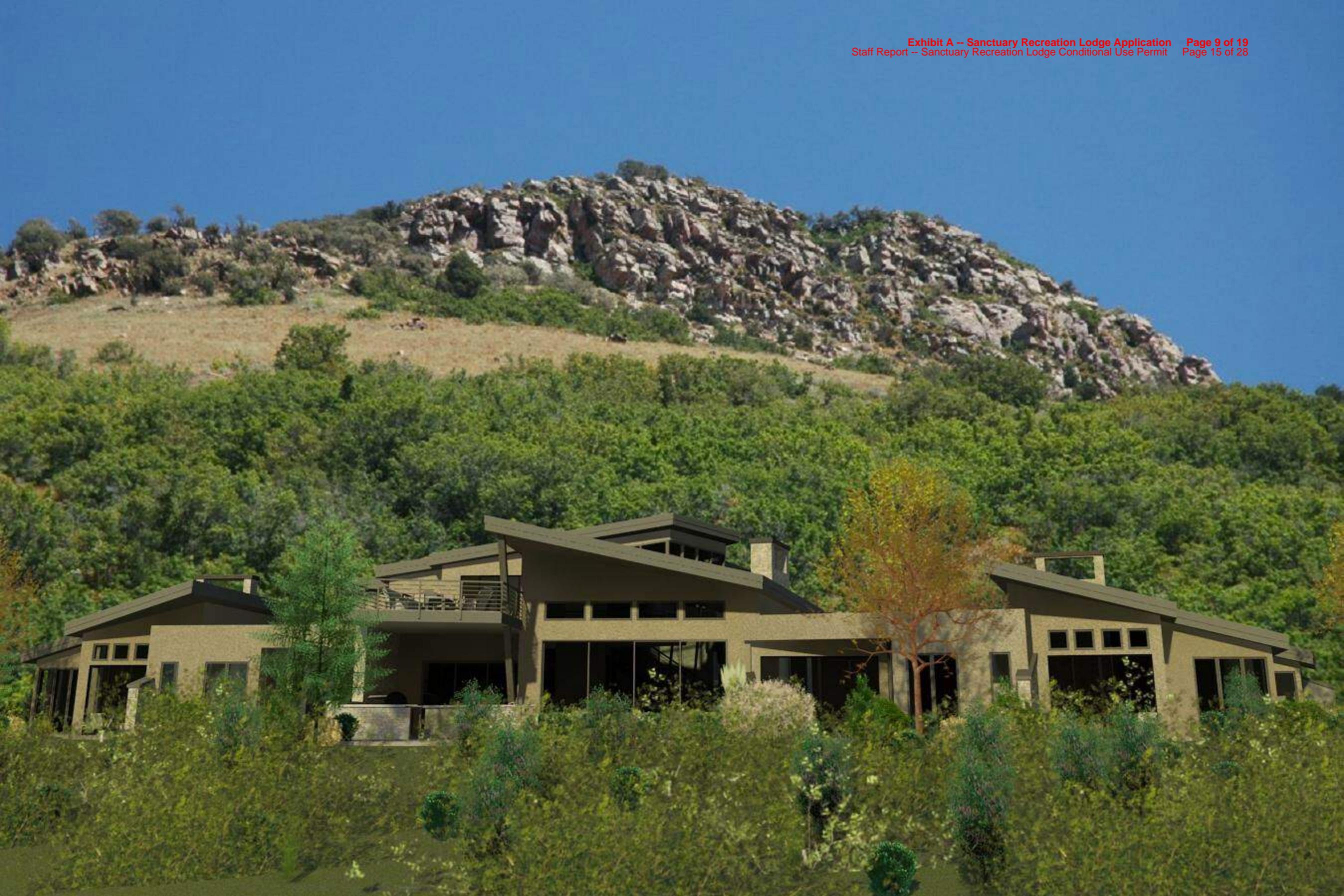
LOT #  
STREET NAME  
CITY, STATE, ZIP CODE

PROJECT: PRIVATE RESIDENCE  
DRAWN BY: JLC  
CHECKED BY: JLC  
DATE: 11/11/11

PROJECT: PRIVATE RESIDENCE  
DRAWN BY: JLC  
CHECKED BY: JLC  
DATE: 11/11/11

A-1.1





**Ewert, Charles**

---

**From:** Tim Charlwood [timcharlwood@gmail.com]  
**Sent:** Wednesday, June 22, 2016 10:04 PM  
**To:** Ewert, Charles  
**Subject:** Sanctuary CUP

Charlie,

Building materials used to finish include rock, stone, steel, Aluminum, Quality synthetic stucco, steel, glass.

Designs by leading award winning architects.

Is that enough?

Thanks for all your help.

Tim









**Ewert, Charles**

---

**From:** Tim Charwood [timcharwood@gmail.com]  
**Sent:** Sunday, June 19, 2016 1:11 PM  
**To:** Ewert, Charles  
**Subject:** [CAUTION link-attachment]CUP Sanctuary Lodge

Charlie,

No.1. I hope the images below provide enough for the CUP. this shows the footprint for the Lodge, Topo contours, underground parking is off the drive under Homesite footprint, no new landscaping as homesite prepared, no irrigation is planned any immediate disturbance will be replanted as natural native that exists with Maple, Elderberry and Sage, ground disturbance will be limited to building pad already cleared with minimum vegetation removal. Solid Waste units will be out of sight within underground area. Septic as indicated and approved will be packed bed mound system, Well as indicated already located in cleared area. Additional rocks from Sanctuary will be placed on area across the approach road to form a decorative feature with natural local seeding between rocks. Similar to those placed at Lot 1 photos below.

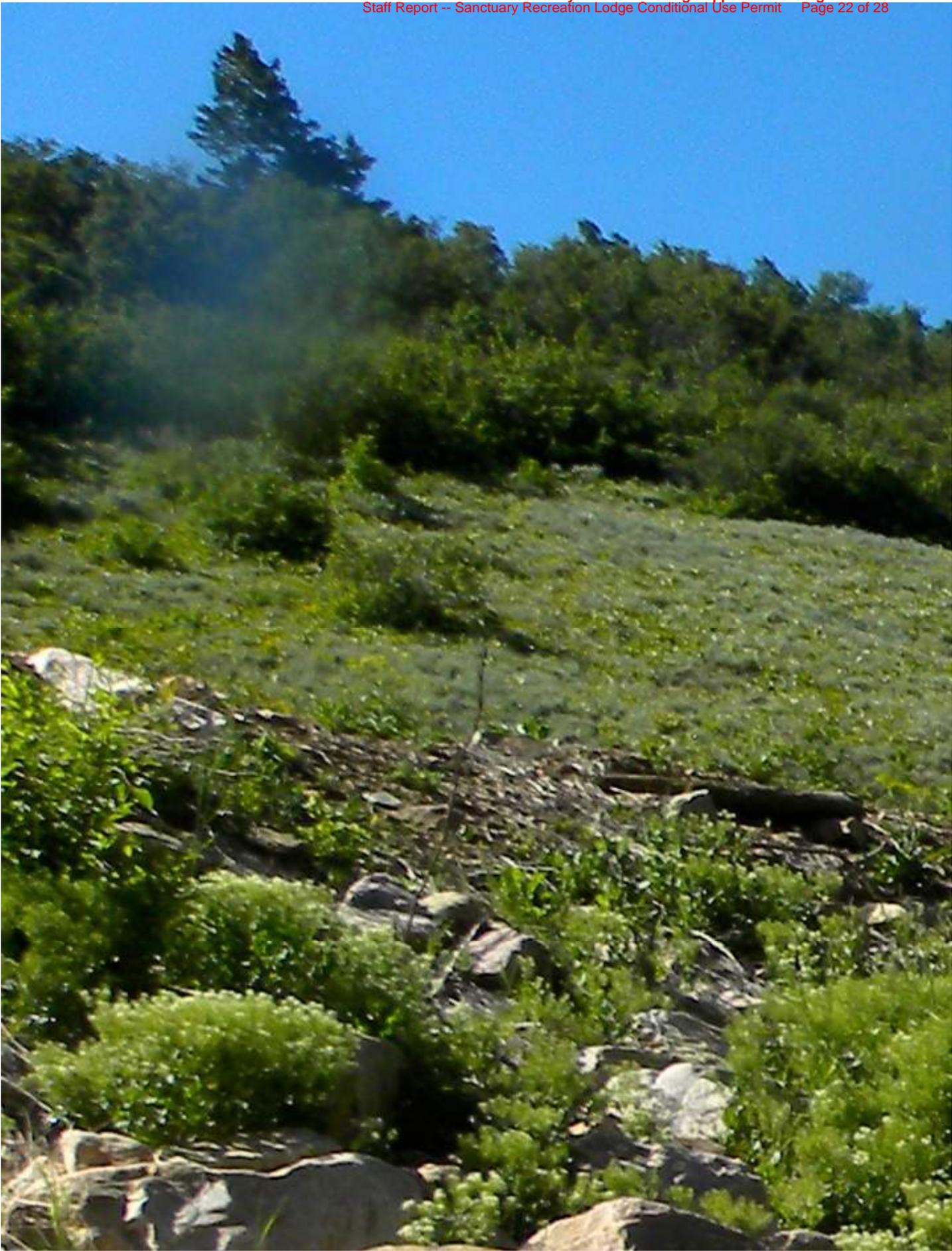
#####

Be the Human Firewall!

To prevent malicious software and viruses, NEVER open files or click on links from unexpected or unknown sources.

Think Before You Click!

#####



No2. Solid Waste in covered area inside entrance to underground car park with screened door. No dumpster required.

No 3. Deliveries can be to underground car park on approach road or to side entrance of lodge.

No.4 Natural drainage to South, South West and North with Homesite on elevated plateau. Small French drain as recommended in Geological Study by Western Geologic outside foundation on East side.

#### Architectural and Design

No.1 Building materials will comply with LUC 108-2-4 parts (2), (4), (6), and (7). Highest quality used by architect James Carroll in award winning homes will be the standard used.

No.2 and 3. Well below ridge line with maximum height less than 35 feet from finished grade.

#### Lighting.

Will be downward facing not disturbing other properties.

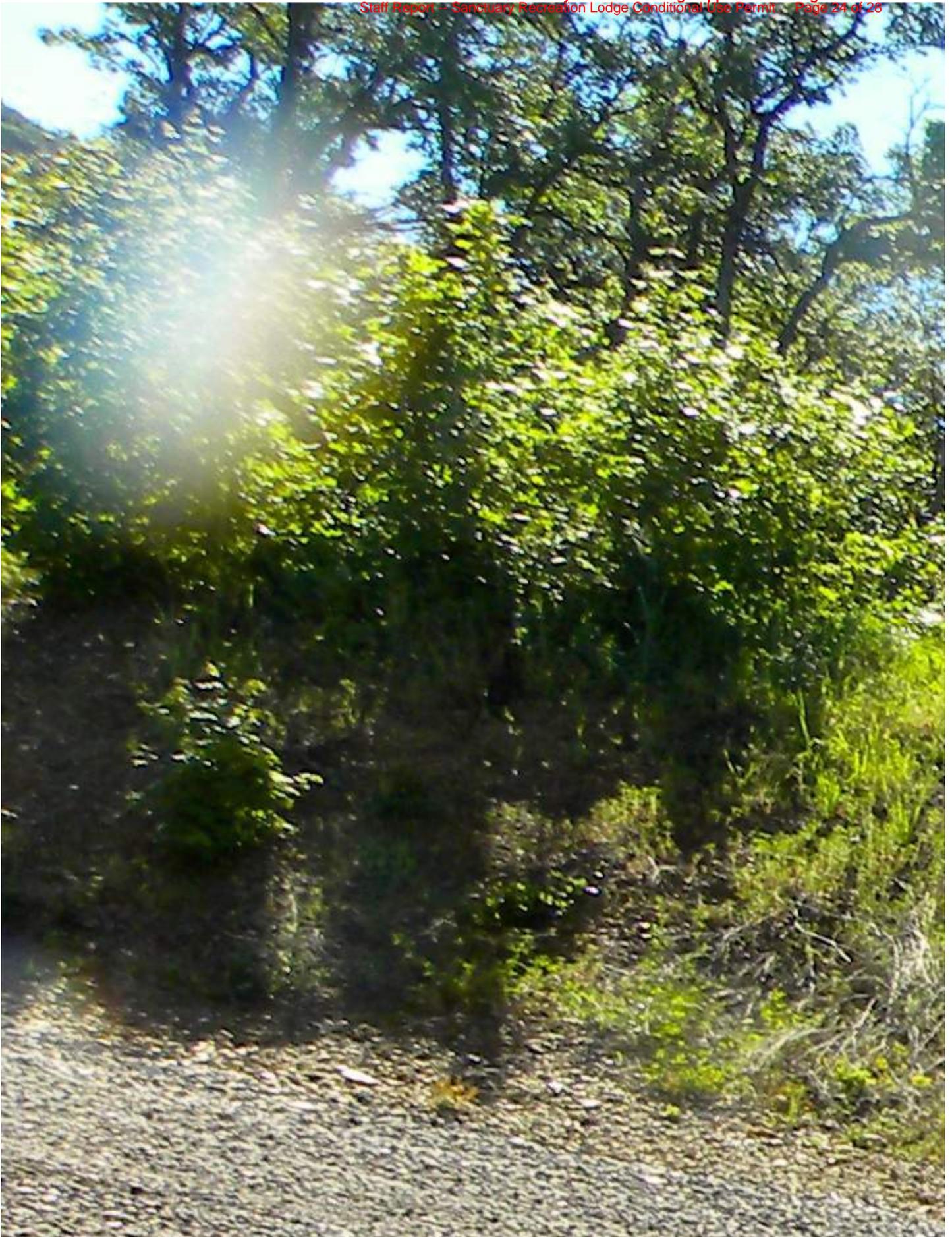
#### Landscaping

No.1 The natural vegetation will be retained mainly Sage and Maple. Any damage vegetation will be replaced. The Homesite sits on an elevated rock plateau prepared years ago with natural vegetation remaining on all sides. Compliance with all the code listed will be applied.

No.2. No irrigation is intended, retaining a natural environment is planned. I acre foot water approved Well Rights Approval E 4906 through Sept 30th 2021.

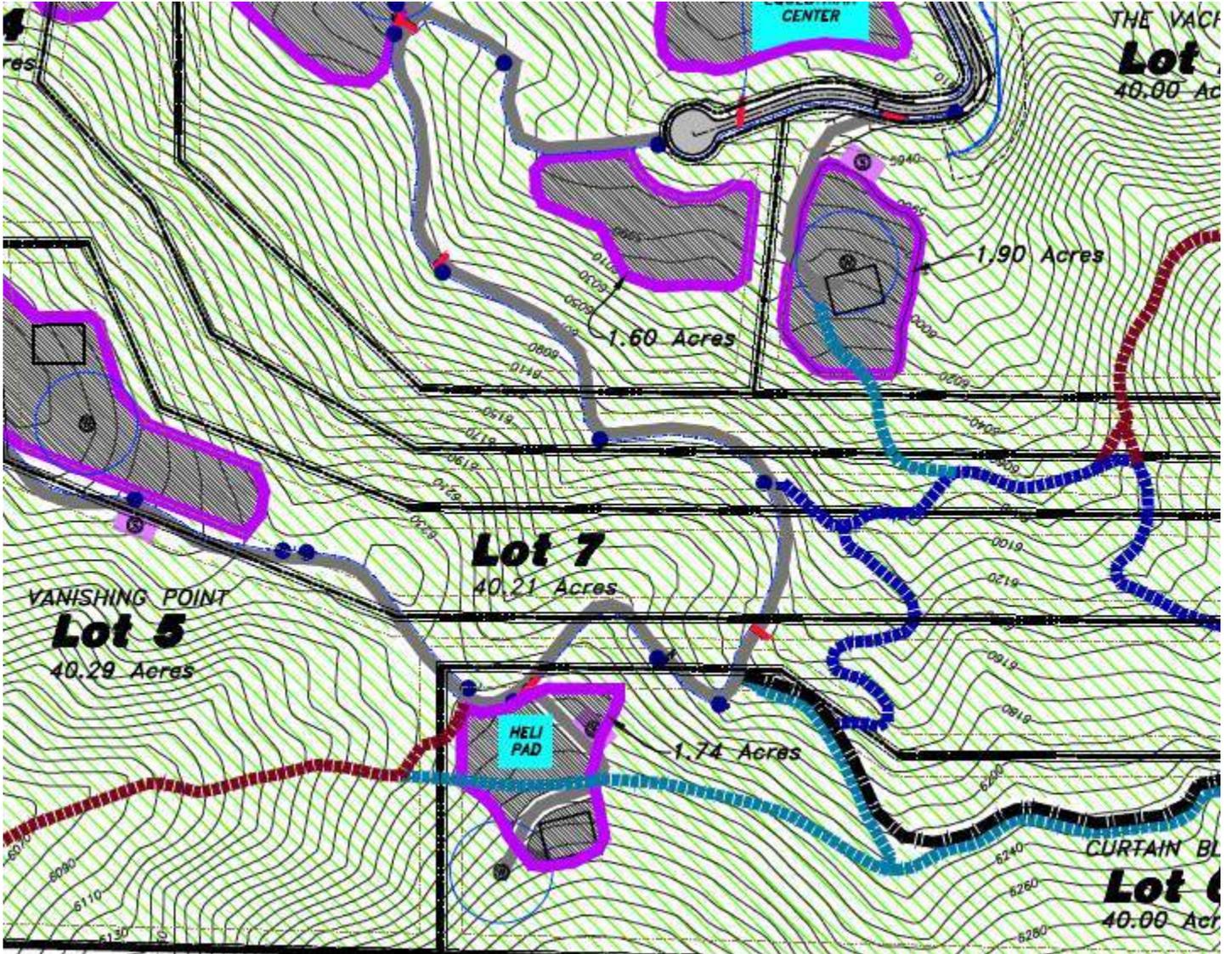
#### Signage.

A sign in natural timber and old iron sign established 8 years ago with letters carved out within exists on lower approach road indicating Curtain Bluff, no further signs required and no lighting.



Geological hazards.

A pit was dug and formed part of the tests at Lot 6, the report has been written in 2007 and updated 2010 with no change, a further review letter is on the way from Bill Black at Western Geologic



## Weber Fire District Comments– Conditional Use Permit

Project: The Sanctuary Recreational Lodge  
User: Brandon Thueson  
Department: Weber County Special Events, Weber Fire District  
Created: 2016-06-06 10:09:59  
Modified: 2016-06-09 08:48:12  
Approved: Yes

### Notes

Date: June 6, 2016

Project Name: The Sanctuary Recreational Lodge

Project Address: 9803 E Maple Rd Lot 6, Huntsville Utah 84317

Contractor/Contact: Timothy Charlwood 435-901-2337 timcharlwood@gmail.com

Fee(s): see attached pdf.

Fee Notice:

Weber Fire District has various fees associated with plan reviews, and inspections. Please be prepared to make payments at the time of inspections or when you pick up your approved plans. Impact Fees are due prior to taking out a building permit. Make checks payable to: Weber Fire District.

\*A Written Response Is Required For This Review\*

Status: USE APPROVED WITH CONDITIONS

### Specific Comments:

1. Fire Flow: Fire flow for this project will be 1,500 GPM for 1 Hour duration (90,000 gallons total). This is contingent upon the building being equipped throughout with an NFPA 13 or 13R fire suppression system and a building no larger than 8,000 square feet in area.
2. Fire Hydrant(s): At least one new fire hydrant must be provided within 100 feet of the fire department connection for the suppression system. This hydrant shall be tied to the 90,000 gallon water supply and shall be capable of producing a minimum of 1,500 GPM at 20 PSI.
3. Fire Suppression System: The building will be an R1 occupancy type which requires a fire suppression system compliant with NFPA 13 or 13R (these are not the same system types as a home would have). These systems are more demanding for flow and pressure and they are hydraulically calculated. Consult with a fire protection contractor concerning system design criteria (see IFC section 903.2.8).
4. Fire Alarm System: A full fire alarm system will be required throughout the building (see IFC 907.2.8)

### General Requirements:

1. Fire Access roads to any property shall have a minimum clear width of 20 feet (face of curb to face of curb) and a vertical clearance of 13 foot 6 inches and shall be capable of supporting a 75,000 pound load.
2. Roads shall have a maximum grade of 10% unless specifically approved as outlined by the International Fire Code. (Roads previously approved and recorded are not subject to change.)
3. Radius on all corners shall be a minimum of 28'-0".
4. Dead end fire apparatus access roads in excess of 150 feet in length shall be provide with an approved area for turning around fire apparatus constructed with the same requirements as the roads.
5. Roads and bridges shall be designed, constructed and maintained to support an imposed load of 75,000 lbs.
6. All roads shall be designed, constructed, surfaced and maintained so as to provide an all-weather driving surface.
7. Fire access roads for this project shall be completed and approved prior to any combustible construction. Temporary roads shall meet the same requirements for height, width and imposed loads as permanent roads.
8. All required fire hydrants and water systems shall be installed, approved and fully functional prior to any combustible construction.
9. SEPERATE SUBMITAL NOTICE: Fire suppression systems and fire alarm systems require a separate submittal. A permit shall be applied for before any installation of either fire suppression system or fire alarm system. The permit shall be on the job site and be available for review by any inspector. The APPROVED STAMPED set of plans shall also be on the job site and available for review by any inspector. If there is no permit and/or approved stamped plans on the job site, there will be a Stop Work Order issued until both are on the job site. Submit plans at Weber Fire District, 2023 W. 1300 N. Farr West.
10. If the building is equipped with an fire suppression system, there shall be a weather proof horn/strobe device located on the street side of the building as approved by the Fire Prevention Division (coordinate with fire inspector regarding location).
11. If the building is equipped with a fire department connection (FDC) there shall be a cement pad measuring 3 ft x 3 ft under the FDC (coordinate with fire inspector regarding this).
12. Fire suppression systems for kitchen hoods shall have the plans approved by the fire department before installation and a test of the system shall be preformed for the fire department for approval.
13. A Knox Box is required for this building. These may be ordered at [www.knoxbox.com](http://www.knoxbox.com). Please select WEBER FIRE DISTRICT as your jurisdiction. Only 3200 Series boxes are to be used.
14. Gates into the area shall be provided with either a Knox Box containing a key to the gate or if the gate is an electric gate, the gate shall have a Knox Key Switch installed. See #18 for how to order.

Every effort has been made to provide a complete and thorough review of these plans. This review DOES NOT relieve the owner, contractor and/or developer from compliance with any and all applicable codes, and standards.

Any change or revision of this plan will render this review void and will require submittal of the new, or revised, layout for fire department review. If you have any questions, please contact me at 801-782-3580.

Brandon Thueson

Fire Marshal

cc: File

### Files

Name	Size	Date Uploaded	Actions
CUP- Sanctuary Rec Lodge 9803 E Maple Rd Lot 6 Huntsville.pdf	226 KB	2016-06-09 08:48:33	<input type="button" value="Rename"/> <input type="button" value="Delete"/>

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## Engineering

Project: The Sanctuary Recreational Lodge  
User: Chad Meyerhoffer  
Department: Weber County Engineering Division  
Created: 2016-06-15 12:37:26  
Modified: 2016-06-15 12:37:26

### Notes

This letter concerns the above referenced Development. I have had a chance to review the plan(s) and have the following comment(s): Written responses to the following comments are required.

1. This lot appears to be in the Geological hazard study area. A site reconnaissance from a Geologist will need to be done on the property. This will need to be done prior to getting the engineering on the building and submitting for building permit.
2. A site plan showing the contours and where the structure will sit will need to be submitted for review. This will be needed for the building permit application and assume as well for the Geologist.
3. A Building Permit will need to be obtained through the Weber County Building Inspection Dept.
4. The necessary permits will need to be obtained through the Health Dept.
5. A Storm Water Pollution Prevention Plan (SWPPP) is now required to be submitted for all new development where construction is required. The State now requires that a National Discharge Pollution Elimination Systems (NPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Dept. of Environmental Quality at the following web site: [https://secure.utah.gov/account/login.html?returnToUrl=https%3A%2F%2Fsecure.utah.gov/stormwater/uii\\_authentication](https://secure.utah.gov/account/login.html?returnToUrl=https%3A%2F%2Fsecure.utah.gov/stormwater/uii_authentication) This is part of a Common Plan of Development and will need to be submitted with the building permit.
6. A Storm Water Activity Permit will need to be obtained through our office before construction begins.  
[http://www1.co.weber.ut.us/mediawiki/images/5/56/Stormwater\\_Construction\\_Activity\\_Permit.pdf](http://www1.co.weber.ut.us/mediawiki/images/5/56/Stormwater_Construction_Activity_Permit.pdf) This will need to be submitted with the building permit.

I have tried to address all items of concern from the engineering department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this letter, feel free to contact me.

Sincerely,

Chad Meyerhoffer  
Weber County Engineering Dept.  
Phone: (801) 399-8004  
e-mail: [cmeyerho@co.weber.ut.us](mailto:cmeyerho@co.weber.ut.us)

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# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for an amendment to the Summit at Powder Mountain Phase 1 PRUD, amending the previous approval for Lot 76 and add the Horizon Neighborhood. The amendment to the PRUD will reduce the overall PRUD area to the Summit Eden Ridge Nests PRUD, Village Nests at Powder Mountain, Horizon Neighborhood at Powder Mountain and Spring Park at Powder Mountain.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, July 05, 2016

**Applicant:** Summit Mountain Holding Group, LLC

**File Number:** CUP 2016-13

### Property Information

**Approximate Address:** Powder Mountain Ski Resort

**Project Area:** 14 Acres (73 Nest Units)

**Zoning:** Ogden Valley Destination and Recreation Resort Zone DRR-1

**Existing Land Use:** PRUD

**Proposed Land Use:** PRUD

**Parcel ID:** All of Summit Eden Phase 1A, 1B, 1C & 1D, All of Summit Eden Ridge Nests PRUD Amendment 1 (Entry# 2672949), All of Village Nests at Powder Mountain (Entry# 27777000), 23-128-0017, 23-128-0018, 23-128-0014, 23-128-0015, 23-130-0043

**Township, Range, Section:** T7N, R2E, Sections 5, 6, 7 & 8

### Adjacent Land Use

<b>North:</b> Ski Resort/Resort Development	<b>South:</b> Ski Resort/Resort Development
<b>East:</b> Ski Resort/Resort Development	<b>West:</b> Ski Resort/Resort Development

### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
 801-399-8768

**Report Reviewer:** SM

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 29 Ogden Valley Destination and Recreation Resort Zone (DRR-1)
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

## Background and Summary

Summit at Powder Mountain Phase 1 is an approved PRUD, consisting of 154 lots and approximately 594.23 acres with approximately 384.19 acres identified as “Open Space” (see Exhibit A for the exiting PRUD boundary). Summit Eden Phases 1A through 1D, Summit Eden Ridge Nests and Summit Eden Village Nests received preliminary subdivision approval in conjunction with the County Commission’s approval of the Summit at Powder Mountain PRUD on April 9, 2013 with subsequent amendments on July 9, 2013. The Summit Eden Phases 1A through 1D, Summit Eden Ridge Nests and Summit Eden Village Nests final subdivision application was heard and received a positive recommendation by the Ogden Valley Planning Commission on October 22, 2013. The Weber County Commission granted final approval on January 21, 2014. The dedication plat for the Summit Eden Ridge Nests PRUD was recorded on January 23, 2014 and the dedication plats for Summit Eden Phases 1A through 1D were recorded on January 27, 2014. A time extension was granted by the Weber County Planning Director on October 16, 2014 for the Summit Eden Village Nests and was later reinstated as the Village Nests at Powder Mountain on December 29, 2015. Village Nests at Powder Mountain received final approval on February 2, 2016 and was recorded on February 5, 2016 as the Village Nests at Powder Mountain.

Summit Mountain Holding Group, LLC petitioned Weber County to rezone approximately 6,198 acres from the CVR-1, FV-3 and F-40 zones to the DRR-1 zone to enable them to proceed with their development in a manner that would be consistent with the proposed Master Plan that was presented to Weber County as part of the rezone application (see Exhibit B for the Conceptual Land Use Plan). The petition to rezone the development to the DRR-1 zone was heard and approved on January 13, 2015 by the Weber County Commission after receiving a unanimous recommendation for approval from the Ogden Valley Planning Commission on October 28, 2014. Weber County entered into Zoning Development Agreement Contract # C2015-6 and the contract was recorded on January 14, 2015 as Entry# 2717835. The Zoning Development Agreement put into action the approved Master Plan which would allow Summit Mountain Holding Group, LLC to move forward with the desired development; however, as amendments have come forward for review, there have been some discrepancies between the initial Summit at Powder Mountain Phase 1 PRUD and the final approved Master Plan that was made part of the adopted Zoning Development Agreement. The rezone and subsequent Zoning Development Agreement was implemented to allow the developer certain flexibilities in the development design standards without continually amending the existing PRUD as the development moves forward. The applicant would like to reduce the overlaying PRUD footprint from the original 594.23 acres to approximately 14 acres (see Exhibit C for the application and narrative). The remaining approved development areas have been recorded as Summit Eden Phases 1A, 1B, 1C & 1D will be governed by approved Zoning Development Agreement and the Uniform Land Use Code of Weber County (LUC). The applicant petitioned Weber County to amend certain areas within the LUC to allow for some various resort development standards. The petition to amend the LUC was heard and approved by the Weber County Commission on May 24, 2016 as Ordinance 2016-4.

The areas to remain under the existing Summit at Powder Mountain Phase 1 PRUD will be two of the previously approved and platted development areas and two future development areas (see Exhibit D). The approved and platted developments to remain under the PRUD are the Summit Eden Ridge Nest PRUD, a 15 unit "Nest" development and the Village Nests at Powder Mountain, a 20 unit condominium development. The future phases of the PRUD will be Spring Park at Powder Mountain, which has received conceptual approval as Lot 76 in the existing PRUD and the Horizon Neighborhood at Powder Mountain.

The applicant has requested to amend the development plan for Lot 76 in the Summit Eden Phase 1C Subdivision, which was previously approved for a lodge and 5 "Nest" units. The previously approved development on Lot 76 has not been platted as individual units nor has construction of the lodge commenced. The current application request to amend the conceptual plan for Lot 76 will include identifying the development as the "Spring Park at Powder Mountain", keeping the previously approved lodge as part of the development and increasing the number of "Nest" units from the previously approved five units to twelve "Nest" units. This future development will consist of 4.05 acres with 60% dedicated as open space.

The additional development area that has been requested as part of this amendment is identified as "Horizon Neighborhood at Powder Mountain". The Horizon Neighborhood at Powder Mountain is a 26 "Nest" unit development with shared parking structures on 5.43 acres. The Horizon Neighborhood at Powder Mountain will dedicate 83% of the area as open space. The Horizon Neighborhood at Powder Mountain PRUD is currently under review with the Planning Division Staff for preliminary subdivision and Hillside Review approval.

By allowing the developer to reduce the footprint of the existing PRUD, staff will be able to adequately implement the current Zoning Development Agreement per the LUC for the remaining areas in the Summit Eden Phase 1A, 1B, 1C & 1D development, which will eliminate the various discrepancies between the governing PRUD and ZDA. The application has been reviewed against the required information as outlined in the LUC §108-5 for consideration and approval of the proposed amendment to the PRUD. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC and should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

## Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Ogden Valley Destination and Recreation Resort Zone more particularly described as the DRR-1 zone. The purpose and intent of the DRR-1 zone is identified in the LUC §104-29-1 as:

*“The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts that lie within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.”*

Lot area, frontage/width and yard regulations: The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for a single family residential dwelling. The following development standards are applicable for a standard single family building permit:

- Front yard setback: 0 feet
- Side yard setback: 8 feet with a total of two required side yards of not less than 18 feet
- Rear yard setback: 10 feet
- Average building height: 35 feet

A lodge is being proposed to be located on the future Spring Park at Powder Mountain as part of the future development of the resort. Prior to receiving land use approval for a building permit application, the applicant will need to submit plans for review and approval per LUC§108-1-2(a) which requires “Design Review” of all applications for building permits including but not limited to recreation resort uses, businesses and commercial structures. The review will include the considerations relating to the building location, major exterior elevations, building materials, color schemes, landscaping, screening and parking for all site development. The Planning Director may review and approve structures located above 6,200 feet above sea level with a total footprint of less than 75,000 square feet.

The DRR-1 Zone does not have a minimum lot area or a minimum lot width requirement per LUC §104-29-2(h) for multi-family, commercial or mixed use structures. The following development standards will be reviewed upon submittal for the design review and building permit of the future lodge:

- Front yard setback: 0 feet
- Side yard setback: 0 feet
- Rear yard setback: 0 feet
- Average building height: 75 feet

The applicant has provided conceptual renderings and site layouts for the future phases within the amended PRUD (see Exhibit E for the architectural renderings and development site layout for the Spring Park and Horizon Neighborhood future developments). The proposed lot configuration meets the area and width standards in the DRR-1 Zone. The proposal is in conformance with previous approvals and updates to the PRUD and the Zoning Development Agreement.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone “D” as determined by FEMA to be an area of undetermined flood hazards. Areas designated as Zone “D” are typically areas in which no analysis of flood hazards has been conducted.

The proposed Horizon Neighborhood at Powder Mountain and the Spring Park at Powder Mountain are located within some potential geologic hazardous units per the UGS published Ogden 30 x 60 Quadrangle map. The geologic units identified on these sites are “Tw”, “Qms” and “Qmc”. A geologic site reconnaissance or any required geologic reports based on the investigation/studies that may be deemed necessary by the applicant’s consultant to provide the correct development measures that will be necessary for the development of the lots will be required to be submitted with any application for building permit approval. All site development will need to adhere to the recommendations of any reports and a “Natural Hazards Disclosure” document will be required to be recorded prior to receiving final occupancy to provide adequate notice of any geotechnical and geological recommendations to future property owners.

Culinary water and sanitary sewage disposal: Culinary and sewer services are provided by Powder Mountain Water and Sewer Improvement District. Based on the original approvals, additional proof of culinary and sanitary sewage services will not be required at this time. During the subdivision process an updated “Feasibility Letter” will be required to ensure the

additional units will be serviced by the Powder Mountain Water and Sewer District. A letter and connect fee from Powder Mountain Water and Sewer District will be required to be submitted with the building permit application.

Review Agencies: The Weber Fire District has reviewed and has made recommendations that will need to be addressed as part of the Horizon Neighborhood at Powder Mountain PRUD subdivision approval process. To date, Weber County Surveyor's Office and the Weber County Engineering Division have not reviewed the application. A condition of approval has been included to ensure that all applicable review agencies requirements will be met prior to recording any future subdivisions within the amended PRUD.

Additional design standards and requirements: The infrastructure has been installed throughout the Summit at Powder Mountain Phase 1 PRUD. Additional design criteria and landscaping designs have not been submitted for review primarily due to the conceptual nature of the proposed amendment and the desire to maintain as much native vegetation as possible to preserve the stability of the hillsides and limit the areas of disturbance. There may be additional site preparation in conjunction with an approved building permit. The proposed subdivision does not require the realignment of or the creation of a new street system. With the exception of the recommended conditions identified in this staff report additional standards and requirements are unnecessary at this time.

The Planning Division staff has reviewed the proposed amendment against the current LUC, the previous PRUD and Zoning Development Agreement Master Plan. Staff supports the request and feels that it will be beneficial to allow the developer to reduce the existing Summit at Powder Mountain Phase 1 PRUD footprint to the following areas:

- Summit Eden Ridge Nests PRUD
- Village Nests at Powder Mountain
- Horizon Neighborhood at Powder Mountain (currently platted as Lots 19, 20, 22R and 23R)
- Spring Park at Powder Mountain (a future development-currently platted as Lot 76)

Public Notice: A courtesy notice has been mailed to all property owners of record within 500 feet of the subject property regarding the proposed amendment to the Summit at Powder Mountain PRUD.

## Staff Recommendation

Staff recommends approval for the amendment to the Summit at Powder Mountain Phase 1 PRUD, amending the previous approval for Lot 76 and adding the Horizon Neighborhood. The amendment to the PRUD will reduce the overall PRUD area to the Summit Eden Ridge Nests PRUD, Village Nests at Powder Mountain, Horizon Neighborhood at Powder Mountain and Spring Park at Powder Mountain. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. An updated "Feasibility Letter" from the Powder Mountain Water and Sewer District as part of the subdivision process.
2. A detailed material list of the proposed exterior building materials or material boards will be required for review and approval during the subdivision process.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

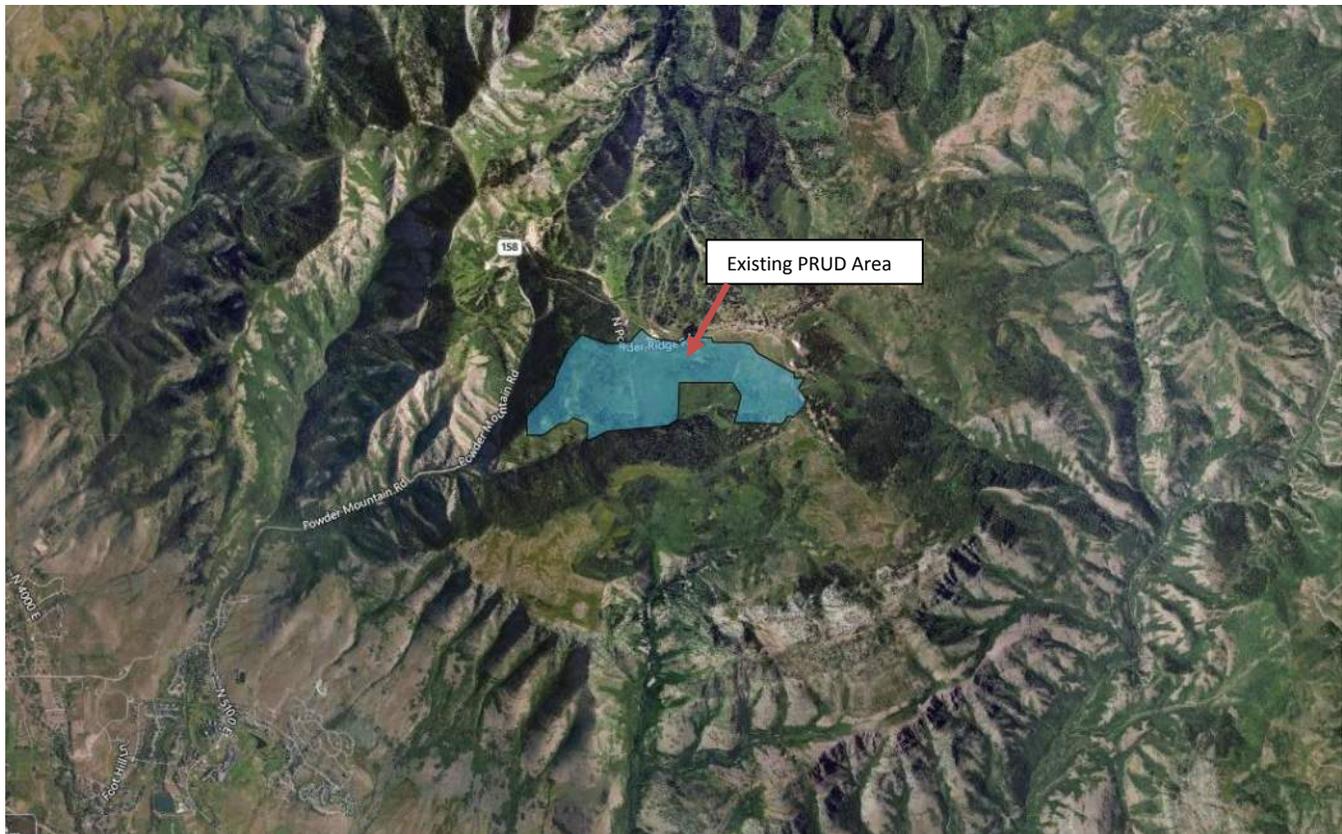
## Exhibits

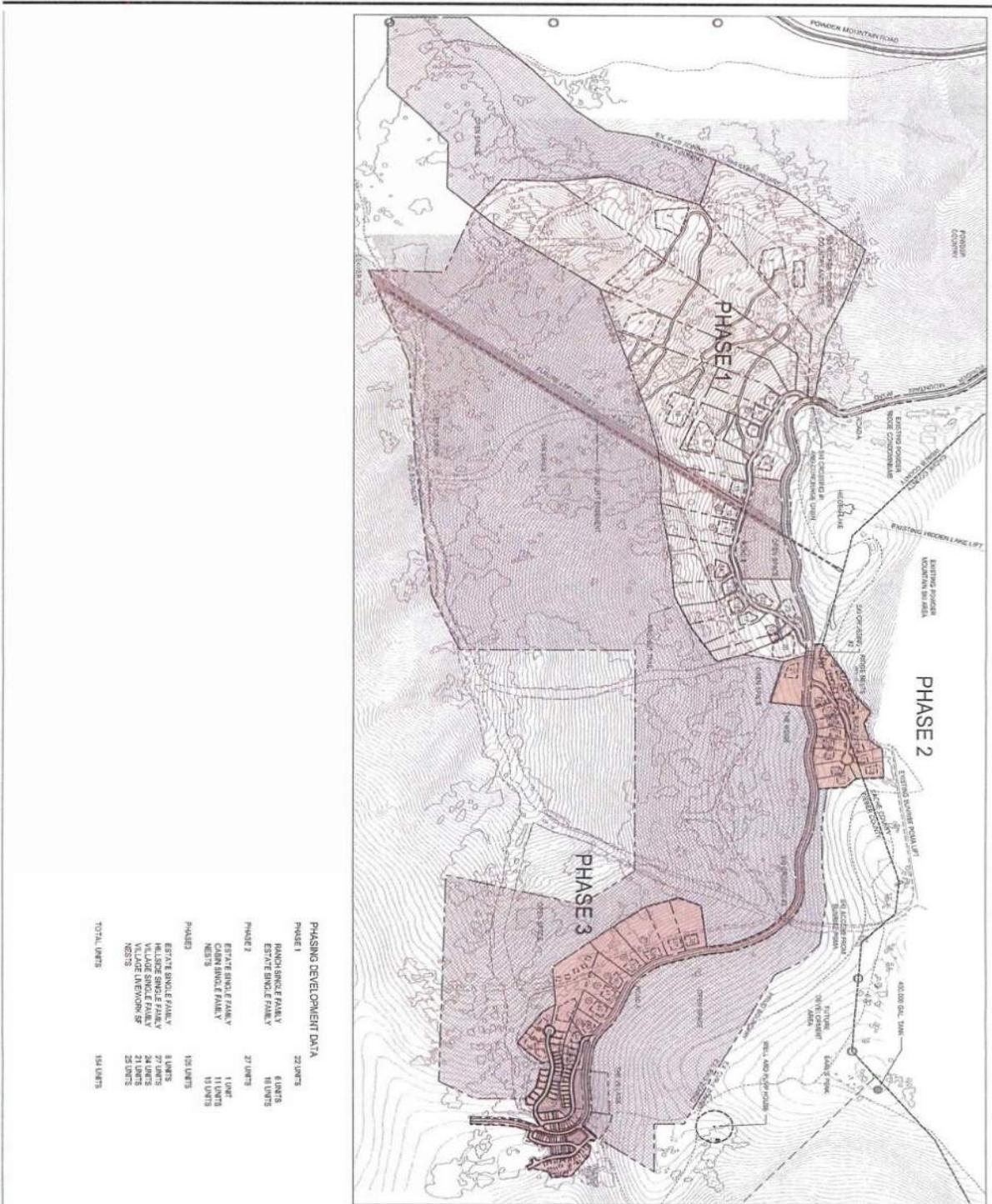
- A. The approved PRUD boundary
- B. The ZDA Conceptual Land Use Plan
- C. Application/Narrative
- D. Amended PRUD boundary
- E. Architectural renderings for the Spring Park and Horizon Neighborhood future developments

Location Map 1



Location Map 2





DATE:	LANCASTER
PROJECT:	PHASING
OWNER:	EDEN
DESIGNER:	LANCASTER
SCALE:	AS SHOWN
VERSION:	PH0
STATION:	
REVISION:	
DATE:	
BY:	
CHECKED:	
DATE:	
BY:	
CHECKED:	
DATE:	
BY:	
CHECKED:	

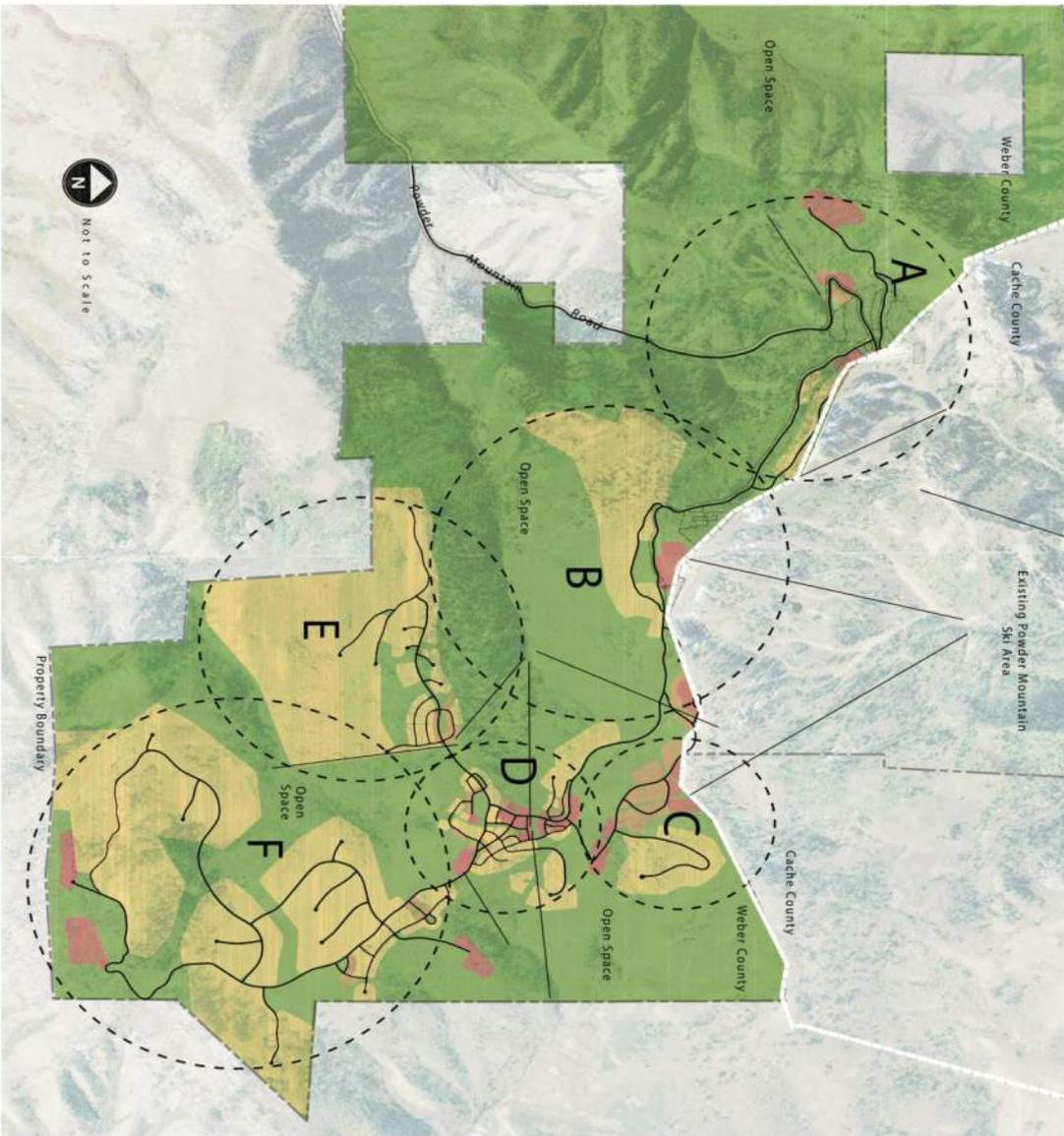
PHASING PLAN  
SHEET NUMBER  
**L1.5**



**SUMMIT EDEN**  
PHASE 1 PRUD SUBMITTAL  
POWDER MOUNTAIN, WEBER COUNTY, UTAH



POWDER MOUNTAIN



The Overall Land Use Plan depicts general areas for development within the proposed Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.

Each development area identified is represented in greater detail within this Rezone Application.

- DEVELOPMENT AREAS**
- A - Mid-Mountain
  - B - The Ridge
  - C - Earl's Village
  - D - Summit Village
  - E - Gertsen
  - F - The Meadow

DEVELOPMENT LEGEND		DEVELOPMENT DATA	
<span style="display: inline-block; width: 20px; height: 10px; background-color: #f08080; border: 1px solid black;"></span>	MIXED USE HOTELS COMMERCIAL/SKIER SERVICES/CONF. CENTER RETREATS	1,218 ROOMS*	159,000 SF
<span style="display: inline-block; width: 20px; height: 10px; background-color: #c08040; border: 1px solid black;"></span>	MULTI FAMILY	180 ROOMS*	1,256 UNITS
<span style="display: inline-block; width: 20px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span>	SINGLE FAMILY SINGLE FAMILY LOTS NESTS	738 UNITS	340 NESTS
<b>TOTAL UNITS</b>		<b>2,800 UNITS</b>	

\* HOTEL AND RETREAT ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS

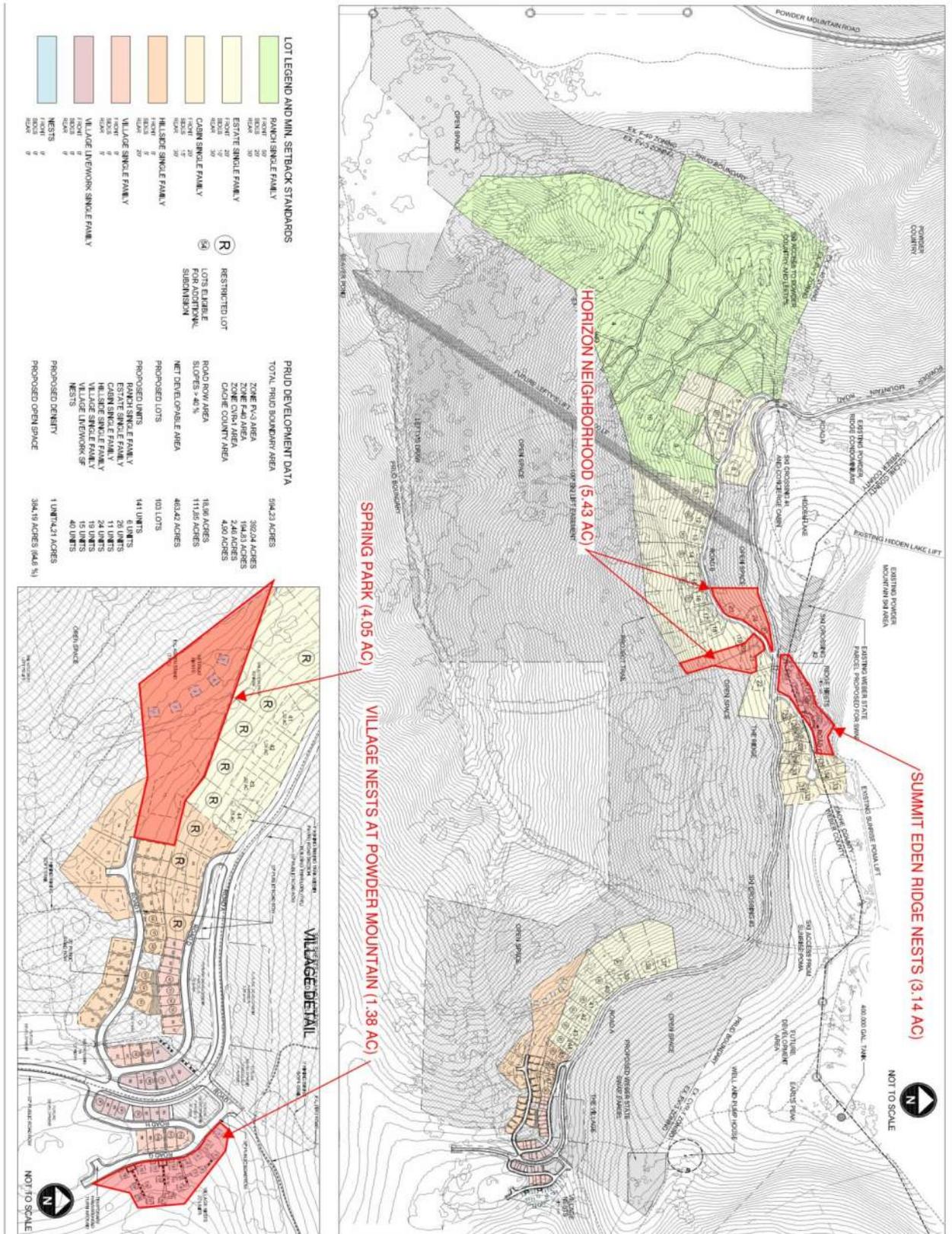
Weber County Rezone Application: DRR1 19

# Overall Land Use Plan

## Exhibit C-Application and Narrative

<b>Weber County Conditional Use Permit Application</b>			
<b>Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401</b>			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
<b>Property Owner Contact Information</b>			
Name of Property Owner(s) SMHG PHASE I LLC		Mailing Address of Property Owner(s) 3632 N. WOLF CREEK DRIVE, EDEN, UT 84310	
Phone 435-640-7002	Fax N/A		
Email Address (required) JW@SUMMIT.CO		Preferred Method of Written Correspondence: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Authorized Representative Contact Information</b>			
Name of Person Authorized to Represent the Property Owner(s) RICK EVERSON		Mailing Address of Authorized Person 5200 HIGHLAND DRIVE #101, SALT LAKE, UT 84117	
Phone 801-897-4880	Fax N/A		
Email Address RICK@WATTSENTERPRISES.COM		Preferred Method of Written Correspondence: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
<b>Property Information</b>			
Project Name SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD		Total Acreage 14.0	Current Zoning DRR-1
Approximate Address POWDER MOUNTAIN RESORT		Land Serial Number(s) ALL OF SUMMIT EDEN RIDGE NESTS PRUD, AS AMENDED (ENTRY #2672949) ALL OF VILLAGE NESTS AT POWDER MOUNTAIN (ENTRY #2777000) 23-128-0017, 23-128-0018, 23-128-0014, 23-128-0015, 23-130-0043	
Proposed Use SINGLE FAMILY RESIDENTIAL			
<p><b>Project Narrative</b> ON APRIL 9, 2013 THE WEBER COUNTY COMMISSION APPROVED CUP 2013-03 (SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD) WHICH INCLUDED 594.23 ACRES OF LAND, 384.19 ACRES OF WHICH WERE IDENTIFIED AS OPEN SPACE. ON JANUARY 14, 2015, THE ENTIRETY OF THIS AREA (PLUS ADDITIONAL LANDS) WHERE RE-ZONED TO OGDEN VALLEY DESTINATION AND RECREATION RESORT-1 ZONE (DRR-1), PER ZONING DEVELOPMENT AGREEMENT RECORDED AS ENTRY NUMBER 2717835. WITH THE NEW ZONING, THERE IS NO LONGER A NEED TO KEEP THE MAJORITY OF THE 594.23 ACRES OF THE PRUD IN THE SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD. THE ZONING DEVELOPMENT AGREEMENT AND PERTINENT MASTER PLAN KEEPS THE SAME LAND PLANNING PRINCIPLES AS ORIGINALLY SET FORTH WITH THE PRUD. THIS APPLICATION IS A PROPOSED AMENDMENT TO SUMMIT AT POWDER MOUNTAIN PHASE 1 PRUD, SHRINKING THE PRUD FROM 594.23 ACRES DOWN TO 13.99 ACRES TO INCLUDE ONLY THE AREAS THAT A PRUD IS NECESSARY TO ACCOMPLISH ROAD ACCESS REQUIREMENTS WHICH CAN ONLY BE ALLOWED THROUGH A PRUD.</p> <p>THE NEW PRUD AREA WILL INCLUDE THE FOLLOWING PROJECTS: SUMMIT EDEN RIDGE NESTS PRUD (RECORDED AS ENTRY #2672949) TOTAL AREA= 3.14 AC, OPEN SPACE= 2.69 AC (86%)</p> <p>VILLAGE NESTS AT POWDER MOUNTAIN (RECORDED AS ENTRY #2777000) TOTAL AREA= 1.38 AC, OPEN SPACE= 1.04 AC (75%)</p> <p>HORIZON NEIGHBORHOOD AT POWDER MOUNTAIN (PENDING CURRENT APPLICATION) TOTAL AREA= 5.43 AC, OPEN SPACE= 4.51 AC (83%)</p> <p>SPRING PARK AT POWDER MOUNTAIN (FUTURE DEVELOPMENT, CURRENTLY EXISTS AS LOT 76, SUMMIT EDNE PHASE 1C, PARCEL 23-130-0043) TOTAL AREA= 4.05 AC, MINIMUM OPEN SPACE= 2.43 AC (60%)</p> <p>PROJECTED OVERALL: TOTAL AREA= 14.00 AC, OPEN SPACE= 10.67 AC (76%)</p>			

# Exhibit D-Amended PRUD Boundary



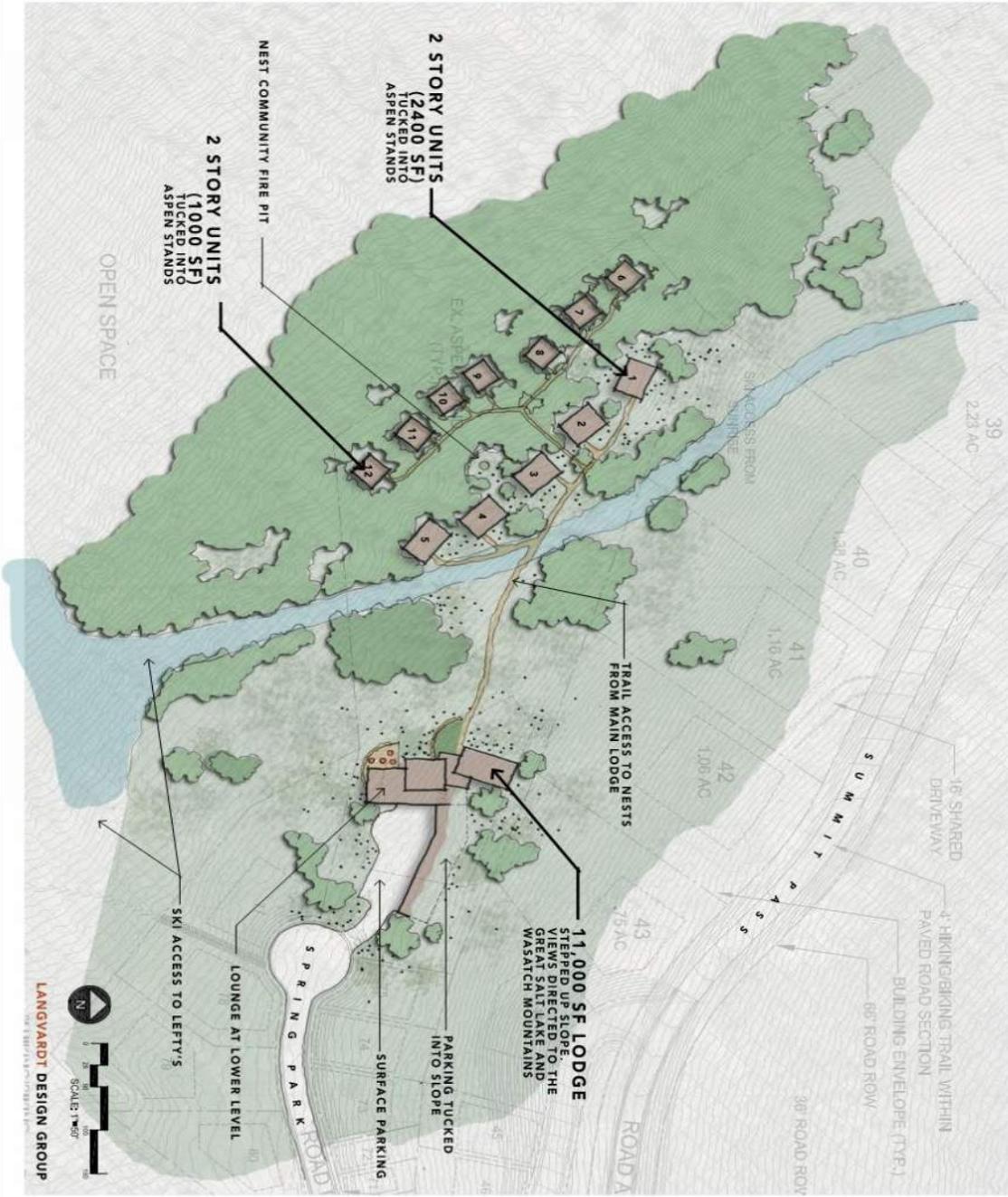
SHEET TITLE	OVERALL SITE PLAN
SHEET NUMBER	L1.2
DATE	JANUARY 22, 2019
PROJECT	WINDMILL
DESIGNER	LL
CLIENT	PRUD
LOCATION	PRUD
SCALE	AS SHOWN

**SUMMIT EDEN**  
PHASE 1 PRUD SUBMITTAL

POWDER MOUNTAIN, WEBER COUNTY, UTAH

**LANGVARDT**  
DESIGN GROUP LLC

Spring Park: Conceptual Plan



SUMMIT POWDER MOUNTAIN

EBS Project Phase 1 9



Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood



VIEWED FROM THE WEST



RENDERINGS



SHARED PATHWAY



RENDERINGS

Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood



PARKING GARAGE  
VIEWED FROM THE EAST



RENDERINGS



PARKING GARAGE  
VIEWED FROM THE  
SOUTH



RENDERINGS

Exhibit E-Architectural Rendering and site layout for the Spring Park and Horizon Neighborhood



1000sf INTERIOR  
HORIZONTAL CEDAR  
BOARDS



RENDERINGS



2500sf INTERIOR  
HORIZONTAL CEDAR  
BOARDS



RENDERINGS



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Consideration and action for a conditional use request for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. The application includes the request to run concurrently for preliminary subdivision approval of The Bridges at Wolf Creek Resort PRUD.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, July 05, 2016

**Applicant:** WCU LLC and Bridges Holding Company, LLC

**Authorized Representative:** Eric Householder

**File Number:** CUP2016-12

### Property Information

**Approximate Address:** 4920 East Fairways Drive

**Project Area:** 262.81 Acres

**Zoning:** RE-15 and FR-3

**Existing Land Use:** Vacant

**Proposed Land Use:** Residential

**Parcel ID:** 22-017-0011, 22-006-0033, 22-006-0004

**Township, Range, Section:** T7N, R1E, Section 16

### Adjacent Land Use

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

### Staff Information

**Report Presenter:** Ronda Kippen  
[rkippen@co.weber.ut.us](mailto:rkippen@co.weber.ut.us)  
 801-399-8768

**Report Reviewer:** SM

## Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 3 Residential Estate Zones (RE-15)
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

## Summary and Background

The Planning Division recommends approval of the conditional use request for The Bridges at Wolf Creek Resort Planned Residential Unit Development (PRUD) located within the approved Wolf Creek Resort Master Development; including the request for preliminary subdivision approval to run concurrently with The Bridges at Wolf Creek Resort PRUD. The proposal is a master planned project within the Wolf Creek Resort, consisting of 364 units (see Exhibit A for the project narrative). The proposed development area is zoned RE-15 and FR-3 zone. The PRUD will be a multi-phased development consisting of six communities with a variety of housing options and includes approximately 143 acres of open space (see sheet P1.8 of Exhibit B for the proposed preliminary subdivision and phasing plan). The open space accounts for approximately 54.5% of

the total project boundary area (see sheet number P1.2 of Exhibit B for the PRUD Conceptual Layout). The open space will include an extensive pathway system using both asphalt and soft trails and three neighborhood parks.

Wolf Creek Resort has been a Master Planned Community since the early 1980's. In 2002, the owner of Wolf Creek Resort petitioned the County to rezone areas within the development and amend the agreement. The 2002 Wolf Creek Master Plan Amendment was approved as Contract# C2002-139 and recorded with the Weber County Recorder's Office as Entry# 1883524. The applicant has played a crucial part of the recent restructure of the Wolf Creek Resort development and currently has 486 units allocated to this development area. The revised contract was approved as Contract# C2015-31 and was recorded with the Weber County Recorder's Office as Entry# 2768159. An amendment to include the "conceptual maps" that were requested by Weber County was approved on March 22, 2016 and recorded with the Weber County Recorder's Office as Entry# 2784398 (see Exhibit C for the adopted conceptual map).

The applicant would now like to move forward with the development process and has submitted the required information as outlined in the Uniform Land Use Code of Weber County (LUC) §108-5 for consideration and approval of the proposed PRUD as well as preliminary subdivision consideration. Planned Residential Unit Developments are listed as a "Conditional Use" in the LUC and are required to receive concurrent preliminary subdivision approval according to the approval process outlined in LUC §108-5-6(d)(3)(c).

Conditional use permits should be approved as long as any harmful impacts can be mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impacts to which the proposal must adhere. To ensure that the natural environment is preserved to the greatest possible extent, the Planning Commission, subject to the reviews and recommendations of the required public agencies, must review and approve the general site and architectural design of the building, the layout of the parking areas and the landscaping.

As part of the preliminary subdivision requirements, subdivision review process and approval procedure, the proposal has been reviewed against the current subdivision ordinance and the standards in the RE-15 and FR-3 zone. The preliminary subdivision must be presented to the Planning Commission for their recommendation to the County Commission for approval. The Planning Commission, subject to the requirements of this chapter, may recommend approval, approval with conditions, or denial of the PRUD to the County Commission. The proposed PRUD, including the preliminary subdivision and lot configuration, is in conformance with the existing PRUD, current zoning and the Zoning Development Agreement Master Plan as well as the applicable requirements in the LUC, based on the recommended conditions listed in this staff report. The following is staff's analysis of the proposed PRUD as a condition use, the design review, and the preliminary subdivision.

## Analysis

**General Plan:** The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

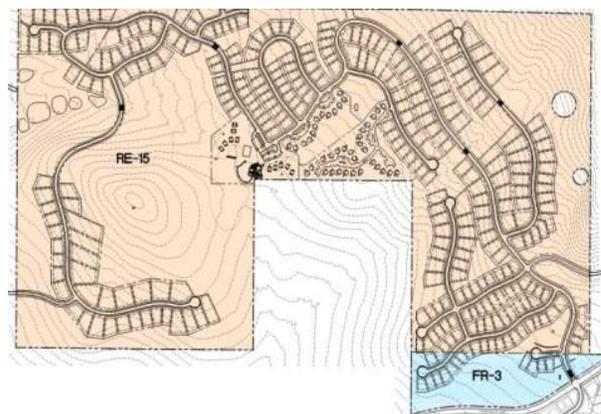
**Zoning:** The subject property is located in two separate zones identified as the Residential Estate and the Forest Residential Zone more particularly described as the RE-15 and FR-3 zones.

The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

*"The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone."*

The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

*"The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts."*



Conditional Use Review: The proposed PRUD is conditionally allowed in the RE-15 and the FR-3 zones. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. As a requirement of the conditional use permit, the applicant has provided a “Will-Serve Letter” from Wolf Creek Water and Sewer District (see Exhibit D) for culinary, irrigation and waste water services. The applicant has provided the required material to facilitate a thorough review of the proposed project including preliminary subdivision plan, grading, drainage, and a geologic site reconnaissance and geotechnical report.

The general requirements for consideration of a planned residential unit development include items such as the architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal; which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking; the landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings; the size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting; the residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density; and the demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.

The majority of these considerations will be addressed in the design review and subdivision portion of staff’s analysis of the proposal. The applicant will be required to provide a cash escrow to be held by Weber County for the improvements within the development. If the Planning Commission would like the developer to provide proof of financial feasibility for the development, a condition of approval will need to be added to request the additional information for review.

Design Review: The current zoning and the proposed conditional use mandates a design review as outlined in the LUC §108-1 to ensure that the general layout and appearance of the development shall not impair the orderly and harmonious development of the neighborhood nor impair investment in and occupation of the neighborhood. As part of this review, the Planning Commission shall consider the relevant standards for the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The standards for consideration are as follows:

1) *Considerations relating to traffic safety and traffic congestion.* The proposal includes improvement drawings for the construction of the infrastructure throughout the development. The development identifies multiple areas of access including the main access off of Fairway’s Drive. Additional ingress and egress points have been utilized from Snowflake Drive on the East side of the development connecting into “Road A” and connecting into 4150 East along the West side of the development connecting into “Road M”. It may be beneficial to include an additional stubbed street from “Road M” to enable a future connection with 4100 N /Fairways Drive. The additional stubbed street would provide for an alternative future route to ensure safe ingress and egress for residents within the development. Based on the discussion during the work session, there is a need for “Road M” to be stubbed to a “future connection with 4100 N/Fairways Drive”, a condition of approval has been added to ensure the stubbed road is included in the final subdivision design.

The applicant has provided adequate parking for the cabin sites as well as for the Homestead Club area. Parking has not been provided for the Parkside Park or for the Grove Park. According to LUC§108-8-5

*“The Planning Commission may adjust parking standards if it is determined that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted.”*

Parking for the two smaller parks may not be necessary due to the parks being more of a neighborhood park instead of a community park; however, measures may need to be addressed to ensure that parking along the County roads for the use of these amenities is discouraged. The Planning Commission may impose additional parking areas or “No Parking” signage along the road corridors to ensure that on street parking does not create hazardous traffic conditions and congestion as a condition of approval if deemed necessary. All other areas of the proposed parking meets the parking standards as outlined in LUC §108-8.

2) *Considerations relating to outdoor advertising.* The applicant has provided details for the ground entrance monument for “The Bridges at Wolf Creek Resort” including the proposed material and landscaping design. The applicant has not proposed any additional signage or outdoor advertising as

part of the application. If the developer would like to have any signage within the development, a signage plan will need to be submitted for review and approval prior to installation of any signage outside of the typical required traffic signs.

3) *Considerations relating to landscaping, screening and buffering.* The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 by providing detailed landscaping plans for the main entrance to the project from Fairways Drive, the common area identified as the “Parkside Park” and the “Grove Park” (see sheet L1.1, L1.2 & L1.3 of Exhibit B).

4) *Considerations relating to buildings and site layout.* The individual lot layout has been reviewed against the design criteria of the current zoning in the LUC §104-3 and LUC §104-17, the Design Review in the LUC §108-1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4. The lot sizes in the PRUD will vary from 0.14 acre lots to 0.92 acre lots. Five of the seven development areas will offer single family building lots designed to accommodate home ranging in size from 1,400 square feet to 4,000 square feet.

The “Grove Cabins” and “Homestead Cabins” developments will offer individual building pads and include a one bedroom option, with approximately 550 square feet of livable space or a two bedroom option, with approximately 841 square feet of livable space (see sheet A1.3 and A1.4 of Exhibit B for the architectural details for the cabin options).

The proposal also includes detailed plans and architectural renderings for the “Homestead Club” and the “Homestead Barn” (see sheets A1.1 and A1.2 of Exhibit B). These amenities will include a community event space, swimming pool and recreational lawn area with adequate parking adjacent to the Barn. A reservoir identified on the plans as “Community Lake” is located to the south west of the Homestead Barn and Club area. The reservoir will provide secondary water storage and will be used as a water recreation amenity as well.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant has provided civil engineered drawings that identify the existing and proposed topography, contour lines, utilities, easements and drainage. There is a seasonal stream located on the project and the plans appear to provide adequate setbacks for the stream corridor. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to easements and utilities to and through the property, site improvements and storm water drainage.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* The Bridges at Wolf Creek Resort has been designed to provide a variety of housing options for the residents of the Ogden Valley and will preserve over 54.5% of the total project area as open space. The applicant has designed the development to utilize the existing landscaping and preserve the native vegetation in order to protect the wildlife habitat. The open space will also include approximately six miles of trails. The trail system will include a 10’ asphalt trail system running approximately 4,651 linear feet and a 4’ soft trail system running approximately 26,906 linear feet. The trail system will tie the development to the core of the Wolf Creek Resort. The development is not only in conformance with the approved Conceptual Plan that was adopted with the Wolf Creek Resort Master Development but it is also in conformance with the Ogden Valley General Plan.

*Preliminary Subdivision Standards:* As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the RE-15 zone (LUC §104-3) and in the FR-3 zone (LUC §104-17) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

*Lot area, frontage/width and yard regulations:* The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas.” The proposed PRUD utilizes the allowed flexibility to create neighborhoods with lots ranging in size from 0.14 acres to 0.92 acres and sized to

accommodate single family homes and cabin sites ranging from 550 square feet to 4,000 square feet. The preliminary drawings include the following minimum single family yard setbacks for the six communities:

- The North 40, Hillside, Homestead, Mountainside, and Parkside:
  - Front Yard: 15 feet
  - Side Yard: 7.5 feet
  - Rear Yard: 20 feet
- Homestead and Grove Cabins
  - Front Yard: 0 feet
  - Side Yard: 0 feet
  - Rear Yard: 0 feet

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards at intersecting streets throughout the development, staff recommends adding to the minimum setback standards on the final subdivision plats a setback for "Side, facing street corner lot". This setback should, at a minimum, match the front yard setback of the applicable neighborhood. A condition of approval has been added to staff's recommendation to ensure the additional "Side, facing street corner lot" setback standard is added to the final subdivision plats for review and approval.

The master planned development identifies seven communities (see sheet P1.6, P1.7 and P1.8 of Exhibit B for layout and phasing plans). The "Parkside" community will include 72 units and be developed in three phases. The "Mountainside" community will include 112 units and be developed in four phases. The "Homestead" community will include 51 units and will be developed in three phases. "The North 40" community will include 44 units and will be developed in two phases. The "Hillside" community will include 34 units and will be developed as a single phase. The "Grove Cabins" will include 40 cabin sites and the "Homestead Cabins" will include 11 cabin sites and will be developed in two phases.

It is anticipated that during each individual phase, the County review agencies will be able to more thoroughly vet the final development details to ensure adequate measures have been taken to mitigate any potential harmful impact to the surrounding areas.

Common Area: The general requirements for a PRUD identify the need to preserve common open space. A portion of the development area falls within an area identified as an "Important Wildlife Habitat Area" that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The development standards in this area shall follow the principles established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance.

The applicant is proposing to dedicate approximately 142.98 acres of common area which is 54.5% of the 262.81 acres of the total development area. The preliminary subdivision layout identifies the common area as "Open Space" including areas identified as community and neighborhood parks. These areas will be required to be dedicated upon recording by one or more of the following methods:

- (1) Dedication of the land as Public Park or parkway system;
- (2) Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or
- (3) Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

Any CC&R's will need to comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivisions, the applicant will need to provide to the County a copy of the proposed CC&R's for review as well as a cash escrow to be held by Weber County for the proposed improvements including the amenities in the common and open space areas. The dedication language on the final plat will need to include language to grant ownership of the common area to the applicable ownership. A condition of approval has been added to ensure the final subdivision submittal includes the correct dedication

language on the plat, a cost estimate for the improvements and a draft copy of any CC&R's for review by the applicable agencies prior to final approval.

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

A geologic study has been performed and a report has been prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16. All site development will need to adhere to the recommendations of this report and a note as well as an "R" notation for any applicable lot restrictions will need to be added to the final plat for all lots impacted by a potential geologic hazardous unit or due to slopes exceeding 25%. Upon recording the final subdivision plats a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision plats.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a feasibility letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit D). The applicant will need to provide a "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District as part of the final subdivision submittal. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water will be required for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. These items have been included in the conditions of approval to ensure they are included in the final subdivision application submittal.

Review Agencies: The Weber County Surveyor's Office, Engineering Division, and the Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior to receiving final approval. A condition of approval has been made part of the Planning Division's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in The Bridges at Wolf Creek Resort PRUD, a note will need to be added to the final plat to declare that the individual subdivision is approved for nightly rentals. Currently the proposal does not include lock out sleeping rooms so additional parking requirements will not be necessary at this time. A condition of approval has been made part of the Planning Division's recommendations to ensure that if the applicant desires to allow nightly rentals as part of the PRUD, a note will be added to the applicable final subdivision plat to provide notice of the approved nightly rental option.

Tax clearance: The 2015 property taxes have been paid in full. The 2016 property taxes will be due in full on November 1, 2016.

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

## Summary of Planning Commission Considerations

- Does this proposal comply with the applicable PRUD ordinance?
- Does this subdivision meet the requirements of applicable County Land Use Codes?
- Does this subdivision comply with the Wolf Creek Resort Zoning Development Agreement Conceptual Plan?
- In considering the proposed planned residential unit development, the planning commission shall review and consider the following, as applicable:
  - *The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.*
  - *Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.*
  - *The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.*
  - *The size, location, design, and nature of signs if any, and the intensity and direction of area of flood lighting.*

- *The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.*
- *The demonstrated ability of the proponents of the planned residential unit development to financially carry out the proposed project under total or phase development proposals within the time limit established.*

## Staff Recommendation

Staff recommends approval of the request for a conditional use permit for The Bridges at Wolf Creek Resort PRUD located within the approved Wolf Creek Resort Master Development. The application includes the request to run concurrently for preliminary subdivision approval of The Bridges at Wolf Creek Resort, PRUD. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A "Side, facing street corner lot" setback standard shall be added to the final subdivision plats for review and approval.
2. The final subdivision plat shall reflect the correct dedication language on the plat for the common/open space areas.
3. A cost estimate for the subdivision improvements shall be a part of the final subdivision submittal.
4. A draft copy of any CC&R's will be provided to the County for review by the applicable agencies prior to final approval.
5. A "Capacity Assessment Letter" from the Wolf Creek Water and Sewer District and a construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision are required prior to the subdivision receiving final approval from the County Commission.
6. All site development will need to adhere to the recommendations of the geologic report prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16. A verification letter shall be provided by the engineering geologist prior to final approval stating that the design adequately considers the recommendations in the geologic report.
7. A note as well as a "R" notation for any applicable lots that may be restricted due to a potential geologic hazardous unit or due to slopes exceeding 25% will be added to the applicable lots on all final subdivision plats for all lots impacted by these areas of concern.
8. A note on the final subdivision plat and a separate "Natural Hazards Disclosure" document will be required to be recorded to provide notice of any recommendations to future property owners regarding the geologic report prepared by GSH dated April 25, 2016, identified as Project #1661-07N-16.
9. Additional lighting details will need to be provided during the final subdivision process to ensure that the outdoor lighting associated with the common area adheres to the LUC.
10. A note will need to be added to the final plat to declare this subdivision approved for nightly rentals.

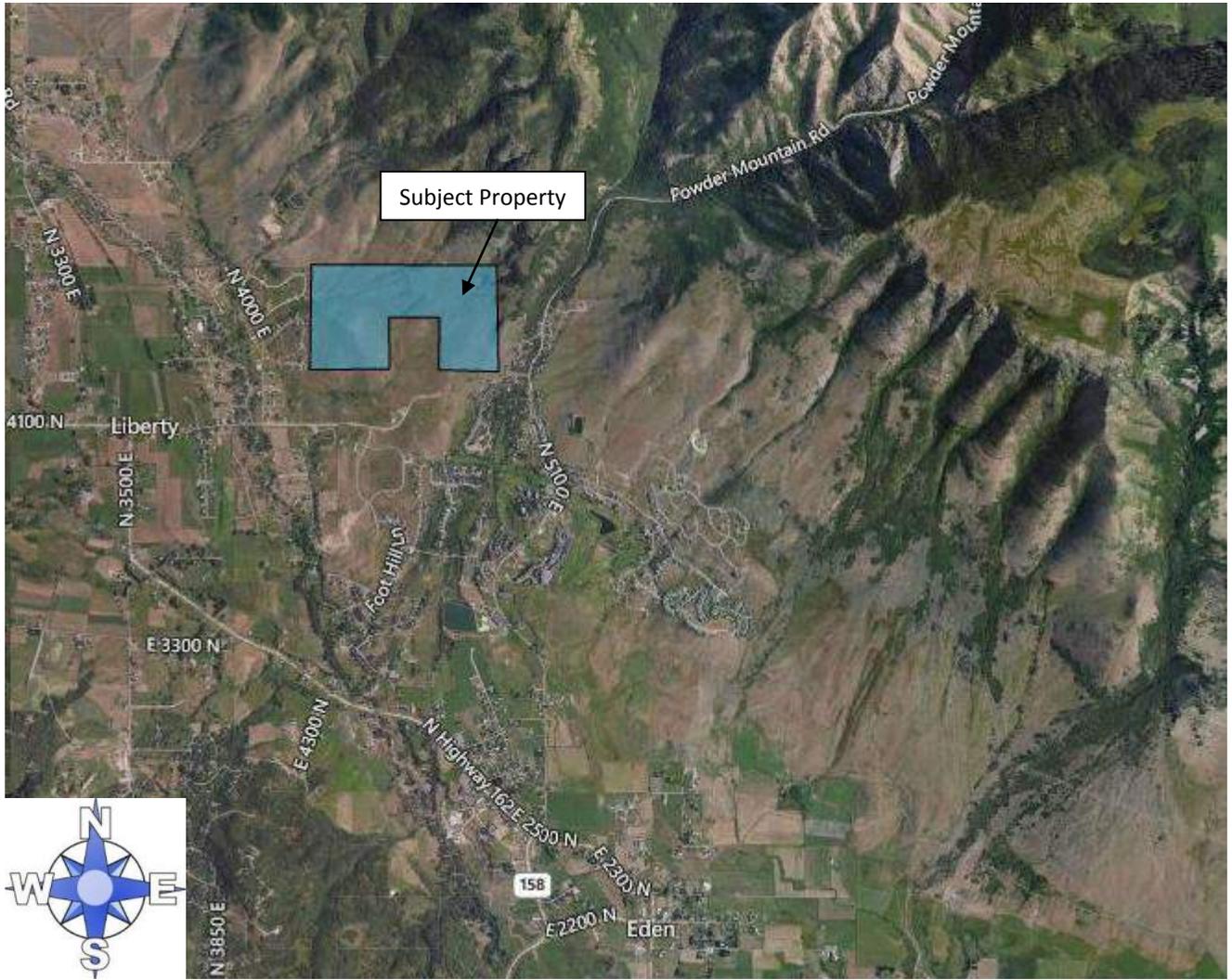
This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the preliminary subdivision.
4. The proposed master planned development is in conformance with the approved Zoning Development Master Planned.
5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Project Narrative
- B. The Bridges at Wolf Creek PRUD Development Plans
- C. Zoning Development Conceptual Plan
- D. Feasibility Letter

# Location Map



**The Bridges at Wolf Creek Resort**  
Planned Residential Unit Development (PRUD)  
Conditional Use Application  
May 2016

**Project Narrative**

The Bridges is a 262 acre, 364 unit master planned project within Wolf Creek Resort in Eden Utah. As outlined in the AGREEMENT AMENDING AND CLARIFYING THE WEBER COUNTY ZONING DEVELOPMENT AGREEMENT FOR THE WOLF CREEK RESORT that was recorded on March 23, 2016, combined these three RE-15 and FR-3 parcels support 486 entitlements.

The development consists of six communities with an assortment of housing options. The Parkside and Homestead neighborhoods will be single family homes with various models ranging from approximately 1,500 SF to 2,300 SF. The Mountainside, The North 40 and Hillside neighborhoods will be single family building lots that will allow homes up to 4,000 SF in size. The Homestead and Grove Cabins range from approximately 550 SF for a one bedroom unit to 841 SF for a two bedroom option.

An extensive 6 mile pathway system, using a combination of both asphalt and soft trails, will circulate throughout the development. The project has allocated approximately 143 acres of open space and the pathways connect all areas to three neighborhood parks. Eventually a hard surfaced route will lead residents and guests from the Bridges project to the Resort Commercial Core by heading south through the Wolf Creek golf course. Trails also lead to the Hilltop Pavilion at the top of Lone Tree Hill.

The Bridges project is anchored by the Homestead Barn and Club. These amenities feature a community event space, swimming pool and a recreational lawn. Parking will be provided adjacent to the Barn. Currently working on the design and feasibility study for a reservoir that could provide secondary water storage and a water recreation amenity.

Water and sewer utilities services will be provided by the Wolf Creek Water & Sewer Improvement District. The Covenants, Conditions and Restrictions (CC&Rs) in each neighborhood will mandate landscaping design and practices to help regulate secondary water consumption. A feasibility letter from the district is included with this application.

An entry monument coming off of Fairways Drive will welcome owners and guests to the community. Both pedestrian and vehicular Bridges will be placed throughout the development. There will be no exterior lighting in the common areas. The CC&Rs for the residential homes will require Dark Sky compliant fixtures.



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

All Weber County standards and practices will be observed.

**That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.**

The Ogden Valley General Plan supports recreation resort development. The Bridges at Wolf Creek has designed clustered community neighborhoods to preserve open space with an extensive project trail system.

# THE BRIDGES AT WOLF CREEK

## PRUD SUBDIVISION APPLICATION



**PREPARED FOR:**  
**LEWIS HOMES, INC.**  
 JOHN LEWIS  
 5577 EAST IIMHOV DRIVE  
 ERIC, UTAH 84310  
 801.429.1587



**CONSULTANTS:**  
**LANDSCAPE ARCHITECT**  
**LANGWARD DESIGN GROUP**  
 328 WEST 200 SOUTH, SUITE 102  
 SALT LAKE CITY, UTAH 84101  
 801.463.1295



**PROJECT MANAGEMENT**  
**THE HOUSEHOLDER GROUP**  
 ENR. HOUSEHOLDER  
 2890 NORTH INDIAN VALLEY DRIVE  
 ERIC, UTAH 84310  
 801.285.0040

**SHEET INDEX:**

PLANNING	LANDSCAPE	ARCHITECTURE
C1.1 COVER SHEET	L1.1 ENTRY LANDSCAPE PLAN	A1.1 HOMESTEAD CLUB DETAIL
P1.1 OVERALL ZONING PLAN	L1.2 CANONIC LANDSCAPE PLAN	A1.2 HOMESTEAD BARN DETAIL
P1.2 CANONIC SITE PLAN	L1.3 SITE ELEMENTS	A1.3 GROVE CABIN DETAIL
P1.3 OVERALL SCOPE ANALYSIS		A1.4 HOMESTEAD CABIN DETAIL
P1.4 CANONIC SCOPE ANALYSIS		
P1.5 OVERALL AERIAL PLAN		
P1.6 OVERALL AERIAL PLAN		
P1.7 OVERALL PARKING PLAN		
P1.8 DETAIL SITE PLAN		
P1.9 DETAIL SITE PLAN		
P1.10 DETAIL SITE PLAN		
P1.11 DETAIL SITE PLAN		
P1.12 DETAIL SITE PLAN		

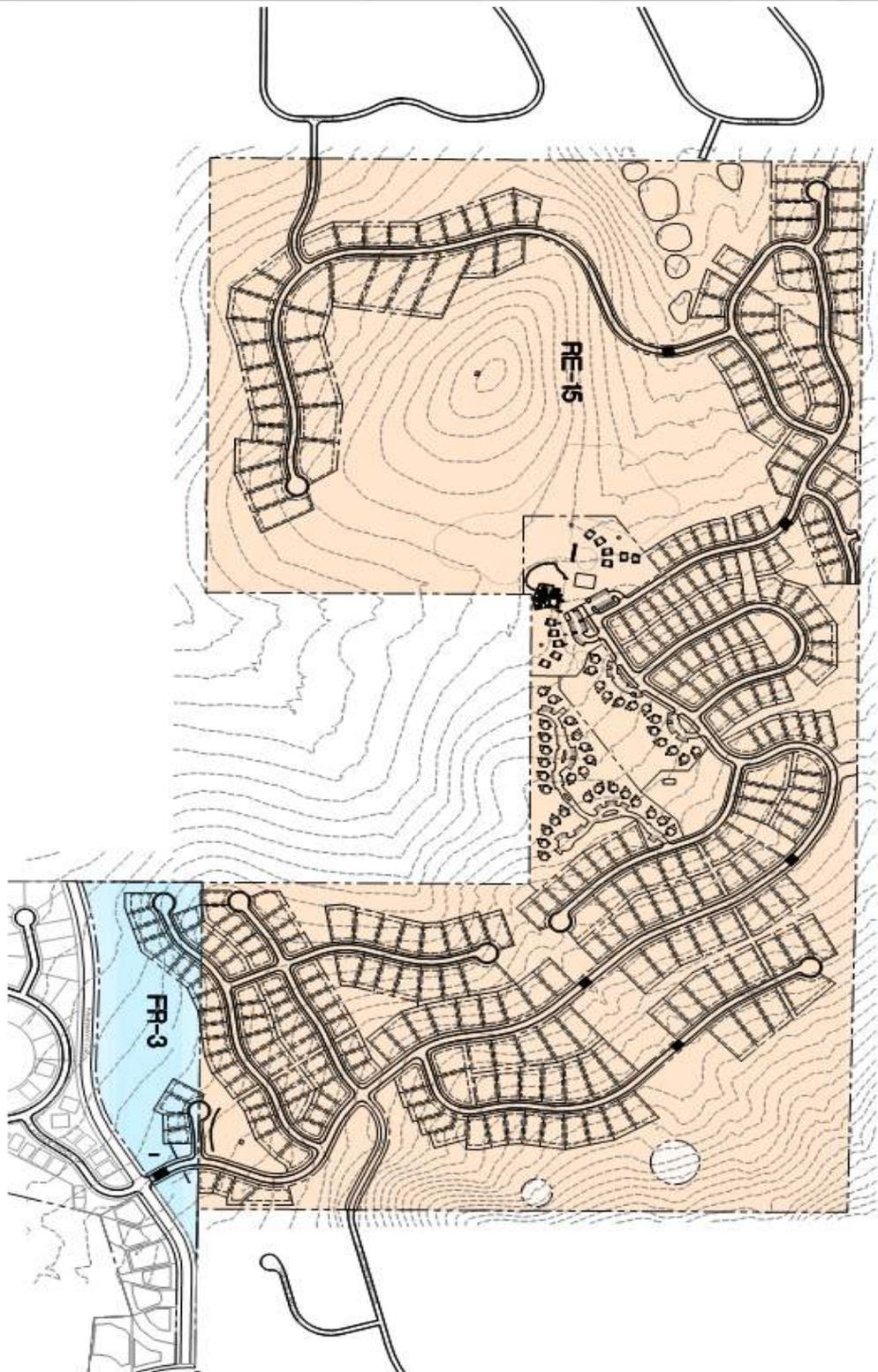


**THE BRIDGES**  
 WOLF CREEK RESORT  
 PRUD SUBMITTAL  
 WEBER COUNTY, UTAH



DATE	DATE
REVISED	REVISIONS
DESIGNED BY	DATE
CHECKED BY	DATE
DRAWN BY	DATE
SCALE	
PROJECT NO.	
SHEET NO.	
SHEET TITLE	COVER
SHEET NUMBER	PAGE

C1.1



DATE:	MAY 11, 2010
PROJECT:	OVERALL
DESIGNED BY:	SL
ENGINEERED BY:	SL
CHECKED BY:	SL
SCALE:	AS SHOWN
<b>NOTE:</b> OVERALL ZONING MAP SHEET NAME:	

**P1.1**

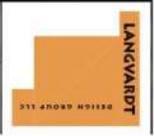


**THE BRIDGES**  
**WOLF CREEK RESORT**

PRUD SUBMITTAL  
 WEBER COUNTY, UTAH







# THE BRIDGES

## WOLF CREEK RESORT

PRUD SUBMITTAL  
WEBER COUNTY, UTAH



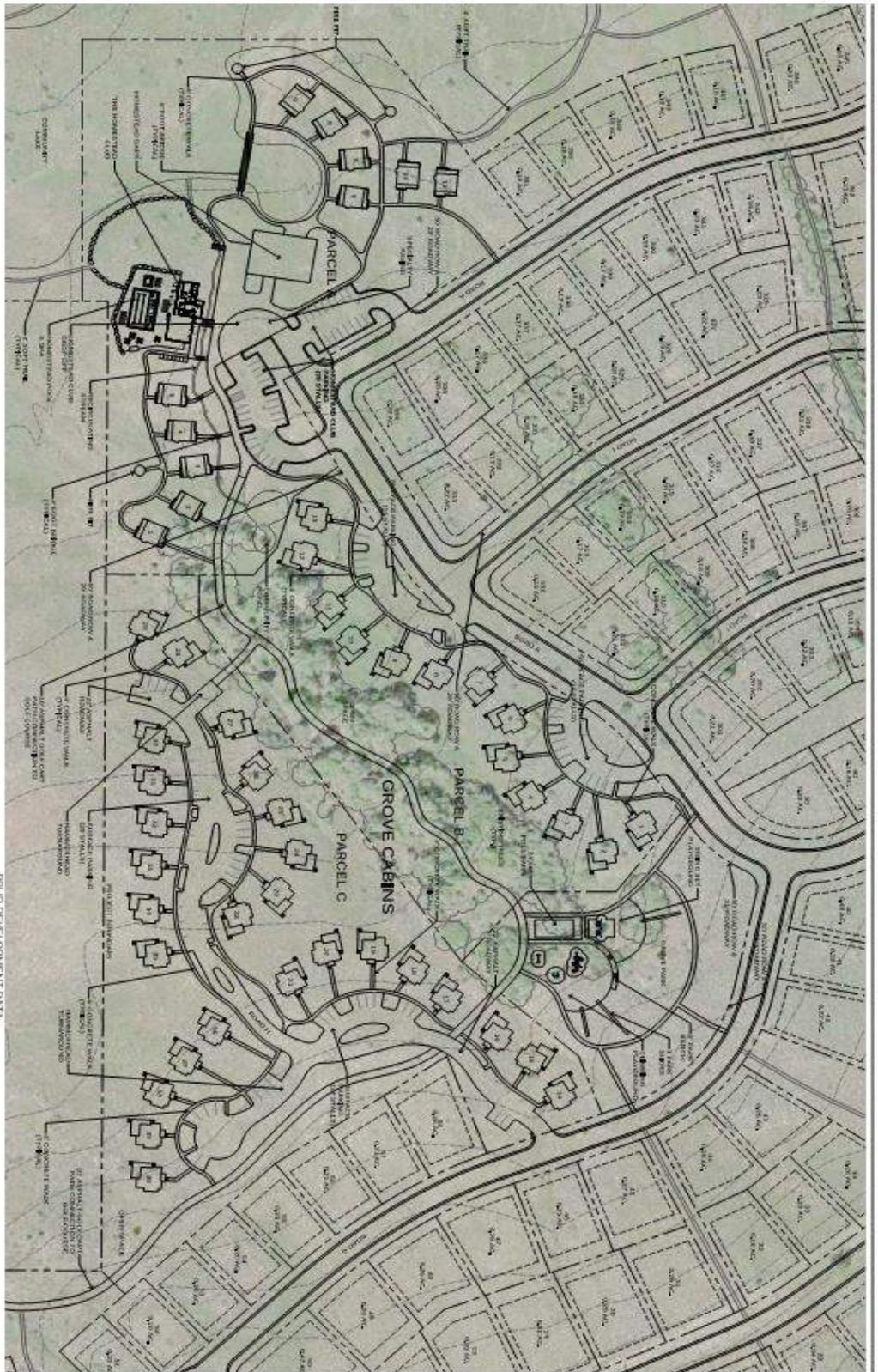
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PROJECT:	WOLF CREEK
OWNER:	W
DESIGNER:	EL
PREPARED BY:	PRUD
REVISIONS:	
SHEET TITLE:	CABINS SITE PLAN
SHEET NUMBER:	P1.3











NOTES:  
 1. ALL BUILDINGS FOR DEVELOPMENT SHALL BE PERMITTED AT THE DISCRETION OF THE LOCAL JURISDICTION.  
 2. THE PROPOSED DEVELOPMENT SHALL BE PERMITTED AT THE DISCRETION OF THE LOCAL JURISDICTION.  
 3. THE PROPOSED DEVELOPMENT SHALL BE PERMITTED AT THE DISCRETION OF THE LOCAL JURISDICTION.



PROPOSED DEVELOPMENT DATA  
 TOTAL PROPOSED DEVELOPMENT AREA  
 272.23 ACRES  
 ZONE R-10  
 ROAD NETWORK  
 1.5 MILES  
 SLOPES > 45%

NET DEVELOPABLE AREA  
 272.23 ACRES  
 PROPOSED UNITS  
 11877 CABINS  
 PROPOSED NET DEVELOPABLE AREA  
 11877 CABINS  
 PROPOSED NET DEVELOPABLE AREA  
 11877 CABINS

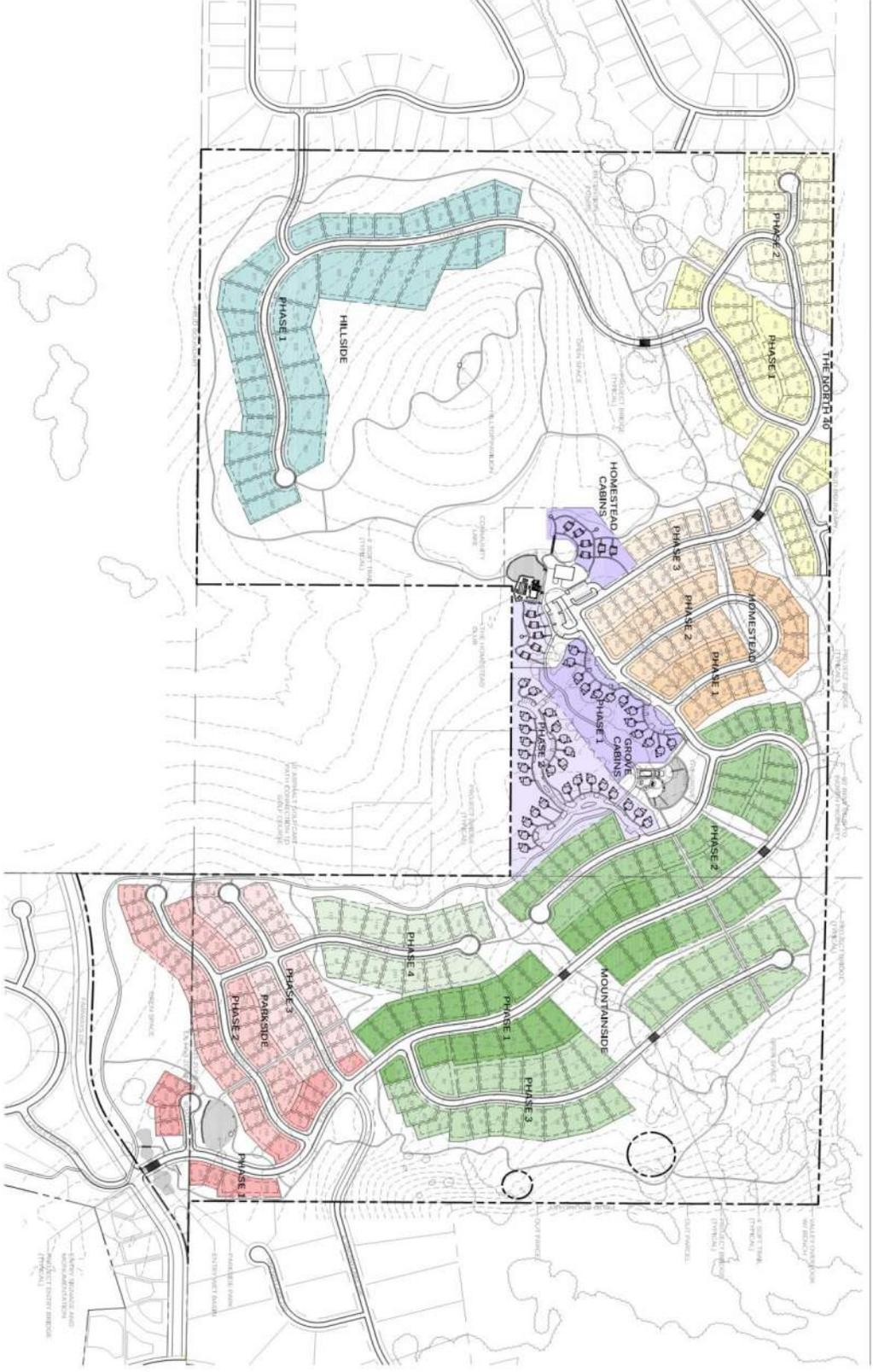
DATE	APRIL 2018
SCALE	AS SHOWN
PROJECT	WOLF CREEK RESORT
OWNER	WOLF CREEK RESORT
DESIGNER	LANGVARDT DESIGN GROUP LLC
PROJECT NO.	P1.7

**THE BRIDGES**  
 WOLF CREEK RESORT  
 PRUD SUBMITTAL  
 WEBER COUNTY, UTAH





NOTES:  
 PHASING IS SHOWN BY NUMBERING PHASING WILL GENERALLY START AT EARLY PHASE AND PROGRESS THROUGH THE PROJECT AS MARKET DEMAND, SITE INFRASTRUCTURE AND PROJECT CONDITIONS WARRANT. ACTUAL PHASING MAY DIFFER BASED ON THESE ELEMENTS.  
 PROJECT PHASING WILL BE PHASING AS DEMAND REQUIRES.



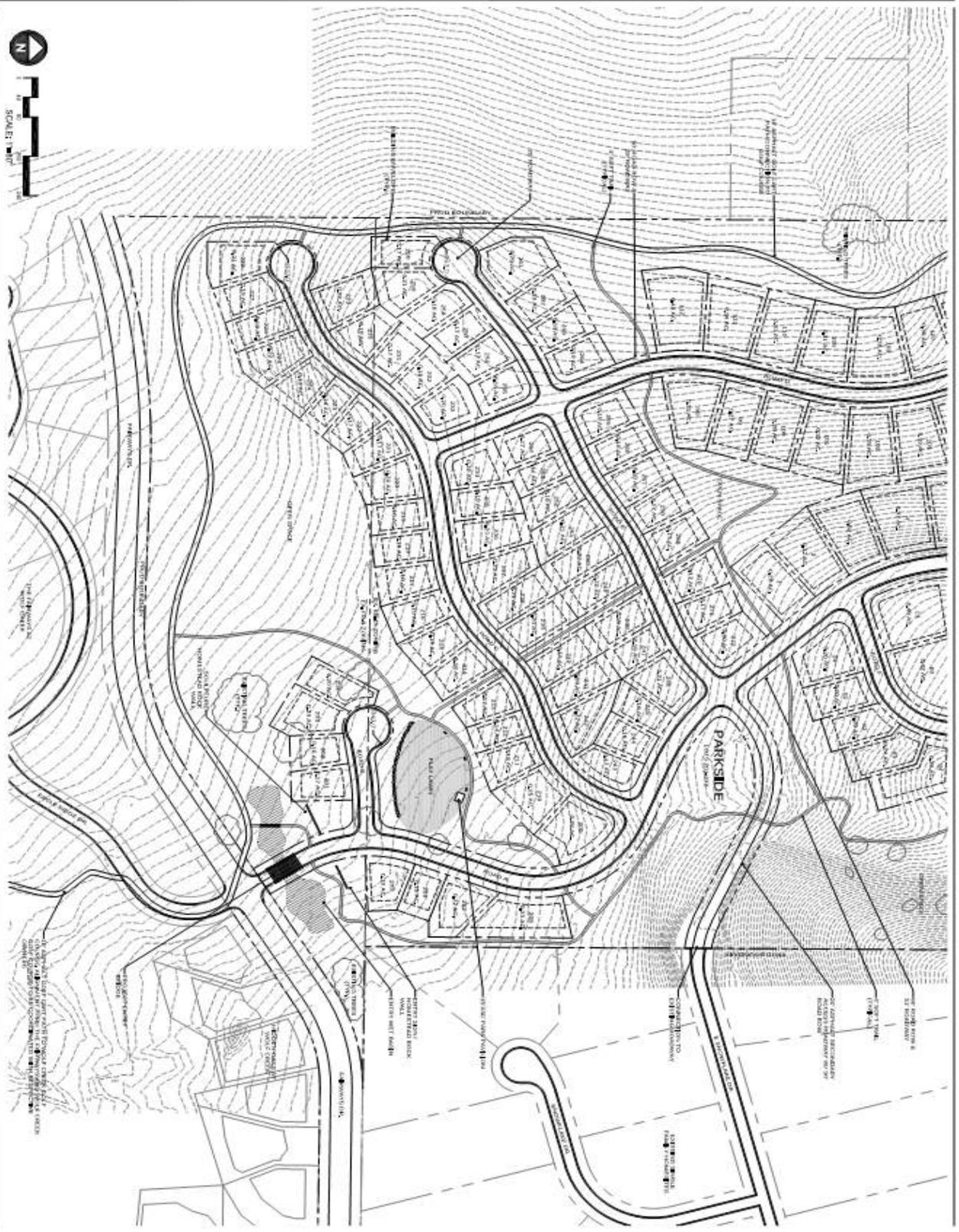
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PROJECTS:	WOLF CREEK
OWNER:	WOLF CREEK RESORT
DESIGNER:	LANGVARDT DESIGN GROUP LLC
REVISION:	PHASING PLAN
VERSION:	PHASING PLAN
REVISIONS:	PHASING PLAN
DATE:	
PROJECTS:	
OWNER:	
DESIGNER:	
REVISION:	
VERSION:	
REVISIONS:	



**THE BRIDGES**  
 WOLF CREEK RESORT  
 PRUD SUBMITTAL  
 WEBER COUNTY, UTAH



PHASING PLAN  
 P1.8



DATE:	MAY 11, 2016	
PROJECT:	00000000	
OWNER:	W	
DESIGNER:	W	
SCALE:	AS SHOWN	
REVISIONS:		
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**Wolf Creek RESORT**

**THE BRIDGES**  
WOLF CREEK RESORT

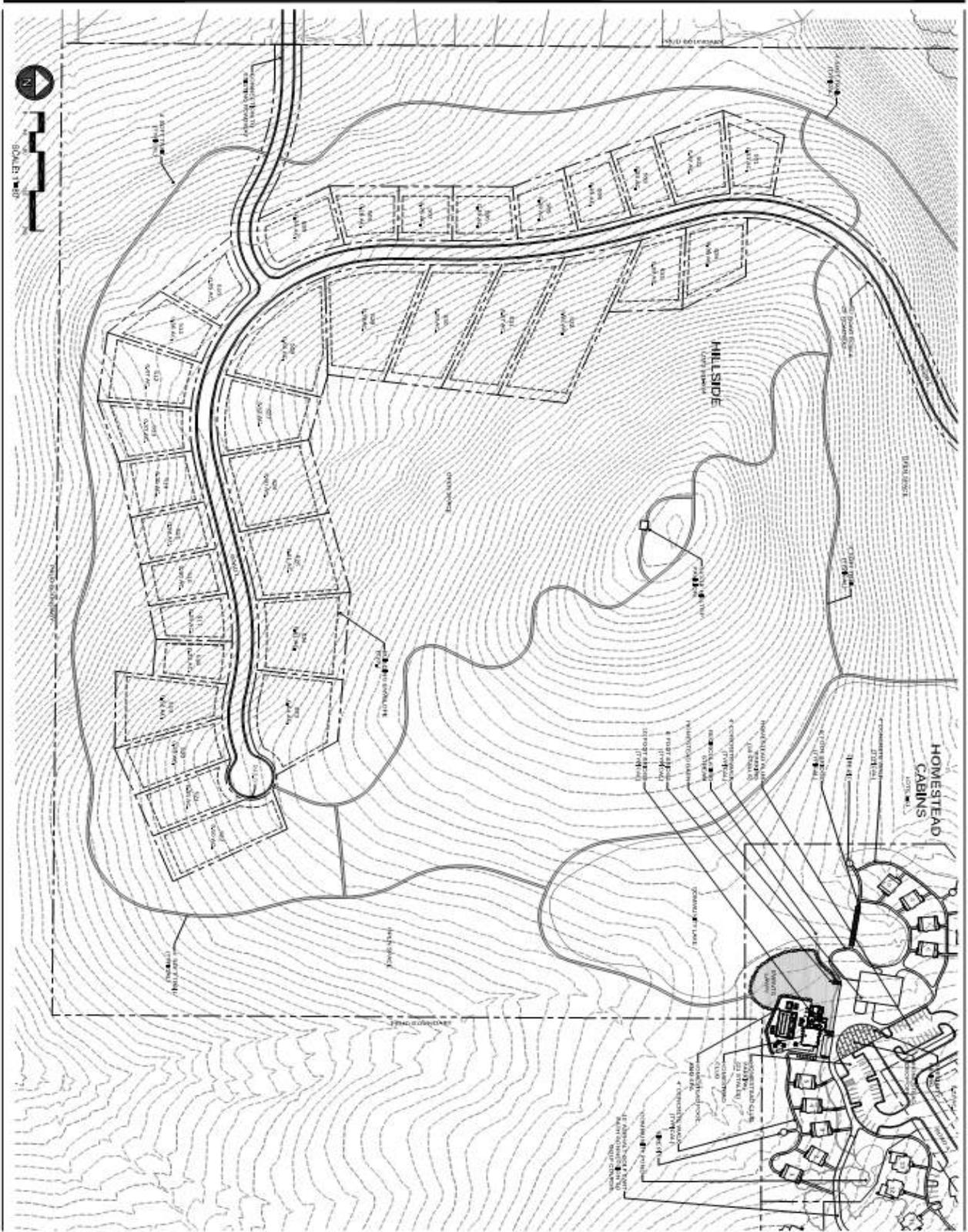
PHASE SUBMITTAL  
WEBER COUNTY, UTAH



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PROJECT: 00000000  
OWNER: W  
DESIGNER: W  
SCALE: AS SHOWN  
REVISIONS:  
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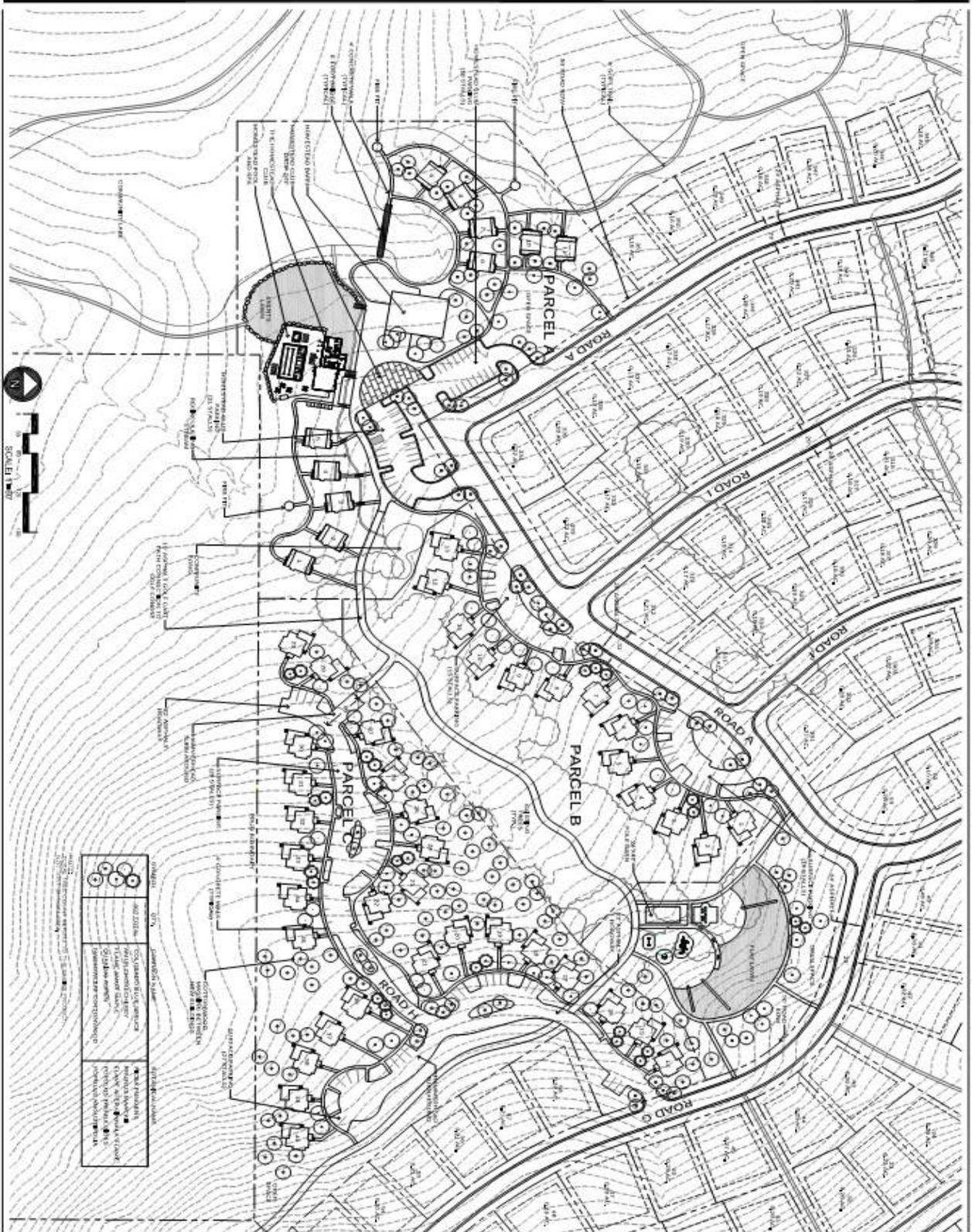
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DESIGNER:	Langvardt
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DATE:	June 11, 2010
PROJECT:	Wolf Creek Resort
DESIGNER:	Langvardt
CLIENT:	Wolf Creek Resort
SCALE:	1" = 100'
PROJECT NO.:	10000000



**THE BRIDGES**  
**WOLF CREEK RESORT**  
 PRUD SUBMITAL  
 WEBER COUNTY, UTAH







	CABIN
	DECK
	PARKING
	ROAD
	UTILITY
	BOUNDARY
	ELEVATION
	CONTOUR
	STREAM
	POND
	BUILDING
	FENCE
	GATE
	SIGN
	LIGHT
	TREE
	SHRUB
	GRASS
	ROCK
	WATER
	SKY
	CLOUD
	SUN
	MOON
	STAR
	COMET
	METEOR
	ASTEROID
	PLANET
	GALAXY
	UNIVERSE

DATE:	10/11/2010
PROJECT:	0000000000
OWNER:	W
DESIGNER:	W
SCALE:	1/8"=1'-0"
SHEET NO.:	10/12
TOTAL SHEETS:	10/12
PROJECT NAME:	WOLF CREEK RESORT
SHEET TITLE:	CABINS LANDSCAPE PLAN
SCALE:	1/8"=1'-0"



# THE BRIDGES

## WOLF CREEK RESORT

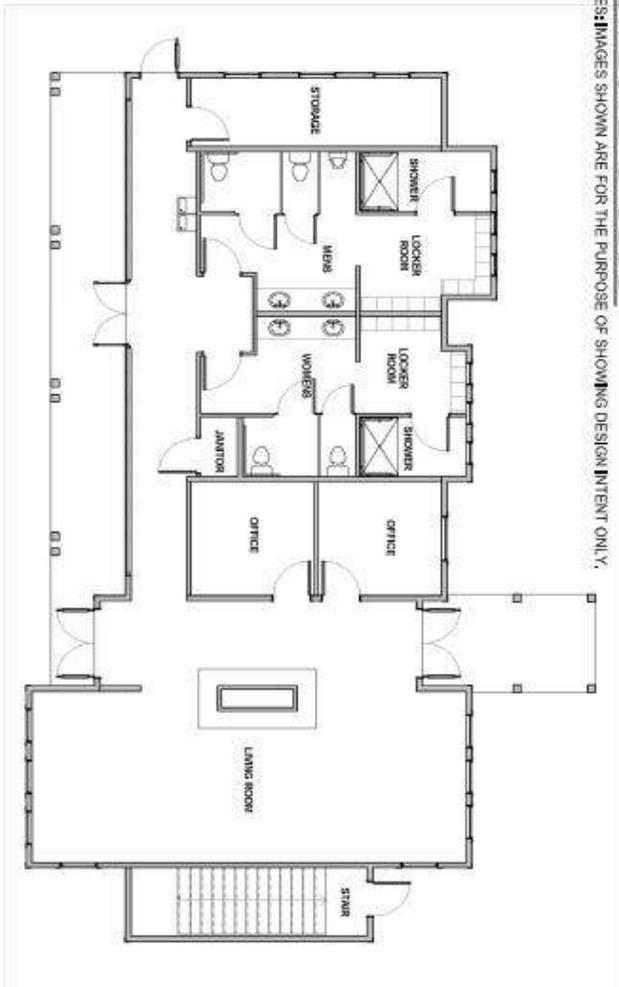
PRUD SUBMITTAL  
WEBER COUNTY, UTAH



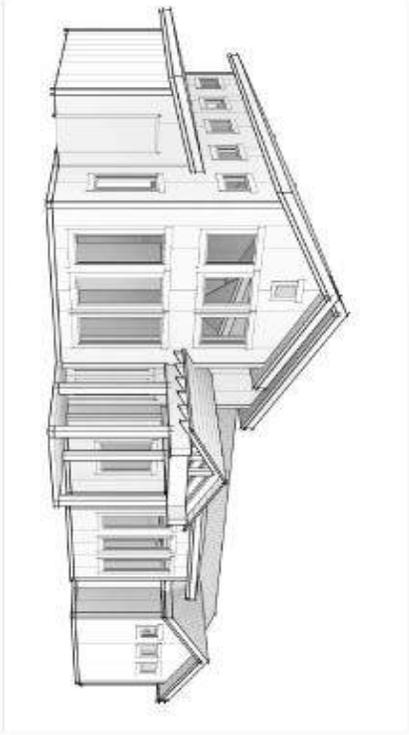


# HOMESTEAD CLUB

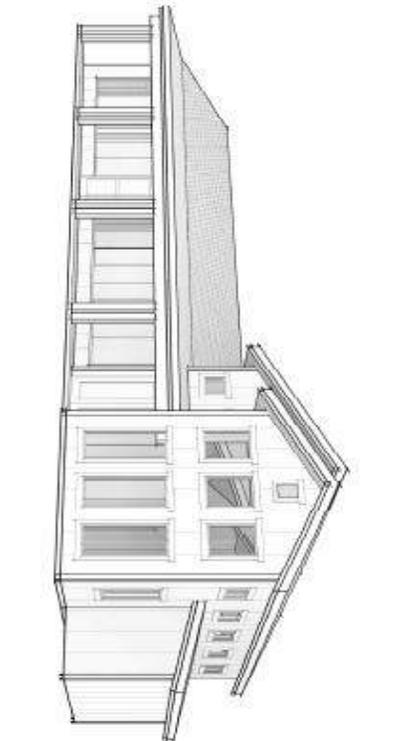
NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



MAIN FLOOR  
2,823 SQ. FT.



VIEW LOOKING SOUTHWEST



VIEW LOOKING NORTHWEST

## MATERIALS/ ARCHITECTURAL PRECEDENTS



## THE BRIDGES WOLF CREEK RESORT

PRUD SUBMITTAL  
WEBER COUNTY, UTAH



DATE	APR 11, 2018
PROJECT	HOMESTEAD CLUB
OWNER	WOLF CREEK RESORT
ARCHITECT	LANGVAERT DESIGN GROUP LLC
SCALE	AS SHOWN
DESIGNER	ARCHITECT
DATE	APR 11, 2018
PROJECT	HOMESTEAD CLUB
OWNER	WOLF CREEK RESORT
ARCHITECT	LANGVAERT DESIGN GROUP LLC
SCALE	AS SHOWN
DESIGNER	ARCHITECT
DATE	APR 11, 2018
PROJECT	HOMESTEAD CLUB
OWNER	WOLF CREEK RESORT
ARCHITECT	LANGVAERT DESIGN GROUP LLC
SCALE	AS SHOWN
DESIGNER	ARCHITECT

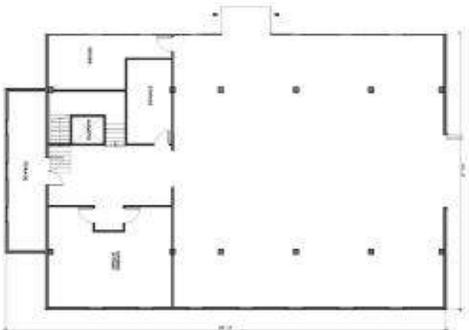
A1.1

# HOMESTEAD BARN

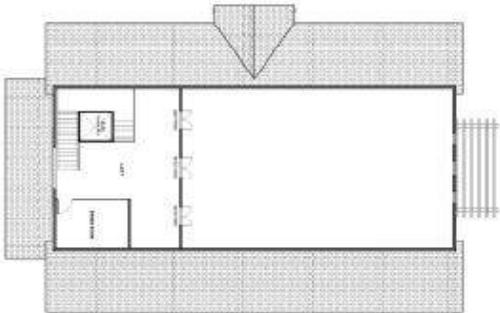
NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



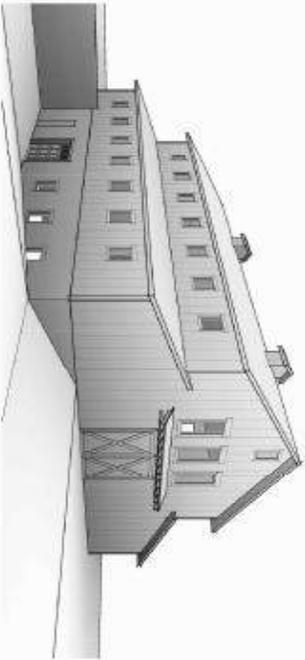
**BASEMENT FLOOR**  
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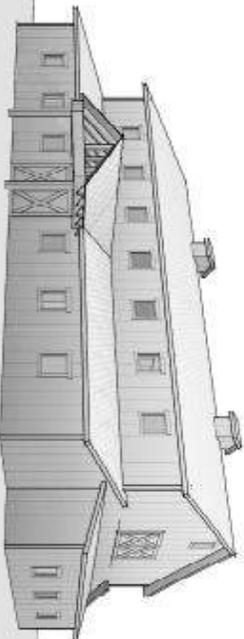
**MAIN FLOOR**  
5,110 SQ. FT.



**LOFT**  
868 SQ. FT.



VIEW LOOKING NORTHEAST



VIEW LOOKING SOUTHEAST

## MATERIALS/ARCHITECTURAL PRECEDENTS



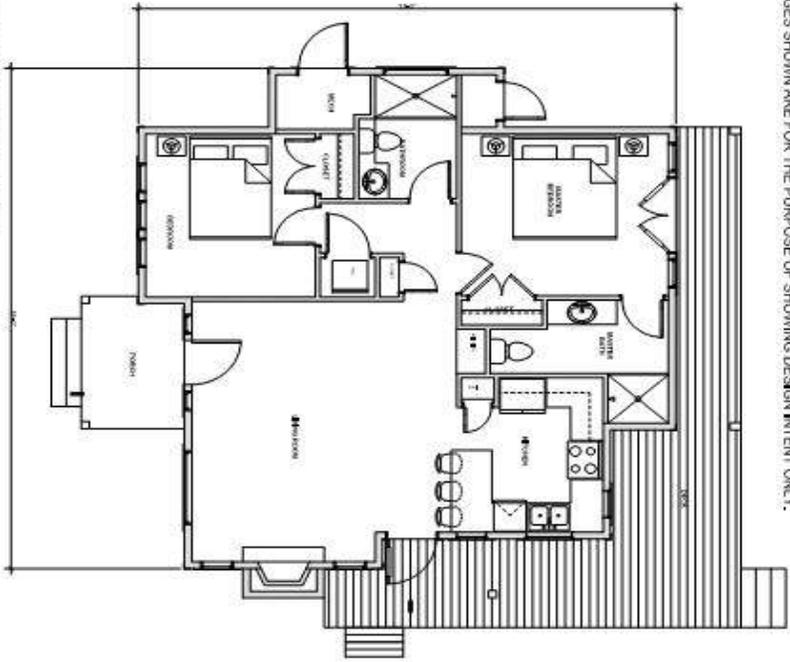
## THE BRIDGES WOLF CREEK RESORT

PRUD SUBMITTAL  
WEBER COUNTY, UTAH

DATE	DATE
PROJECT	PROJECT
OWNER	OWNER
ARCHITECT	ARCHITECT
SCALE	SCALE
NO. OF SHEETS	NO. OF SHEETS
SHEET NO.	SHEET NO.
<p><b>PROJECT TITLE</b> HOMESTEAD BARN DETAIL</p> <p><b>SHEET NUMBER</b> <b>A1.2</b></p>	

# GROVE CABIN

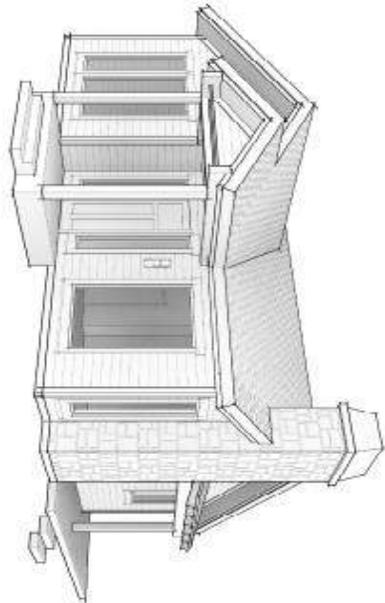
NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.



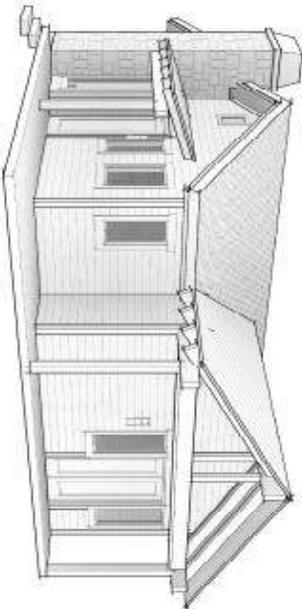
GROVE CABIN MAIN FLOOR  
NOT TO SCALE



MATERIALS



FRONT VIEW



REAR VIEW



## THE BRIDGES WOLF CREEK RESORT

PRUD SUBMITTAL  
WEBER COUNTY, UTAH

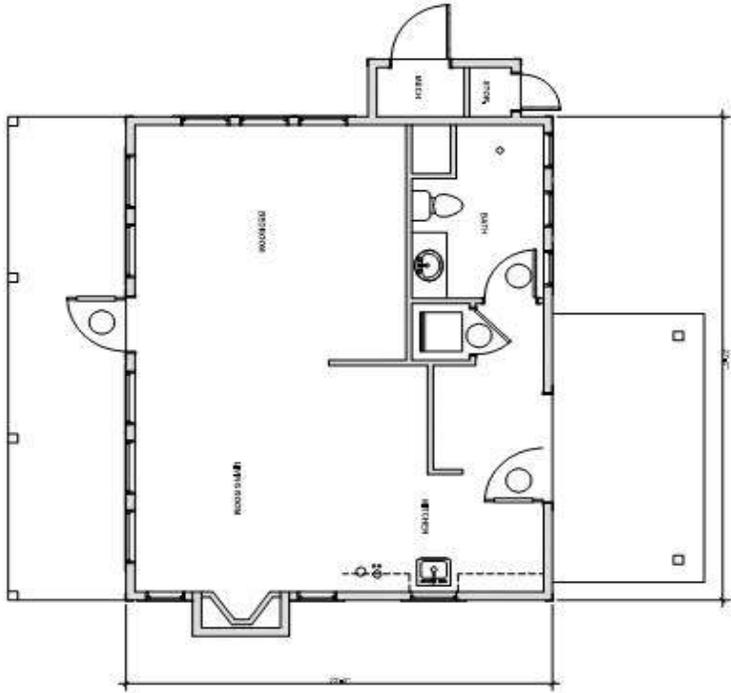


DATE	10/11/2017
PROJECT	BRIDGES
DESIGNER	LANGVARDT
SCALE	AS SHOWN
DATE	10/11/2017
PROJECT	BRIDGES
DESIGNER	LANGVARDT
SCALE	AS SHOWN

A1.3

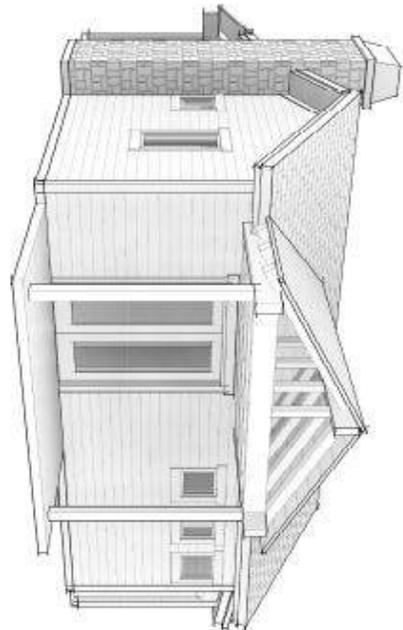
# HOMESTEAD CABIN

NOTES: IMAGES SHOWN ARE FOR THE PURPOSE OF SHOWING DESIGN INTENT ONLY.

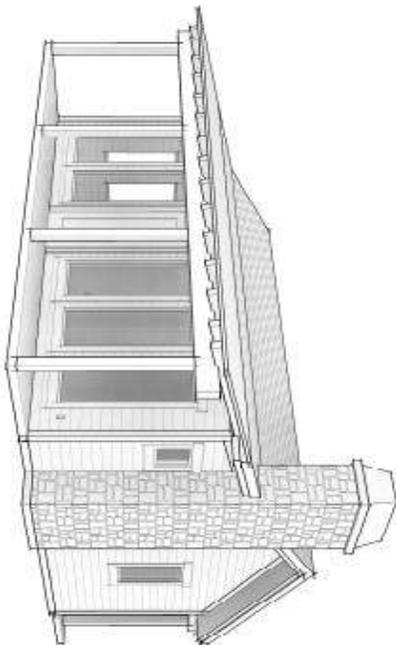


HOMESTEAD CABIN MAIN FLOOR  
NOT TO SCALE

MATERIALS



FRONT VIEW



REAR VIEW



**THE BRIDGES**  
WOLF CREEK RESORT

PRUD SUBMITTAL  
WEBER COUNTY, UTAH



DATE	1/10/21
PROJECT #	00000000
OWNER #	TC
NO. SHEETS	04/0
SHEET NO.	04/0
SCALE	
<p><b>SHEET TITLE</b> HOMESTEAD CABIN DETAIL</p> <p><b>SHEET NUMBER</b> A1.4</p>	





*RE: The Bridges at Wolf Creek*

*Eric-*

*Based on our recent discussions, we understand that you are working with the County to adjust your master plan at The Bridges project referenced above. This leaves the following project densities:*

- *Parkside Phase 1 14 units*
- *Parkside Phase 2 33units*
- *Parkside Phase 3 25 units*
- *Homestead Phase 1 18 units*
- *Homestead Phase 2 15 units*
- *Homestead Phase 3 18 units*
- *Cabins Phase 1 19 units*
- *Cabins Phase 2 32 units*
- *Mountainside Phase 1 24 units*
- *Mountainside Phase 2 40 units*
- *Mountainside Phase 3 33 units*
- *Mountainside Phase 4 15 units*
- *North 40 Phase 1 29 units*
- *North 40 Phase 2 15 units*
- *Hillside Phase 1 34 units*
- *Total for the project 364 units*

*Within the master planning process Wolf Creek Water and Sewer Improvement District has previously anticipated service in accordance with the original master plans.*

As you are aware, we operate three separate systems, culinary water, irrigation/secondary water, and sewer with treatment. The capacity of each of these systems is subject to state laws and limitations applied by the Division of Drinking Water and Department of Environmental Quality. In particular, the amount of culinary water we are required to have available is dependent on 1) continuing to supply irrigation water, and 2) limiting outdoor use of culinary water. At the same time, the supply of irrigation water is dependent on flow to the Wolf Creek diversion, which as you know may change due to pumping related to development at Powder Mountain.

In view of these concerns, we anticipate the following conditions will be placed upon all future developments:

- Landscaping plans shall limit irrigated areas and minimize installation of turf, both for building lots and common areas. Each building lot/unit shall be equipped with at least one hosebib tied to the irrigation system.
- Landscaping plans will be reviewed and approved by WCWSID, with an emphasis on xeriscaping and installed as approved
- Drip irrigation systems shall be used for all shrub and tree beds, consistent with the existing Design Guidelines (2010) of the Wolf Creek Master HOA. We strongly recommend design of the irrigation systems with zones based upon planting demand.
- **No basement sump pump or footing drain shall be connected to the sanitary sewer.**

*In summary, WCWSID is at present able to provide culinary water, sewer, and irrigation services to the project listed above upon payment of impact fees per our standard schedule. This commitment to Master Planned densities is subject to future review until the connection and impact fees have been paid.*

Let me know if you have any further questions.

Thanks,



Rob Thomas

General Manager

WCWSID



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Public hearing to consider and take action on a request (ZTA 2016-02) to amend the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) within the Weber County Land Use Code.
<b>Agenda Date:</b>	Tuesday, July 05, 2016
<b>Applicant:</b>	Brad Blanch
<b>Representative:</b>	Brad Blanch
<b>File Number:</b>	ZTA 2016-02

#### Staff Information

<b>Report Presenter:</b>	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
<b>Report Reviewer:</b>	RG

### Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically, the criteria for making a recommendation related to a legislative matter require compatibility with the general plan and existing codes if applicable.

### Text Amendment Request

The applicant is requesting that Weber County amend the Planned Residential Unit Development - PRUD Chapter (Land Use Code-Title 108, Chapter 5) by adding language that provides for an open space plan approval process, individual ownership and preservation methods for open space parcels, financial guarantee standards, and open space parcel maintenance. The applicant is also requesting that Weber County consider increasing the existing bonus density opportunity from a 10 percent bonus to a maximum of 50 percent in the Western Weber Planning Area only. The proposed new language has been taken from the County's existing cluster subdivision code.

Other amendments, consisting of minor grammatical and the elimination of bonus density opportunities in the Ogden Valley Planning area, have been written in by the Planning Division staff. See Exhibit A for the PRUD Chapter, all proposed amendments, and planning staff comments. See Exhibit B for the PRUD Chapter and all proposed amendments without planning staff comments.

### Summary of Planning Commission Considerations

- Do the proposed amendments conform to the General Plan?
- Do the proposed amendments preserve the overall purpose and intent of the PRUD Chapter?

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

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

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

## Conformance to the General Plan

- The Ogden Valley General Plan (pg. 5) states that one of the Plan objectives is to establish mechanisms to preserve open space.
  - The proposal would amend the code by adding a specific open space plan approval procedure which provides for open spaces parcel ownership, maintenance, preservation methods, and developer financial guarantees.
- The Ogden Valley General Plan (pg. 5) states that one of the Plan goals is to ensure that development is compatible with the Valley's rural character and natural setting.
  - The proposal would amend the code by adding a specific open space plan approval procedure which requires the submittal of detailed information that will help to review and ensure that development is compatible with the Valley's rural character.
- The Recreation Element of the General Plan (Executive Summary, pg. iv) describes that, during a one year planning process, Valley residents provided input and expressed a desire to not generate any additional units beyond what exists under current zoning.
  - The proposed amendment eliminates the existing ten percent bonus density potential for projects located in the Ogden Valley Planning Area.

## Staff Recommendation

The Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the proposed amendments to the Planned Residential Unit Development - PRUD Chapter (Title 108, Chapter 5) located within the Weber County Land Use Code. The Staff recommendation is based on the finding that the proposal conforms to the General Plan as described above.

## Exhibits

- A. Text Amendment Application Form.
- B. Proposed PRUD Chapter (LUC-Title 104, Chapter 29) including all proposed amendments and planning staff comments.
- C. Proposed PRUD Chapter (LUC-Title 104, Chapter 29) including all proposed amendments without planning staff comments.

# 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

5/31/2014

Received By (Office Use)

Added to Map (Office Use)

## Property Owner Contact Information

Name of Property Owner(s)

BRAD BLANCH

Mailing Address of Property Owner(s)

10600 EAST 3400 NORTH  
NORTH OGDEN, UT. 84414

Phone

801-168-8565

Fax

Email Address

bradblanche@gmail.com

Preferred Method of Written Correspondence

 Email
  Fax
  Mail

## Ordinance Proposal

Ordinance to be Amended

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

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

PLEASE SEE ATTACHED PROPOSED  
HIGHLIGHTED CHANGES.

EXHIBIT B

1 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

2

3 Sec. 108-5-1. - Definitions.

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

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

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

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

19 (Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

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

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

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

28 (Ord. of 1956, § 22D-2; Ord. No. 98-4)

29 Sec. 108-5-3. - Permitted zones.

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

33 (Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

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

35 (a) An over all development plan for a planned residential unit development showing residential uses,  
36 housing types, locations, sizes, height, number of residential units, access roads, common area and  
37 other open spaces, etc., may be approved by the planning commission and county commission and  
38 building permits issued in accordance with such plan, even though the residential uses and dwelling  
39 types and the location of the buildings proposed may differ from the residential uses and dwelling

EXHIBIT B

40 types and regulations governing such uses in effect in the zone in which the development is  
41 proposed provided the requirements of this chapter are complied with. Accessory nonresidential  
42 uses may be included in planned residential unit developments of 100 units or more to provide a  
43 necessary service to the residents of the development as determined by the planning commission  
44 provided agreements and restrictive covenants controlling the proposed uses, ownership,  
45 operational characteristics and physical design to the county's satisfaction are filed by and entered  
46 into by the developer to assure that the approved necessary services intent is maintained.

47 (b) Once the overall development plan showing details of buildings, structures and uses has been  
48 approved by the county commission, after recommendations of the planning commission, no  
49 changes or alterations to said development plan or uses shall be made without first obtaining the  
50 approval of the planning commission and county commission, except for landscaping, provided  
51 subsection (c) of this section has been complied with.

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

- 56 (1) That the area of landscaping area exceeds the approved landscape plan;  
57 (2) That the number and quality of plants exceed the approved landscape plan;  
58 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;  
59 and  
60 (4) That all requirements of the Land Use Code have been met.

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

65 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout  
66 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan,  
67 and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title  
68 108, chapter 8, section 2 of this Land Use Code.

69 (Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; [Ord. No. 2014-18](#), Exh. A, 6-17-2014;  
70 [Ord. No. 2015-22](#), Exh. A, 12-22-2015)

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

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

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

79 (c) ~~Notwithstanding §108-5-5(b), the County may, at its discretion, allow for an increased basic~~  
80 ~~number of dwelling units residential lots in a PRUD may be increased by awarding bonus densities to~~  
81 ~~those PRUDs developed within the Western Weber County Planning Area. PRUDs developed~~  
82 ~~within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents~~  
83 ~~the bonus density opportunities that are available to PRUDs located within specific zoning~~  
84 ~~classification boundaries: up to ten percent if the planning commission in its judgment determines~~  
85 ~~that the concept, site layout and design, the residential groupings, the aesthetic and landscaping~~

EXHIBIT B

86 proposals will provide a superior residential development and environment to that which would result  
87 through the normal land subdivision process.

88 (1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award  
89 a maximum bonus density of 10 percent based on an accumulation of any combination of the  
90 following:

- 91 a. If the PRUD meets the purpose and intent of this chapter, up to a five percent  
92 bonus may be granted.
- 93 b. If the PRUD provides a minimum of one road stub to an adjacent property where  
94 the planning commission determines that streets are needed to provide for current  
95 or future traffic circulation, up to a five percent bonus density may be granted.
- 96 c. If the PRUD provides a minimum of one approved public access to public lands,  
97 up to a five percent bonus density may be granted.
- 98 d. If the PRUD provides common area that offers easily accessible amenities, such  
99 as a trail, park, or community garden, that are open for use by the general public,  
100 up to a five percent bonus density may be granted.
- 101 e. If the PRUD dedicates and conveys to the county, the state division of wildlife  
102 resources, or both, an open space easement that permanently preserves areas  
103 that have been identified by the state division of wildlife resources as having  
104 substantial or crucial wildlife habitat value, up to a 10 percent bonus density may  
105 be granted.

106 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to  
107 30 percent if the applicant preserves open space area equal to or greater than 30 percent  
108 of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant  
109 preserves open space area above 30 percent, the county may grant a bonus density of up  
110 to 50 percent. Overall bonus density potential shall be no greater than a percentage equal  
111 to the percentage of the PRUD's total area preserved as open space. The county may  
112 award bonus densities based on an accumulation of any combination of the following:

- 113 a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus  
114 may be granted.
- 115 b. If a PRUD provides and implements an approved roadway landscape and design  
116 plan that includes, but is not necessarily limited to, vehicle and pedestrian  
117 circulation, lighting, and street trees of an appropriate species, size of at least a  
118 two-inch caliper, and quantity of not less than eight trees for every 100 feet of road  
119 length, up to 20 percent bonus density may be granted.
- 120 c. For each five percent increment of open space preserved over 50 percent: a five  
121 percent bonus density shall be granted up to the total bonus density allowed by  
122 subsection (2).
- 123 d. If a PRUD provides a minimum of one approved access to public lands, up to a ten  
124 percent bonus density may be granted.
- 125 e. If a PRUD provides common area that offers easily accessible amenities such as  
126 trails, parks, or community gardens, that are open for use by the general public,  
127 up to a 15 percent bonus density may be granted.
- 128 f. If a PRUD donates and/or permanently preserves a site determined to be desirable  
129 and necessary, to a local park district or other county approved entity, for the  
130 perpetual location and operation of a public park, cultural, or other recreation  
131 facility; up to a 20 percent bonus may be granted.

**Comment [SM1]:** Added language to allow bonus density in the Western Weber Planning Area and eliminate bonus density potential from the Ogden Valley Planning Area. This language comes directly from the cluster subdivision code. Bonus density awarded for "donation of land to a park district" comes from the Ogden Valley resort zone code.

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- 132 g. If ten percent of the lots and homes in a PRUD are permanently set aside for  
133 affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20  
134 percent bonus density may be granted. If a bonus density is granted to affordable  
135 housing, the applicant shall:
- 136 1. Present and gain county approval of an effective plan and method for  
137 guaranteeing and enforcing perpetual affordability. Any method used, such  
138 as an affordable housing deed restriction, shall limit the sale or rental of the  
139 affected lots and homes to a household with an income at or below 80  
140 percent of the county median income;
  - 141 2. Identify and label, on the final plat, the lots set aside as affordable housing  
142 lots; and
  - 143 3. Provide a note on the final plat explaining the nature of the housing  
144 restriction on the lot and the method by which occupancy and affordability  
145 will be regulated.
- 146 h. If a PRUD preserves an agricultural parcel with an agriculturally based open space  
147 preservation plan approved by the planning commission and records an  
148 agricultural preservation easement on the parcel, a bonus density may be  
149 approved as follows:
- 150 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15  
151 percent bonus density may be granted.
  - 152 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20  
153 percent bonus density may be granted.
  - 154 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30  
155 percent bonus density may be granted.
  - 156 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40  
157 percent bonus density may be granted.
  - 158 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus  
159 density may be granted.
- 160 i. If a PRUD provides for the preservation of historical sites and buildings that have  
161 been identified by the state historic preservation office as having notable historical  
162 value, up to a five percent bonus density may be granted.
- 163 j. If a PRUD provides for the development of excess sewage treatment capacity, up  
164 to a five percent bonus density may be granted.
- 165 k. If a PRUD dedicates and conveys to the county, the state division of wildlife  
166 resources, or both, an open space easement that permanently preserves areas that  
167 have been identified by the state division of wildlife resources as having substantial  
168 or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
- 169 l. If a PRUD includes an open space parcel that consists of five acres or more and is  
170 contiguous to permanently preserved open space on an adjoining property located  
171 outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- 172 (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total  
173 of the units allowed in each zone, however, the units allowed in each zone must be constructed in  
174 the respective zone.
- 175 (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD  
176 beyond what county development ordinances would normally allow, by requesting housing unit credit  
177 and transfer for lands to be included in the PRUD boundary as common open space which have little

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178 or no possibility of housing development. Such areas may include swamp lands, bodies of water,  
179 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing  
180 development due to lack of water, access, natural resource limitations, etc. Therefore, the planning  
181 commission shall determine what part if any, of such lands may be included in a PRUD as useable  
182 open space common area for which dwelling unit credit is being requested for transfer to  
183 developable portions of the PRUD and, when such determination justifies such inclusion, the  
184 planning commission shall allow the transfer of units. In making this determination, the planning  
185 commission shall be guided by the following factors:

- 186 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD  
187 shall be such that the common areas are suitable for landscaped and/or developed open space  
188 or for recreational use of direct benefit, access and usability to the unit owners.
- 189 (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall  
190 be physically integrated into the development design.
- 191 (3) The lands must be suitable for and possess the capability for housing development.
- 192 (4) Lands with an average slope of 60-40 percent or more in the FR-1, F-4, ~~FV-3~~, F-5, F-10, and F-  
193 40 zones and 40-30 percent or more in all other zones, shall not be classified as developable  
194 land and shall not be considered when determining the number of allowable units in a proposed  
195 PRUD.

**Comment [SM2]:** Now consistent with Subdivision Code.

196 (Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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

- 198 (a) The development shall be in a single or corporate ownership at the time of development or the  
199 subject of an application filed jointly by the owners of the property.
- 200 (b) The property adjacent to the planned residential unit development shall not be adversely  
201 detrimentally affected and to this end, without the county imposing reasonable conditions or the  
202 planning commission may require in the absence of appropriate physical boundaries natural or  
203 constructed buffers, require that uses of least intensity or greatest compatibility be arranged around  
204 the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be  
205 required on the immediate periphery of a PRUD.
- 206 (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed  
207 shall be determined acceptable by approval of the site development plan.
- 208 (d) The county commission may, at its discretion and after receiving a, upon recommendation of from  
209 the planning commission, shall require consider and approve a plan that provides for the ownership,  
210 preservation, maintenance, and guarantee of improvements for maintenance and ownership of the  
211 common proposed open space(s). Open space parcels, and any improvements proposed thereon,  
212 shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, at  
213 the county's option, one of the following methods:

**Comment [SM3]:** Now consistent with CUP Code.

- 214 (1) Plan approval. An open space preservation plan shall accompany an application for PRUD  
215 approval. The plan shall include a narrative describing all proposed uses, phasing, and  
216 maintenance methods for all open space parcels, and a site plan that shows proposed common  
217 areas, individually owned preservation parcels, and the locations of existing and proposed  
218 future structures. Dedication of the land as public park or parkway system;

**Comment [SM4]:** Added language addressing open space and allowing for HOA ownership and individual ownership. This language comes directly from the cluster subdivision code.

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

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- b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.
- (2) Ownership. Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or

  - a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the Community Association Act.
  - b. Other open space parcels, consisting of five acres or more, may be owned individually.

    - 1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
    - 2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same cluster subdivision.
    - 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:

      - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
      - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
      - iii. A Notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.
- (3) Preservation. Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

  - a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
  - b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
  - c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
  - d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:

    - 1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;

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- 272                    2. Further identify each preservation parcel by placing a unique identifying letter of  
273                    the alphabet immediately after the label;
- 274                    3. Present an agricultural, forest, or other type of preservation easement to the  
275                    county and gain its approval; and
- 276                    4. Record an approved preservation easement on each parcel identified as an  
277                    agricultural, forest, or other type of preservation parcel.
- 278                    e. The county may impose any additional conditions and restrictions it deems necessary  
279                    to ensure maintenance of the open space and adherence to the open space  
280                    preservation plan. Such conditions may include a plan for the disposition or re-use of  
281                    the open space property if the open space is not maintained in the manner agreed  
282                    upon or is abandoned by the owners.

283                    (4) Guarantee of open space improvements.

284                    a. The county shall not require an applicant to deposit a financial guarantee for open  
285                    space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a  
286                    certificate of occupancy and that remain incomplete at the time of final approval and  
287                    acceptance of a proposed subdivision (resulting from the approval of a PRUD) from  
288                    the board of county commissioners. The applicant or developer shall complete the  
289                    improvements according to the approved phasing component of an open space  
290                    preservation plan. If the applicant fails to complete improvements as presented in the  
291                    open space preservation plan, the county may revoke the approval of the PRUD and  
292                    suspend final plat approvals and record an instrument notifying prospective lot buyers  
293                    that future land use permits may not be issued for any construction.

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

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

305                    a. Recreation uses and facilities may be developed within the common open space areas in  
306                    compliance with the recreation and landscaping plan being a part of the approved final  
307                    level development plan of the PRUD.

308                    b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or  
309                    credit in an amount determined by the county engineer, sufficient to guarantee the  
310                    completion of the development of the common open space, or a phase thereof. When  
311                    completed in accordance with the approved plan, the bond shall be released. If  
312                    uncompleted at the end of two years, the county will review the progress and may proceed  
313                    to use the bond funds to make the improvements to the open space areas in accordance  
314                    with the approved plan. The bond shall be approved by the county commission and shall  
315                    be filed with the county recorder.

316                    If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized  
317                    to maintain the common open spaces, but the organization fails to maintain the open space in  
318                    reasonable order and condition, the county may, at its option, do or contract to have done the  
319                    required maintenance and shall assess ratable the open space and individually owned  
320                    properties within the PRUD. Such assessment shall be a lien against the property and shall be  
321                    filed with the county recorder, or the county may bring suit to collect the maintenance fees  
322                    together with a reasonable attorney's fees and costs.

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323 c. ~~If the planned residential unit development or phase thereof is to be subsequently divided~~  
324 ~~as a "subdivision" into phase development parcels or separately owned and operated~~  
325 ~~units, such division boundaries shall be indicated on the development plan and preliminary~~  
326 ~~subdivision approval concurrently obtained in the case of a "subdivision."~~

327 d. ~~The area shall be adaptable to a unit type development and shall not contain within or~~  
328 ~~through it any ownership or physical barrier which would tend to impair the unit~~  
329 ~~cohesiveness.~~

330 e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the~~  
331 ~~county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5~~  
332 ~~shall comply with the provisions of this chapter and be developed as a planned residential unit~~  
333 ~~development.~~

334 (Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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

336 (a) An application for a planned residential unit development shall be to the planning commission and  
337 shall be accompanied by an overall development plan, including an open space preservation plan,  
338 showing uses, dimensions and locations of proposed structures, areas reserved for public uses such  
339 as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved  
340 and proposals for accommodating vehicular and pedestrian ~~pedestrian~~ circulations, parking, etc.,  
341 development phases, and architectural drawings and sketches demonstrating the design and  
342 character of the proposed development.

343 (b) ~~Such other~~ Additional information shall be included as may be necessary to determine that the  
344 contemplated arrangement of uses make it desirable to apply regulations and requirements differing  
345 from those ordinarily applicable under this chapter.

346 (Ord. of 1956, § 22D-7)

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

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

350 (1) The architectural design of buildings and their relationship on the site and development beyond  
351 the boundaries of the proposal.

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

354 (3) The landscaping and screening as related to the ~~several~~ proposed uses within the development  
355 ~~and as a means of its~~ their integration into its ~~the~~ surroundings area.

356 (4) Lighting and ~~The~~ the size, location, design, and nature ~~quality~~ of signs if any, ~~and the intensity~~  
357 ~~and direction of area of flood lighting.~~

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

361 (6) The demonstrated ability of the ~~proponents of the planned residential unit development~~ applicant  
362 to financially carry out the proposed project under total or phase development proposals within  
363 the time limit established.

364 (Ord. of 1956, § 22D-8; Ord. No. 98-4)

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

366 The planning commission, ~~subject to the requirements of this chapter~~after considering applicable  
367 codes and any anticipated detrimental effects, may recommend an approval, ~~recommend an approval~~  
368 with conditions, or recommend denial with conditions of the PRUD to the county commission.

369 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

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

371 The county commission, after holding a public hearing ~~meeting~~thereon, may approve or disapprove  
372 the application for a PRUD. ~~In~~if approving an application, the county commission may attach such  
373 conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county  
374 commission, together with any conditions imposed, constitutes approval of the proposed development as  
375 a conditional use in the zone in which it is proposed.

376 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

377 Sec. 108-5-11. - ~~Building~~Land use permit issuance.

378 The ~~building inspector~~planning division shall not issue any land use permit for any proposed building,  
379 structure, or use within the project unless such building, structure, or use is ~~in accordance~~complies with  
380 the approved ~~overall and/or phase development plans~~ and any conditions imposed. Approved  
381 development plans shall be filed with the planning division, building inspector and county engineer.

**Comment [SM5]:** These changes put the responsibility on the planning division and not the building official.

382 (Ord. of 1956, § 22D-11)

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

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

**Comment [SM6]:** These changes address the need to limit the extension time and designate who has the authority to approve an extension.

391 (Ord. of 1956, § 22D-12; Ord. No. 98-4)

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

2  
3 | Sec. 108-5-1. - Definitions.

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

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

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

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

19 | (Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

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

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

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

28 | (Ord. of 1956, § 22D-2; Ord. No. 98-4)

29 | Sec. 108-5-3. - Permitted zones.

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

33 | (Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

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

35 | (a) An over all development plan for a planned residential unit development showing residential uses,  
36 | housing types, locations, sizes, height, number of residential units, access roads, common area and  
37 | other open spaces, etc., may be approved by the planning commission and county commission and  
38 | building permits issued in accordance with such plan, even though the residential uses and dwelling  
39 | types and the location of the buildings proposed may differ from the residential uses and dwelling

40 types and regulations governing such uses in effect in the zone in which the development is  
 41 proposed provided the requirements of this chapter are complied with. Accessory nonresidential  
 42 uses may be included in planned residential unit developments of 100 units or more to provide a  
 43 necessary service to the residents of the development as determined by the planning commission  
 44 provided agreements and restrictive covenants controlling the proposed uses, ownership,  
 45 operational characteristics and physical design to the county's satisfaction are filed by and entered  
 46 into by the developer to assure that the approved necessary services intent is maintained.

47 (b) Once the overall development plan showing details of buildings, structures and uses has been  
 48 approved by the county commission, after recommendations of the planning commission, no  
 49 changes or alterations to said development plan or uses shall be made without first obtaining the  
 50 approval of the planning commission and county commission, except for landscaping, provided  
 51 subsection (c) of this section has been complied with.

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

- 56 (1) That the area of landscaping area exceeds the approved landscape plan;
- 57 (2) That the number and quality of plants exceed the approved landscape plan;
- 58 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;  
 59 and
- 60 (4) That all requirements of the Land Use Code have been met.

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

65 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout  
 66 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan,  
 67 and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title  
 68 108, chapter 8, section 2 of this Land Use Code.

69 (Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; [Ord. No. 2014-18](#), Exh. A, 6-17-2014;  
 70 [Ord. No. 2015-22](#), Exh. A, 12-22-2015)

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

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

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

79 (c) Notwithstanding §108-5-5(b), The County may, at its discretion, allow for an increased basic  
 80 number of dwelling units/residential lots in a PRUD may be increased by awarding bonus densities to  
 81 those PRUDs developed within the Western Weber County Planning Area. PRUD's developed  
 82 within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents  
 83 the bonus density opportunities that are available to PRUDs located within specific zoning  
 84 classification boundaries: up to ten percent if the planning commission in its judgment determines  
 85 that the concept, site layout and design, the residential groupings, the aesthetic and landscaping

86 proposals will provide a superior residential development and environment to that which would result  
87 through the normal land subdivision process<sup>[SM1]</sup>.

88 (1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award  
89 a maximum bonus density of 10 percent based on an accumulation of any combination of the  
90 following:

91 a. If the PRUD meets the purpose and intent of this chapter, up to a five percent  
92 bonus may be granted.

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

96 c. If the PRUD provides a minimum of one approved public access to public lands,  
97 up to a five percent bonus density may be granted.

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

101 e. If the PRUD dedicates and conveys to the county, the state division of wildlife  
102 resources, or both, an open space easement that permanently preserves areas  
103 that have been identified by the state division of wildlife resources as having  
104 substantial or crucial wildlife habitat value, up to a 10 percent bonus density may  
105 be granted.

106 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to  
107 30 percent if the applicant preserves open space area equal to or greater than 30 percent  
108 of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant  
109 preserves open space area above 30 percent, the county may grant a bonus density of up  
110 to 50 percent. Overall bonus density potential shall be no greater than a percentage equal  
111 to the percentage of the PRUD's total area preserved as open space. The county may  
112 award bonus densities based on an accumulation of any combination of the following:

113 a. If a PRUD meets the purpose and intent of this chapter, up to a ten percent bonus  
114 may be granted.

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

120 c. For each five percent increment of open space preserved over 50 percent: a five  
121 percent bonus density shall be granted up to the total bonus density allowed by  
122 subsection (2).

123 d. If a PRUD provides a minimum of one approved access to public lands, up to a ten  
124 percent bonus density may be granted

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

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

- 132 g. If ten percent of the lots and homes in a PRUD are permanently set aside for  
 133 affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20  
 134 percent bonus density may be granted. If a bonus density is granted to affordable  
 135 housing, the applicant shall:
- 136 1. Present and gain county approval of an effective plan and method for  
 137 guaranteeing and enforcing perpetual affordability. Any method used, such  
 138 as an affordable housing deed restriction, shall limit the sale or rental of the  
 139 affected lots and homes to a household with an income at or below 80  
 140 percent of the county median income;
  - 141 2. Identify and label, on the final plat, the lots set aside as affordable housing  
 142 lots; and
  - 143 3. Provide a note on the final plat explaining the nature of the housing  
 144 restriction on the lot and the method by which occupancy and affordability  
 145 will be regulated.
- 146 h. If a PRUD preserves an agricultural parcel with an agriculturally based open space  
 147 preservation plan approved by the planning commission and records an  
 148 agricultural preservation easement on the parcel, a bonus density may be  
 149 approved as follows:
- 150 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15  
 151 percent bonus density may be granted.
  - 152 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20  
 153 percent bonus density may be granted.
  - 154 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30  
 155 percent bonus density may be granted.
  - 156 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40  
 157 percent bonus density may be granted.
  - 158 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus  
 159 density may be granted.
- 160 i. If a PRUD provides for the preservation of historical sites and buildings that have  
 161 been identified by the state historic preservation office as having notable historical  
 162 value, up to a five percent bonus density may be granted.
- 163 j. If a PRUD provides for the development of excess sewage treatment capacity, up  
 164 to a five percent bonus density may be granted.
- 165 k. If a PRUD dedicates and conveys to the county, the state division of wildlife  
 166 resources, or both, an open space easement that permanently preserves areas that  
 167 have been identified by the state division of wildlife resources as having substantial  
 168 or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
- 169 l. If a PRUD includes an open space parcel that consists of five acres or more and is  
 170 contiguous to permanently preserved open space on an adjoining property located  
 171 outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- 172 (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total  
 173 of the units allowed in each zone, however, the units allowed in each zone must be constructed in  
 174 the respective zone.
- 175 (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD  
 176 beyond what county development ordinances would normally allow, by requesting housing unit credit  
 177 and transfer for lands to be included in the PRUD boundary as common open space which have little

178 or no possibility of housing development. Such areas may include swamp lands, bodies of water,  
 179 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing  
 180 development due to lack of water, access, natural resource limitations, etc. Therefore, the planning  
 181 commission shall determine what part if any, of such lands may be included in a PRUD as useable  
 182 open space common area for which dwelling unit credit is being requested for transfer to  
 183 developable portions of the PRUD and, when such determination justifies such inclusion, the  
 184 planning commission shall allow the transfer of units. In making this determination, the planning  
 185 commission shall be guided by the following factors:

- 186 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD  
 187 shall be such that the common areas are suitable for landscaped and/or developed open space  
 188 or for recreational use of direct benefit, access and usability to the unit owners.
- 189 (2) The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall  
 190 be physically integrated into the development design.
- 191 (3) The lands must be suitable for and possess the capability for housing development.
- 192 (4) Lands with an average slope of ~~60~~40 percent or more in the FR-1, F-~~4~~FV-3, F-5, F-10, and F-  
 193 40 zones and ~~40~~30 percent or more in all other zones, shall not be classified as developable  
 194 land and shall not be considered when determining the number of allowable units in a proposed  
 195 PRUD<sup>[SM2]</sup>.

196 (Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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

- 198 (a) The development shall be in a single or corporate ownership at the time of development or the  
 199 subject of an application filed jointly by the owners of the property.
- 200 (b) The property adjacent to the planned residential unit development shall not be ~~adversely~~  
 201 ~~detrimentally~~ affected ~~and to this end, without the county imposing reasonable conditions or, the~~  
 202 ~~planning commission may require~~ in the absence of appropriate physical boundaries natural or  
 203 constructed buffers, require that uses of least intensity or greatest compatibility be arranged around  
 204 the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be  
 205 required on the immediate periphery of a PRUD<sup>[SM3]</sup>.
- 206 (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed  
 207 shall be determined acceptable by approval of the site development plan.
- 208 (d) The county commission may, at its discretion and after receiving a ~~upon~~ recommendation ~~of from~~  
 209 the planning commission, shall require consider and approve a plan that provides for the ownership,  
 210 preservation, maintenance, and guarantee of improvements for ~~maintenance and ownership of the~~  
 211 ~~common~~ proposed open space(s). Open space parcels, and any improvements proposed thereon,  
 212 shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, at  
 213 ~~the county's option, one of the following methods~~<sup>[SM4]</sup>:
  - 214 (1) Plan approval. An open space preservation plan shall accompany an application for PRUD  
 215 approval. The plan shall include a narrative describing all proposed uses, phasing, and  
 216 maintenance methods for all open space parcels, and a site plan that shows proposed common  
 217 areas, individually owned preservation parcels, and the locations of existing and proposed  
 218 future structures. Dedication of the land as public park or parkway system;
    - 219 a. For open space dedicated as common area parcels, the site plan shall show the  
 220 location of existing and future structures by identifying the structure's approximate  
 221 footprint. Structures housing a utility or serving as a development amenity shall be  
 222 subject to all applicable standards including all design review and applicable  
 223 architectural standards found in title 108 of the Weber County Land Use Code.

- 224 b. For open space dedicated as individually owned preservation parcels, the site plan  
 225 shall identify locatable building envelopes within which all existing and future buildings  
 226 must be located.
- 227 (2) Ownership. ~~Granting to the county a permanent common open space easement on and over the~~  
 228 ~~said private open spaces to guarantee that the open spaces remain perpetually in access,~~  
 229 ~~parking, recreation or open space uses with ownership and maintenance being the~~  
 230 ~~responsibility of a home owners' association established with articles of association and bylaws~~  
 231 ~~which are satisfactory to the county; or~~
- 232 a. Open space parcels of any size and dedicated as common area shall be commonly  
 233 owned by an appropriate homeowner's association established under U.C.A. 1953,  
 234 §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the  
 235 Community Association Act.
- 236 b. Other open space parcels, consisting of five acres or more, may be owned individually.
- 237 1. Individually owned preservation parcels of ten acres or more in area may be  
 238 owned by any person, regardless of whether the person owns a residential lot  
 239 within the PRUD.
- 240 2. Individually owned preservation parcels of less than ten acres in area may only  
 241 be owned by an owner of a lot within the same cluster subdivision.
- 242 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be  
 243 memorialized in the following manner:
- 244 i. An explanation of the applicable ownership standard and a perpetual  
 245 restriction conforming thereto shall be written into all agriculture,  
 246 forest, or other type of preservation easements granted pursuant to  
 247 subsection (3); and
- 248 ii. A note describing the applicable ownership standard shall be placed  
 249 on the final recorded subdivision plat.
- 250 iii. A Notice describing the applicable ownership standard shall be  
 251 recorded on each individually owned preservation parcel at the time of  
 252 recording a subdivision plat.
- 253 (3) Preservation. ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, §~~  
 254 ~~57-8-1 et seq., as amended, which provides for the payment of common expenses for the~~  
 255 ~~upkeep of common areas and facilities.~~
- 256 a. Open space parcels are to be permanently preserved in a manner that is consistent  
 257 with the approved open space preservation plan.
- 258 b. The applicant, after receiving an approval for a PRUD and prior to recording or as part  
 259 of recording the final subdivision plat, shall grant and convey to the county, to each lot  
 260 owner, and to the homeowner association if applicable, an open space easement over  
 261 all areas dedicated as common area or individually owned preservation parcels. The  
 262 open space easement shall incorporate and conform to the open space preservation  
 263 plan approved under subsection (1).
- 264 c. If a PRUD and subsequent subdivision plat contains open space intended to preserve  
 265 substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife  
 266 Resources, a wildlife habitat easement meeting the requirements of the Utah Division  
 267 of Wildlife Resources shall be offered to the division.
- 268 d. If a PRUD and subsequent subdivision plat contains an individually owned  
 269 preservation parcel, the applicant shall:
- 270 1. Identify and label on the final plat each such parcel as an agricultural, forest, or  
 271 other type of preservation parcel;

272 2. Further identify each preservation parcel by placing a unique identifying letter of  
 273 the alphabet immediately after the label;

274 3. Present an agricultural, forest, or other type of preservation easement to the  
 275 county and gain its approval; and

276 4. Record an approved preservation easement on each parcel identified as an  
 277 agricultural, forest, or other type of preservation parcel.

278 e. The county may impose any additional conditions and restrictions it deems necessary  
 279 to ensure maintenance of the open space and adherence to the open space  
 280 preservation plan. Such conditions may include a plan for the disposition or re-use of  
 281 the open space property if the open space is not maintained in the manner agreed  
 282 upon or is abandoned by the owners.

283 (4) Guarantee of open space improvements.

284 a. The county shall not require an applicant to deposit a financial guarantee for open  
 285 space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a  
 286 certificate of occupancy and that remain incomplete at the time of final approval and  
 287 acceptance of a proposed subdivision (resulting from the approval of a PRUD) from  
 288 the board of county commissioners. The applicant or developer shall complete the  
 289 improvements according to the approved phasing component of an open space  
 290 preservation plan. If the applicant fails to complete improvements as presented in the  
 291 open space preservation plan, the county may revoke the approval of the PRUD and  
 292 suspend final plat approvals and record an instrument notifying prospective lot buyers  
 293 that future land use permits may not be issued for any construction.

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

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

305 a. Recreation uses and facilities may be developed within the common open space areas in  
 306 compliance with the recreation and landscaping plan being a part of the approved final  
 307 level development plan of the PRUD.

308 b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or  
 309 credit in an amount determined by the county engineer, sufficient to guarantee the  
 310 completion of the development of the common open space, or a phase thereof. When  
 311 completed in accordance with the approved plan, the bond shall be released. If  
 312 uncompleted at the end of two years, the county will review the progress and may proceed  
 313 to use the bond funds to make the improvements to the open space areas in accordance  
 314 with the approved plan. The bond shall be approved by the county commission and shall  
 315 be filed with the county recorder.

316 If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized  
 317 to maintain the common open spaces, but the organization fails to maintain the open space in  
 318 reasonable order and condition, the county may, at its option, do or contract to have done the  
 319 required maintenance and shall assess ratable the open space and individually owned  
 320 properties within the PRUD. Such assessment shall be a lien against the property and shall be  
 321 filed with the county recorder, or the county may bring suit to collect the maintenance fees  
 322 together with a reasonable attorney's fees and costs.

323 c. ~~If the planned residential unit development or phase thereof is to be subsequently divided~~  
 324 ~~as a "subdivision" into phase development parcels or separately owned and operated~~  
 325 ~~units, such division boundaries shall be indicated on the development plan and preliminary~~  
 326 ~~subdivision approval concurrently obtained in the case of a "subdivision."~~

327 d. ~~The area shall be adaptable to a unit type development and shall not contain within or~~  
 328 ~~through it any ownership or physical barrier which would tend to impair the unit~~  
 329 ~~cohesiveness.~~

330 e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the~~  
 331 ~~county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5~~  
 332 ~~shall comply with the provisions of this chapter and be developed as a planned residential unit~~  
 333 ~~development.~~

334 (Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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

336 (a) An application for a planned residential unit development shall be to the planning commission and  
 337 shall be accompanied by an overall development plan, including an open space preservation plan,  
 338 showing uses, dimensions and locations of proposed structures, areas reserved for public uses such  
 339 as schools and playgrounds, landscaping, recreational facilities ~~and open spaces~~, areas reserved  
 340 and proposals for accommodating vehicular and ~~pedestrian~~ pedestrian circulations, parking, etc.,  
 341 development phases, and architectural drawings and sketches demonstrating the design and  
 342 character of the proposed development.

343 (b) ~~Such other~~ Additional information shall be included as may be necessary to determine that the  
 344 contemplated arrangement of uses make it desirable to apply regulations and requirements differing  
 345 from those ordinarily applicable under this chapter.

346 (Ord. of 1956, § 22D-7)

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

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

350 (1) The architectural design of buildings and their relationship on the site and development beyond  
 351 the boundaries of the proposal.

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

354 (3) The landscaping and screening as related to the ~~several~~ proposed uses within the development  
 355 ~~and as a means of its~~ their integration into its ~~the~~ surroundings area.

356 (4) Lighting and ~~The~~ the size, location, design, and nature quality of signs if any, ~~and the intensity~~  
 357 ~~and direction of area of flood lighting.~~

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

361 (6) The demonstrated ability of the ~~proponents of the planned residential unit development~~ applicant  
 362 to financially carry out the proposed project under total or phase development proposals within  
 363 the time limit established.

364 (Ord. of 1956, § 22D-8; Ord. No. 98-4)

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

366 The planning commission, subject to the requirements of this chapter after considering applicable  
 367 codes and any anticipated detrimental effects, may recommend an approval, recommend an approval  
 368 with conditions, or recommend denial with conditions of the PRUD to the county commission.

369 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

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

371 The county commission, after holding a public hearing ~~meeting~~ thereon, may approve or disapprove  
 372 the application for a PRUD. ~~In~~ if approving an application, the county commission may attach ~~such~~  
 373 conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county  
 374 commission, together with any conditions imposed, constitutes approval of the proposed development as  
 375 a conditional use in the zone in which it is proposed.

376 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

377 Sec. 108-5-11. - ~~Building~~ Land use permit issuance.

378 The ~~building inspector~~ planning division shall not issue any land use permit for any proposed building,  
 379 structure, or use within the project unless such building, structure, or use ~~is in accordance~~ complies with  
 380 the approved ~~overall and/or phase development plans~~ and any conditions imposed. Approved  
 381 development plans shall be filed with the planning division, building inspector and county engineer <sup>(SMS)</sup>.

382 (Ord. of 1956, § 22D-11)

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

384 Unless ~~there is~~ substantial action has been taken, leading toward completion of a PRUD or an  
 385 approved phase thereof, within a period of 18 months from the date of approval, ~~such~~ the approval shall  
 386 expire unless ~~after reconsideration of the progress of the project~~ an extension, not to exceed six months,  
 387 is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be  
 388 used for any other permitted use in the zone in which the project is located. Reserved open space shall  
 389 be maintained where necessary to protect and blend existing structures into alternate land use proposals  
 390 after abandonment of a project <sup>(SM6)</sup>.

391 (Ord. of 1956, § 22D-12; Ord. No. 98-4)



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§101-1-7), General Provisions (§102-1), Natural Hazards Overlay Districts (§104-27), Supplementary and Qualifying Regulations (§108-7) and Hillside Development Review Procedures and Standards (§108-14) to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

**Agenda Date:** Tuesday, July 05, 2016  
**Staff Report Date:** Wednesday, June 29, 2016  
**Applicant:** Weber County Planning Division  
**File Number:** ZTA 2016-01

#### Staff Information

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**Report Reviewer:** RG

### Applicable Ordinances

§101-1-7: Definitions  
§102-1: General Provisions  
§104-27: Natural Hazards Overlay Districts  
§106-1-8: Final plat requirements and approval procedure  
§108-7: Supplementary and Qualifying Regulations  
§108-14: Hillside Development Review Procedures and Standards

### 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.

### Summary and Background

Weber County has many various natural hazards. The natural hazards overlay ordinance<sup>1</sup> was created decades ago in an attempt to address mitigation measures for building on potentially hazardous sites. Hazard study areas are identified based on the best hazards mapping

<sup>1</sup> See LUC §104-27.

information available for a given site.<sup>2</sup> These maps give a point of reference for the County to gauge whether additional studies are needed prior to permitting new development. After site evaluation, geologists and other experts can determine the breadth of hazards (if any), and help the County determine mitigation measures necessary to minimize impacts on the resulting occupants, surrounding property owners, and public infrastructure. Under current ordinances, if a site is in a study area it is required that the land owner has an expert review for such hazards, and offer the results and recommendations to the County's Land Use Authority for consideration during development review.<sup>3</sup>

Staff has become aware that the current Natural Hazards Overlay Zone specifies that only the Planning Commission is the Land Use Authority for development that is located within a natural hazard study area. While this provision may make sense for certain types of more complicated applications, it does not lend to an efficient or expedient review of simple applications, like single family dwelling building permits.

Additionally, this requirement conflicts with other provisions in the Land Use Code. Those provisions designate other entities, such as the Planning Director or the County Commission, as the Land Use Authority for some types of applications.<sup>4</sup>

We are now emerging into a busy building season. Without the proposed modifications there will be a significant delay for building permit applications while they wait for a Planning Commission review of natural hazards. There is significant urgency to get the proposal adopted to replace the existing code. For this reason, this proposal has been expedited for Planning Commission review without the typical work session deliberation. It is critical to the current building season to get the changes completed as soon as possible.

Despite the expedited nature of this proposal, staff took considerable time and effort carefully reviewing and modifying the ordinance. Review and modification has been a cross collaboration between the Planning Division, Engineering Division, Attorney's Office, and outside expert legal counsel. We have also reached out to a private geologist for comments.

Through this careful evaluation it became apparent that there is significant work needed on this ordinance, including the need for clarifying provisions, and in some places, reconstruction. This proposal makes a best effort to initiate the effort, but only provides an intermediary solution to resolve the Land Use Authority problem, and a few other simple clarifications.

The proposal provides better consideration for the designated Land Use Authority when considering natural hazards; it also helps clarify the role of the Planning Director in certain Land Use Authority decisions; and then, generally, it provides for clarity, removes redundancies, and includes process steps and appeal provisions for reviews of projects when natural hazards are present.

## Policy Analysis

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<sup>2</sup> LUC §104-27 was originally created with specific hazards maps; however, mapping of hazards throughout Weber County has evolved since then. The Utah Geological Survey currently has several relevant mapping resources, including an online map service.

<sup>3</sup> See LUC §104-7-4.

<sup>4</sup> For example, LUC §102-1-2 sets up certain land use authority permissions for the planning director.

**How to review the proposal.** The complete proposal is presented in the attached exhibits in track changes. The exhibits provide a more specific analysis of the changes in the text-balloons in the margins.

The proposal is lengthy. To ease in the Planning Commission's review, consider the following. Exhibit B is the complete text of the proposed changes, which is in the same format that the proposal will be presented to the County's codifiers. However, because the natural hazards code is being removed from §104-27 and added into §108-22, this exhibit does not emphasize in track-change all of the changes being made between the two. Rather, it only shows that §104-27 was deleted and §108-22 was added. For this reason staff offers Exhibit D, which is a document that emphasizes in track-changes what changes are occurring between the current §104-27 to the proposed §108-22. Staff recommends that the Planning Commission starts their review with Exhibit D. Some members of the Planning Commission have previously requested clean copies with the track-change copies, thus Exhibit C is being provided as well. It is the same thing as Exhibit B, but without track-changes.

A brief synopsis of the changes is provided below.

**Policy considerations.** It can be noted that throughout the proposal the term "planning commission" has been replaced with "land use authority." This is because the code designates different land use authorities for different types of permits. For example, the Planning Director is the land use authority for approving alternative lot access, the Planning Commission is the land use authority for approving conditional use permits, and the County Commission is the land use authority for approving road dedications. By changing Planning Commission to Land Use Authority the proposal points the reader back to whomever is the Land Use Authority for a given permit type, as otherwise designated elsewhere in the code.

The current code could be more clear for what types of permits, and under what circumstances, the Planning Director is the land use authority. This proposal addresses that.

This proposal also addresses the fact that current ordinances are made unnecessarily complicated by requiring natural hazards to be administered through a hillside review process rather than by a typical natural hazards review process. There is unnecessary overlap between the ordinances. This proposal separates the hillside review process from the natural hazards review process, and establishes better procedural guidelines for natural hazards review.

This proposal moves the natural hazards ordinance from Title 104 – Zones, to Title 108 – Standards. There are a couple of reasons for doing this. The first, natural hazards really are not zones. A zone has legislatively created boundaries intended to organize land uses based on the public will of the community. The existence of natural hazards is not subject to the will of the legislative body, and their boundaries cannot be changed by community desire. Natural hazards are more akin to hillside development or source protection areas than they are zones. It is better to create standards for development on them rather than try to govern them by a zone. Second, the natural hazards ordinance provides for a method of changing the natural hazards maps when it can be proven that the suspected hazard is not actually present. If the natural hazards ordinance is considered a "zone" and mapped as a "zoning overlay" any of these changes would be subject to the typical rezone process, which is an unnecessary complication for such a highly technical consideration.

This proposal brings the appeal process for geologic hazards into compliance with the governing state statutes.

### Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. There are not specific recommendations regarding this proposal in either of the County's plans, however, it can be determined by the Planning Commission that the proposal is not in conflict with the general plan's guidance.

### Past Action on this Item

No action has occurred on this item.

### 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 reduce conflicting provisions in the Land Use Code.
2. The changes are necessary to provide clarity in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes comply with the intent of the Land Use Code.
5. The changes are not detrimental to the effect of the general plan.
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] – Natural Hazards Code.
- C. Code Change [Clean] – Natural Hazards Code. [Omitted from paper packet due to length. See Miradi project file for complete packet: <https://miradi.co.weber.ut.us/projects/view/2339>].
- D. Comparison of only the current and proposed Natural Hazards ordinances.
- E. Land Use Code Revision Process Flowchart.

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

The following code changes are being proposed to clarify that the Planning Commission is not the only land use authority over projects with natural hazards, and to provide clarity, remove redundancies, and include process steps and appeal provisions for natural hazards reviews.

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 102-1: General provisions

§ 104-27: Natural hazards overlay districts

§ 108-7: Supplementary and qualifying regulations

§ 108-14: Hillside development review procedures and standards

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

1 Title 101 - GENERAL PROVISIONS

2 ...

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

4 ...

5 Building parcel designation. The term "building parcel designation" means two or more lots within an  
6 approved subdivision are recognized as one lot for building purposes. ~~This does not allow for the creation~~  
7 ~~of additional lots, and the original lot lines as recorded do not change. The planning director can~~  
8 ~~administratively approve a building parcel designation application.~~

9 ...

10 Geologic and Geotechnical terms.

11 Active fault. The term "active fault" means a seismic (earthquake) fault displaying evidence of  
12 greater than four inches of surface displacement along one or more of its traces during Holocene  
13 time (approximately 10,000 years ago to the present).

14 Active landslide. The term "active landslide" means a landslide which is known to have moved  
15 or deformed and which has not been proven to be stable by a geotechnical investigation.

16 Aquifer. The term "aquifer" means a geological unit in which porous and permeable conditions  
17 exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

18 Aquifer recharge. The term "aquifer recharge" area means an area that has soils and geological  
19 features that are conducive to allowing significant amounts of surface water to percolate into  
20 groundwater.

21 Area of deformation. See "zone of deformation."

22 Critical acceleration. The term "critical acceleration" means the minimum amount of ground  
23 acceleration during seismically induced ground movement required to induce liquefaction or other  
24 forms of ground disruption.

25 Critical facilities. The term "critical facilities" means:

26 (1) Lifelines such as major communication, utility and transportation facilities and their  
27 connection to emergency facilities;

28 (2) Essential facilities, such as:

29 a. Hospitals and other medical facilities having surgery and emergency treatment areas;

30 b. Fire and police stations;

31 c. Tanks or other structures containing, housing, or supporting water or other fire-  
32 suppression materials or equipment required for the protection of essential or  
33 hazardous facilities, or special occupancy structures;

34 d. Emergency vehicle shelters and garages;

35 e. Structures and equipment in emergency-preparedness centers;

36 f. Standby power generating equipment for essential facilities;

37 g. Structures and equipment in government communication centers and other facilities  
38 required for emergency response;

**Comment [c1]:** Currently, there is only this definition explaining what a building parcel designation is, but not any statutes allowing it. A statute has been added in 108-7-33 (herein) that uses this stricken language, and provides additional standards based on the County's historic and routine procedure.

**Comment [c2]:** All of the definitions in the natural hazards ordinance were removed and added here. Some of these definitions were supplemented with the definitions found in the natural hazards codes. Some have been re-worked or updated for clarity or best management practices. All definitions have been cross referenced for their use in other chapters to verify consistency.

39 (3) Hazardous facilities such as structures housing, supporting or containing sufficient  
40 quantities of toxic or explosive substances to be dangerous to the safety of the general  
41 public if released; or

42 (4) Special occupancy structures, such as:

43 a. Covered structures whose primary occupancy is public assembly (capacity greater  
44 than 300 persons);

45 b. Buildings for schools through secondary or day care centers (capacity greater than 50  
46 students);

47 c. Buildings for colleges or adult education schools (capacity greater than 50 students);

48 d. Medical facilities with 50 or more resident incapacitated patients, but not included  
49 above;

50 e. Jails and detention facilities;

51 f. All structures with occupancy greater than 5,000 persons;

52 g. Structures and equipment in power-generating stations and other public utility facilities  
53 not included above, and required for continued operation;

54 h. Unique or large structures whose failure might be catastrophic, such as dams holding  
55 over ten acre feet of water, lifelines, such as major communication, utility and  
56 transportation facilities and their connection to emergency facilities, unique or large  
57 structures whose failure might be catastrophic, such as dams or buildings where  
58 explosive, toxic or radioactive materials are stored or handled, high occupancy  
59 buildings such as schools, hotels, offices, emergency facilities, such as police and fire  
60 stations, hospitals, communication centers and disaster response facilities.

61 Debris flow. The term "debris flow" means a mass of rock fragments, soil, and mud which, when  
62 wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if  
63 present on an alluvial/debris fan surface.

64 Engineering geologist. The term "engineering geologist" means a geologist who, through  
65 education, training and experience, is able to assure that geologic factors affecting engineering  
66 works are recognized, adequately interpreted and presented for use in engineering practice and for  
67 the protection of the public. This person shall have:

68 (1) At least a four-year degree in geology, engineering geology, or a related field from an  
69 accredited university; and

70 (2) At least three full years of experience in a responsible position in the field of engineering  
71 geology.

72 (3) A Utah State Professional Geologist's license.

73 Engineering geology. The term "engineering geology" means the application of geological data  
74 and principles to engineering problems dealing with naturally occurring rock and soil for the purposes  
75 of assuring that geological factors are recognized and adequately interpreted in engineering practice.

76 Fault. The term "fault" means a fracture in the earth's crust forming a boundary between rock or  
77 soil masses that have moved relative to each other (also see "active fault").

78 Fault scarp. The term "fault scarp" means a steep slope or cliff formed directly by movement  
79 along a fault.

80 Fault trace. The term "fault trace" means the intersection of the fault plane with the ground  
81 surface.

82 Fault zone. The term "fault zone" means a corridor of variable width along one or more fault  
83 traces.

Comment [c3]: New standard.

84 | Geotechnical report. The term "geotechnical report" means a technical report or study prepared  
85 | by a geotechnical professional who is qualified in the field of expertise examined and analyzed in  
86 | such a report. A person shall be considered "qualified" upon presentation of credentials providing  
87 | recognition in the professional field, an academic degree from an accredited college or university in  
88 | geology, geotechnics and/or geotechnical engineering.

89 | Landslide. The term "landslide" means a general term for the down slope movement of a mass  
90 | of soil, surficial deposits or bedrock.

91 | Liquefaction. The term "liquefaction" means a process by which certain water saturated soils  
92 | lose bearing strength because of ground shaking and increase of groundwater pore pressure.  
93 | Liquefaction potential categories depend on the probability of having an earthquake within a 100-  
94 | year period that will be strong enough to cause liquefaction in those zones. High liquefaction  
95 | potential means that there is a 50% probability of having an earthquake within a 100-year period that  
96 | will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and  
97 | 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

98 | Natural hazard. The term "natural hazard" means any hazard listed in Section 108-22-2,  
99 | including, but not limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic  
100 | subsidence, landslide and other hazards.

101 | Natural hazard map. The term "natural hazard map" means any map that has been published  
102 | by a qualified professional or applicable governmental agency, which contains the best available  
103 | information, as determined by the County Engineer, and which delineates a potential natural hazard.

104 | Natural hazard study area. The term "natural hazard study area" means any area identified on  
105 | any natural hazard map or within any natural hazard studies or reports as having potential for being  
106 | a natural hazard. In addition, the County Engineer has discretion to identify a natural hazard study  
107 | area as a new hazard or potential hazard becomes known.

108 | Rock fall. The term "rock fall" means the gravity-induced drop of a newly detached segment of  
109 | bedrock or perched rock of any size from a cliff or steep slope.

110 | Structure designed for human occupancy. The term "structure designed for human occupancy"  
111 | means any residential dwelling or any other structure used or intended for supporting or sheltering  
112 | any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours  
113 | per year.

114 | Zone of deformation. The term "zone of deformation" means the zone along a fault in which  
115 | natural soil and rock materials are disturbed as a result of movement along the fault.

116 | ...

117 | **Title 102 - ADMINISTRATION**

118 | **CHAPTER 1. - GENERAL PROVISIONS**

119 | **Sec. 102-1-1. - Purpose and intent.**

120 | The purpose of this section is to establish regulations and procedures for the processing and  
121 | consideration of applications allowed by this Land Use Code.

122 | **Sec. 102-1-2. - ~~Administrative~~ Planning director authority.**

123 | (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an  
124 | application for an administrative approval. Administrative approval can be given for the following  
125 | applications:

126 | (1) Site plan approval, when required by this Land Use Code, for which the Land Use Authority is not  
127 | otherwise specified by this Land Use Code;

**Comment [c4]:** The changes in this section are intended to clarify the role of the Planning Director when acting as the Land Use Authority.

128 ~~(2) site plans~~ Design review for with buildings under 10,000 square feet ~~located on a parcel less than~~  
129 ~~one acre in size, and which impact an area of less than one acre, as provided in Section 108-1-2;~~

130 ~~(3) Home occupations with or without visiting clientele, as provided in Section 108-13-2;~~

131 ~~(4) Building parcel designation, as provided in Section 108-7-33;~~

132 ~~(5) combining of lots within an approved subdivision which meet ordinance requirements, minor~~  
133 ~~Small subdivisions as defined by the subdivision definition, as provided in Section 106-1-8(f) of this~~  
134 ~~Land Use Code; and~~

135 ~~(6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to~~  
136 ~~a lot/parcel at a location other than across the front lot line, as provided in Title 108, Chapter 7 of~~  
137 ~~this Land Use Code.~~

138 ~~(b)~~ The planning director may deny an application for an administrative approval if the use fails to  
139 comply with specific standards set forth in this ~~chapter~~ Land Use Code or if any of the required  
140 findings are not supported by evidence in the record as determined by the director. At the discretion  
141 of the planning director, the planning commission can hear the request for an administrative  
142 approval.

143 ~~(bc)~~ The ~~administrative planning director~~ approval process includes public notice and comment from  
144 adjacent property owners, ~~when~~ as required by this Land Use Code or state code.

145 ...

146 **Sec. 102-1-4. - Notice of decision.**

147 After ~~hearing~~ reviewing the evidence and considering the application, the ~~approving authority~~  
148 ~~(planning commission, planning director or his designee, board of adjustment, and county commission on~~  
149 ~~land use applications)~~ Land Use Authority, as designated by this Land Use Code, shall make its findings  
150 and decision. It shall then send have them entered in the minutes. Upon a decision by the approving  
151 ~~authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in~~  
152 ~~the application. A notice of decision can be a new~~ written notice of decision, a copy of the written  
153 ~~administrative approval form~~ signed by the planning director or designee, or a copy of the approved  
154 minutes. A decision by the ~~approving authority~~ Land Use Authority is final at the time the notice of decision  
155 is ~~issued~~ sent. If a notice of decision is not sent, and the decision was made in a meeting where minutes  
156 are kept, the decision shall be final on the date the minutes from the meeting are approved by the  
157 ~~approving authority~~ Land Use Authority. The planning division shall also mail notice of any decisions to  
158 any person or agency who, in writing, requested such notification before the decision was rendered.  
159 Unless the Land Use Authority's final decision specifies otherwise, the Land Use Authority's decisions  
160 ~~is~~ are subject to requirements and conditions stated in the staff report and, if applicable, listed in the  
161 meeting minutes.

162 ...

163 **Title 104 - ZONES**

164 ...

165 **CHAPTER 27. - RESERVED NATURAL HAZARDS OVERLAY DISTRICTS**

166 **Sec. 104-27-1. - Purpose and intent.**

167 ~~(a) — The purpose and intent of this chapter is to coordinate the application of natural hazards~~  
168 ~~guidelines and standards, in order to protect the health, welfare and safety of the citizens of the county,~~  
169 ~~and to minimize potential effects of natural and manmade hazards by identifying known hazardous~~

**Comment [c5]:** Here is part of the new statute of for "building parcel designation." See the rest in 108-7-33.

**Comment [c6]:** This land use code no longer references "minor subdivisions." Only "small subdivisions."

**Comment [c7]:** Changes to this section clarify the role of the land use authority when offering a final decision and when notifying the applicant of the decision.

**Field Code Changed**

**Comment [c8]:** This whole section has been moved in its modified form to section 108-22. This removes it from the zoning chapter and places it in the standards chapter where it belongs.

170 ~~areas. This portion of the chapter specifies the areas for which an environmental analysis shall be~~  
171 ~~performed prior to development, the content of the analysis and the procedure by which development~~  
172 ~~applications requiring the analysis are reviewed and processed.~~

173 ~~(b) — The county recognizes individual property rights and shall make every effort to balance the right~~  
174 ~~of the individual property owner with the health, welfare, safety and the common good of the general~~  
175 ~~public.~~

176 ~~**Sec. 104-27-2. Potential hazards.**~~

177 ~~The following potential hazards have been identified:~~

178 ~~(1) — Surface fault ruptures.~~

179 ~~a. — Surface faulting has been identified as a potential hazard in the county. Maps have been~~  
180 ~~produced delineating the known area where a hazard may exist from surface fault ruptures. Broad~~  
181 ~~subsidence of the valleys accompanying surface faulting may affect areas several miles away from the~~  
182 ~~fault. These effects are not considered here, but are covered in subsection b of this section.~~

183 ~~b. — Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which~~  
184 ~~produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This~~  
185 ~~offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that~~  
186 ~~begin to ravel and erode back to the material's angle of repose (33-35 degrees) soon after formation.~~  
187 ~~Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but~~  
188 ~~sometimes as much as several feet. The zone between these two faults may be complexly faulted and~~  
189 ~~tilted with offset along minor faults of several inches or more.~~

190 ~~c. — Based upon this data, it is difficult, both technically and economically, to design a structure to~~  
191 ~~withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the~~  
192 ~~fault is the principal risk reduction technique that can be reasonably taken.~~

193 ~~d. — No critical facility or structure for human occupancy shall be built astride an active fault. In some~~  
194 ~~areas adjacent to the main trace but still within the zone of deformation, avoidance may not be~~  
195 ~~necessary. Less damaging (smaller) offsets of less than four inches, and tilting may occur and structural~~  
196 ~~measures may be taken to reduce casualties and damage. However, structural damage may still be~~  
197 ~~great, and buildings in the zone of deformation may not be safe for occupants following a large~~  
198 ~~earthquake.~~

199 ~~e. — Due to the scale used to map these zones, there is not enough detail to delineate all fault traces~~  
200 ~~and zones of deformation at a particular location, therefore, site specific plans and studies shall be~~  
201 ~~required for development in or adjacent to the delineated areas.~~

202 ~~f. — Upon submittal, review and planning commission approval of site specific plans and studies with~~  
203 ~~recommendations, produced by a qualified engineering geologist, setbacks shall be a minimum of 50~~

204 feet from an active fault trace. A reduction in the setback will be considered if the report presents  
205 evidence to justify a reduction acceptable to the planning commission.

206 ~~(2) — Landslide/tectonic subsidence.~~

207 a. — Landslide. Landslides, historically, have been one of the most damaging geologic processes  
208 occurring in Weber County. Most active landslides, and most older slides, have been mapped and are  
209 shown on the Sensitive Lands Overlay District maps. These designations serve as an indication of  
210 unstable ground. The maps designate areas of landslides and slopes which are potentially unstable  
211 under static (non-earthquake) conditions, and are especially vulnerable under conditions of high to  
212 abnormally high precipitation. Landslides can damage structures, roads, railroads and power lines.  
213 Furthermore, landslides may rupture canals, aqueducts, sewers and water mains, all of which can add  
214 water to the slide plane and promote further movement. Flooding may also be caused.

215 b. — Many methods have been developed for reducing landslide hazards. Proper planning and  
216 avoidance is the least expensive measure, if landslide-prone areas are identified early in the planning  
217 and development process. Care in site grading with proper compaction of fills and engineering of cut  
218 slopes is a necessary follow-up to good land-use planning. Where avoidance is not feasible, various  
219 engineering techniques are available to stabilize slopes, including de-watering (draining), retaining  
220 structures, piles, bridging, weighting or buttressing slopes with compacted earth fills and drainage  
221 diversion. Since every landslide and unstable slope has differing characteristics, any development  
222 proposed within a designated landslide hazard area, as delineated on the Sensitive Lands Overlay  
223 District maps, shall require the submittal, review and approval by the planning commission, of specific  
224 site studies, including grading plans, cut/fill, and plans produced by a qualified engineering geologist and  
225 a Utah licensed geotechnical engineer. The site specific study shall address slope stability (including  
226 natural or proposed cut slopes), evaluate slope failure potential, effects of development and  
227 recommendations for mitigative measures. Slope stability analysis shall include potential for movement  
228 under static, development-induced and earthquake-induced conditions as well as likely groundwater  
229 conditions.

230 c. — Tectonic subsidence. Tectonic subsidence, also called seismic tilting, is the warping, lowering  
231 and tilting of a valley floor that accompanies surface faulting earthquakes on normal (dip slip) faults  
232 such as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the ponding of  
233 water in areas with a shallow water table may be caused by tectonic subsidence. Certain structures  
234 which require gentle gradients or horizontal floors, particularly wastewater treatment facilities and  
235 sewer lines may be adversely affected.

236 d. — Because subsidence may occur over large areas (tens of square miles), it is generally not  
237 practical to avoid the use of potentially affected land except in narrow areas of hazard due to lake  
238 shoreline flooding. For gravity flow structures such as wastewater treatment facilities that are within  
239 areas of possible subsidence, it is advisable to consider the tolerance of such structures to slight changes  
240 in gradient. Some structures may have to be relevelled after a large magnitude earthquake. Critical

241 ~~facilities which contain dangerous substances should have safety features to protect the structure, its~~  
242 ~~occupants and the environment from both tilting and flooding.~~

243 ~~e.—— Flooding problems along lakes from tectonic subsidence shall be reduced using standard~~  
244 ~~techniques such as raising structures above expected flood levels and dikes can be built. Development~~  
245 ~~adjacent to lakes or reservoirs shall be prohibited within three feet of elevation above projected lake~~  
246 ~~levels to protect against natural rises from wet periods, storm waves and earthquake induced seiching,~~  
247 ~~as well as hazards associated with tectonic subsidence.~~

248 ~~f.—— Rises in the water table accompanying tectonic subsidence may cause water to pond, flood~~  
249 ~~basements and disrupt buried facilities in areas of shallow groundwater adjacent to the fault on the~~  
250 ~~down dropped side.~~

251 ~~g.—— The principal application of the identified tectonic subsidence areas is to make the public aware~~  
252 ~~of the hazard and to indicate those areas where further study may be necessary. Site specific tectonic~~  
253 ~~subsidence studies are recommended only for critical facilities in areas of potential lake margin and~~  
254 ~~ponded shallow groundwater flooding. However, certain vulnerable facilities such as high cost~~  
255 ~~wastewater treatment plants and hazardous waste facilities should also consider potential tilting.~~

256 ~~(3)—— Rock fall.~~

257 ~~a.—— Rock falls are a naturally occurring erosional process in mountain areas in Weber County. As~~  
258 ~~development advances higher onto the bench areas and into the canyons the risk from falling rocks~~  
259 ~~becomes greater. A primary mechanism responsible for triggering rock falls is water in outcrop~~  
260 ~~discontinuities. Rock falls present a hazard because of the potential damage a large rock mass, traveling~~  
261 ~~at a relatively high velocity, could cause to structures and personal safety. Buildings shall be located so~~  
262 ~~that structures are not positioned in an area susceptible to rock falls. When new developments cannot~~  
263 ~~be designed around a rock fall path, and hazard reduction measures must be considered, a site specific~~  
264 ~~plan and hazard study, with recommendations for mitigation, shall be produced by a qualified~~  
265 ~~engineering geologist, submitted for review and approval by the planning commission. Mitigation may~~  
266 ~~require design by a Utah licensed geotechnical engineer, and may include rock stabilization techniques~~  
267 ~~such as bolting, cable lashing, burying, and grouting discontinuities, removal or break up of potential~~  
268 ~~rock clasts, as well as deflection berms, slope benches, and rock catch fences to stop or at least slow~~  
269 ~~down falling rocks. Strengthening a structure to withstand impact is an example of modifying what is at~~  
270 ~~risk. Mitigation problems can arise when rock source areas are located on land not owned by the~~  
271 ~~developer.~~

272 ~~b.—— In areas where the rock fall hazard is present but very low, disclosures of potential hazards to~~  
273 ~~land owners and residents with an acknowledgment of risk and willingness to accept liability may be an~~  
274 ~~acceptable alternative to avoidance or mitigation for single family residences.~~

275 ~~(4)—— Debris flows.~~

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

280 b. ~~The county debris flow hazard maps were constructed from the boundaries of active alluvial~~  
281 ~~fans and areas with slopes steeper than 30 percent. Any proposed development in areas identified as~~  
282 ~~debris flow hazard areas shall be evaluated prior to approval of the proposed development.~~

283 1. ~~A study shall be prepared by an engineering geologist for any development proposed in or~~  
284 ~~adjacent to a debris flow hazard area and shall include:~~

285 (i) ~~An analysis of the past history of debris flow at the site based on subsurface exploration to~~  
286 ~~determine the nature and thickness of debris flow and related alluvial fan deposits.~~

287 (ii) ~~An analysis of the drainage basin's potential to produce debris flows based on the presence of~~  
288 ~~debris slides and colluvium-filled slope concavities, and an estimate of the largest probable volumes~~  
289 ~~likely to be produced during a single event.~~

290 (iii) ~~An analysis of the stream channel to determine if the channel will supply additional debris,~~  
291 ~~impede flow, or contain debris flows in the area of the proposed development.~~

292 (iv) ~~An analysis of manmade structures upstream that may divert or deflect debris flows.~~

293 (v) ~~Recommendations concerning any channel improvements, flow modifications and catchment~~  
294 ~~structures, direct protection structures or floodproofing measures, if necessary, in order to protect the~~  
295 ~~development.~~

296 (vi) ~~Upon approval of the county engineer, the report shall be presented to the planning~~  
297 ~~commission along with review comments for recommendation of approval by the county commission.~~

298 (5) ~~Liquefaction areas.~~

299 a. ~~Earthquake ground shaking causes a variety of phenomena which can damage structures and~~  
300 ~~threaten lives. One of these is termed soil liquefaction. Ground shaking tends to increase the pressure in~~  
301 ~~the pore water between soil grains, which decreases the stresses between the grains. The loss of~~  
302 ~~intergranular stress can cause the strength of some soils to decrease nearly to zero. When this occurs,~~  
303 ~~the soil behaves like a liquid. When liquefaction occurs, foundations may crack, buildings may tip,~~  
304 ~~buoyant buried structures such as septic tanks and storage tanks may rise, and even gentle slopes may~~  
305 ~~fail as liquefied soils and overlying materials move down slope.~~

306 b. ~~Areas of potential liquefaction have been delineated and the following regulations and~~  
307 ~~mitigation measures have been adopted in order to reduce the hazard and consequences. Areas of~~  
308 ~~moderate to high liquefaction potential need not be avoided. Structural measures and site modification~~  
309 ~~techniques are available to reduce hazards. A site specific liquefaction study shall be required to be~~

310 prepared, and shall be prepared by an engineering geologist and/or a state licensed geotechnical  
311 engineer.

312 (i) Standard soil foundation study, for the proposed development, shall include liquefaction  
313 potential evaluation based upon depth to groundwater, soil types and ground failure hazard.

314 (ii) If liquefiable soils are present, standard penetration tests and/or cone penetration tests shall be  
315 required to determine critical accelerations needed to induce liquefaction.

316 (iii) Report shall include accurate maps of the area showing any proposed development, the location  
317 of bore holes and/or test pits, the site geology, and location and depths of any liquefiable soils noted,  
318 along with the probability of critical accelerations needed to induce liquefaction in these soils being  
319 exceeded for appropriate time periods.

320 (iv) The report shall include recommendations for hazard reduction techniques.

321 (v) The county engineer shall concur with the scope of the report, techniques and methodology to  
322 be used in the preparation of the report and shall have input as to the specific types of information to be  
323 included in the report.

324 (vi) Upon approval of the county engineer, the report shall be presented to the planning  
325 commission along with review comments for recommendation of approval by the county commission.

326 (6) Flood. The floodplain standards are written to minimize the loss of life and property when floods  
327 do occur, not to ban development outright from the floodplain. The Federal Emergency Management  
328 Agency (FEMA) has produced official floodplain maps, depicting areas of potential stream flooding for  
329 major drainages in Weber County. FEMA recommends that no new development be permitted in the  
330 100-year floodplain unless:

331 a. Detailed engineering studies, prepared by a state licensed engineer, show that the proposed  
332 development will not increase the flood hazard to other property in the area. Recommendations shall be  
333 made for floodproofing or other mitigation techniques for development within flood hazard areas. (Site  
334 investigations for proposed development in lake flooding areas near Great Salt Lake need only indicate  
335 the site elevation. Development proposals in areas with elevations less than 4,218 feet will be reviewed  
336 with respect to lake flooding potential and compatibility of proposed use.)

337 b. The proposed development is elevated above the 100-year flood base elevation.

338 c. For federally insured loans, flood insurance is purchased from a company participating with the  
339 Federal Insurance Administration or a like private carrier.

340 d. Upon approval of the county engineer, the report shall be presented to the planning  
341 commission along with review comments for recommendation of approval by the county commission.

342 ~~1. Alluvial fan flooding, which is not mapped under the FEMA program, may be a hazard on all~~  
343 ~~active alluvial fans designated on the debris flow hazard maps. The hazard from such flooding shall be~~  
344 ~~addressed and appropriate hazard reduction measures taken.~~

345 ~~2. Sheet flow. Certain areas of the Ogden Valley have been identified and mapped as areas of~~  
346 ~~sheet flow flooding. The hazard from such flooding shall be addressed and appropriate hazard reduction~~  
347 ~~measures taken.~~

348 ~~(7) Other hazardous areas:~~

349 ~~a. As in many counties in the Western United States, development in the county is constrained by~~  
350 ~~the presence of natural and manmade hazards. These hazards include avalanche, slope movement, soils~~  
351 ~~categorized as having severe building limitations and slopes exceeding 30 percent.~~

352 ~~b. Not all hazardous sites and conditions have been identified in the county; however,~~  
353 ~~development on those identified sites shall be permitted when projects are studied and designed by a~~  
354 ~~qualified engineering geologist and a state licensed civil engineer, architect and/or an engineering~~  
355 ~~geologist and certified to withstand the potential hazard for which it is designed, and that the site is~~  
356 ~~buildable and that the site is safe. This allows development on hazardous sites with the full~~  
357 ~~acknowledgment of the property owner. The use of hazardous sites for open space is encouraged.~~

358 ~~Sec. 104-27-3. Supplementary hazards definitions.~~

359 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to~~  
360 ~~them in this section, except where the context clearly indicates a different meaning:~~

361 ~~Active fault means a fault displaying evidence of greater than four inches of displacement along one or~~  
362 ~~more of its traces during Holocene time (about 11,000 years ago to the present).~~

363 ~~Area of deformation means the zone along a fault in which natural soil and rock materials are disturbed~~  
364 ~~as a result of movement along the fault. (Also Zone of Deformation.)~~

365 ~~Critical acceleration means the minimum amount of ground acceleration during seismically induced~~  
366 ~~ground movement required to induce liquefaction or other forms of ground disruption.~~

367 ~~Critical facilities means:~~

368 ~~(1) Lifelines such as major communication, utility and transportation facilities and their connection~~  
369 ~~to emergency facilities;~~

370 ~~(2) Essential facilities, such as:~~

371 ~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

372 ~~b. Fire and police stations;~~

- 373 ~~c. Tanks or other structures containing housing or supporting water or other fire-suppression~~  
374 ~~materials or equipment required for the protection of essential or hazardous facilities, or special~~  
375 ~~occupancy structures;~~
- 376 ~~d. Emergency vehicle shelters and garages;~~
- 377 ~~e. Structures and equipment in emergency preparedness centers;~~
- 378 ~~f. Standby power-generating equipment for essential facilities;~~
- 379 ~~g. Structures and equipment in government communication centers and other facilities required~~  
380 ~~for emergency response;~~
- 381 ~~(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of~~  
382 ~~toxic or explosive substances to be dangerous to the safety of the general public if released; or~~
- 383 ~~(4) Special occupancy structures, such as:~~
- 384 ~~a. Covered structures whose primary occupancy is public assembly (capacity greater than 300~~  
385 ~~persons);~~
- 386 ~~b. Buildings for schools through secondary or day care centers (capacity greater than 50 students);~~
- 387 ~~c. Buildings for colleges or adult education schools (capacity greater than 50 students);~~
- 388 ~~d. Medical facilities with 50 or more resident incapacitated patients, but not included above;~~
- 389 ~~e. Jails and detention facilities;~~
- 390 ~~f. All structures with occupancy greater than 5,000 persons;~~
- 391 ~~g. Structures and equipment in power-generating stations and other public utility facilities not~~  
392 ~~included above, and required for continued operation;~~
- 393 ~~h. Unique or large structures whose failure might be catastrophic, such as dams holding over ten~~  
394 ~~acre feet of water.~~
- 395 ~~Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like~~  
396 ~~fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris~~  
397 ~~fan surface.~~
- 398 ~~Engineering geologist means a geologist who, through education, training and experience, is able to~~  
399 ~~assure that geologic factors affecting engineering works are recognized, adequately interpreted and~~  
400 ~~presented for use in engineering practice and for the protection of the public. This person shall have at~~  
401 ~~least a four-year degree in geology, engineering geology, or a related field from an accredited university~~  
402 ~~and at least three full years of experience in a responsible position in the field of engineering geology.~~

403 ~~Engineering geology means the application of geological data and principles to engineering problems~~  
404 ~~dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are~~  
405 ~~recognized and adequately interpreted in engineering practice.~~

406 ~~Fault means a fracture in the earth's crust forming a boundary between rock and soil masses that have~~  
407 ~~moved relative to each other (See Active fault).~~

408 ~~Fault scarp means a steep slope or cliff formed directly by movement along a fault.~~

409 ~~Fault trace means the intersection of a fault plane with the ground surface.~~

410 ~~Fault zone means a corridor of variable width along one or more fault traces.~~

411 ~~Landslide means a general term for the downslope movement of a mass of soil, surficial deposits or~~  
412 ~~bedrock.~~

413 ~~Liquefaction means a process by which certain water saturated soils lose bearing strength because of~~  
414 ~~ground shaking and increase of groundwater pore pressure.~~

415 ~~Natural hazard means avalanche, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic~~  
416 ~~subsidence and/or landslide.~~

417 ~~Natural hazard maps means the overlay maps, which delineate hazards, such as avalanche, liquefaction,~~  
418 ~~surface fault rupture, rock fall and/or landslide areas.~~

419 ~~Rock fall means the gravity induced drop of a newly detached segment of bedrock or perched rock of~~  
420 ~~any size from a cliff or steep slope.~~

421 ~~Structure designed for human occupancy means any residential dwelling or any other structure used or~~  
422 ~~intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate of~~  
423 ~~more than 2,000 person hours per year.~~

424 ~~**Sec. 104-27-4. Studies and reports required.**~~

425 ~~(a) Requirement for report. Any applicant requesting development on a parcel of land within a~~  
426 ~~natural hazards study area, as shown on the natural hazards maps, shall submit to the planning~~  
427 ~~commission six copies of site specific natural hazard studies and reports, where required for such~~  
428 ~~development according to the following chart.~~

429 ~~(1) The natural hazards report and studies shall be prepared by an engineering geologist. In the case~~  
430 ~~of a snow avalanche hazard, the report shall be prepared by an experienced avalanche expert. The~~  
431 ~~report shall be signed by the preparer and shall also include the qualifications of the preparer.~~

432 ~~(2) The report shall be site specific and identify all known or suspected potential natural hazards~~  
433 ~~originating on site or off site affecting the particular property.~~

434 (3) — The report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing  
 435 the location of the hazard with delineation of the recommended setback distances from the hazard and  
 436 the recommended location for structures.

437 (4) — The report shall address the potential effects of the hazard on the proposed development and  
 438 occupants thereof in terms of risk and potential damage.

439 (5) — The report shall contain recommendations for avoidance or mitigation of the effects of the  
 440 hazard consistent with the purposes set forth in section 104-27-1 of this chapter. The evidence on which  
 441 recommendations and conclusions are based shall be clearly stated in the report.

442 (6) — Trench logs (scale: one inch equals five feet or larger), aerial photographs, references with  
 443 citations, and other supporting information as applicable, shall also be included in the report.

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Special Study Area	Surface Fault Rupture Special Study Area
Critical facilities	Yes	Yes	Yes
Industrial or commercial >2 stories;>5,000 sq. ft.	Yes	Yes	Yes
Multifamily (4 or more units) and all other industrial or commercial	Yes	Yes	Yes
Residential subdivisions	No**	Yes	Yes
Residential, single lots/multifamily (less than 4 units/acre)	No**	Yes	Yes
**Although no special study is required, disclosure is required as described in section 104-27-7.			

444 -  
 445 (b) — Review of report. In order to fulfill the purposes of this chapter, the planning commission (for  
 446 conditional uses, site plan review, design review and subdivisions) shall review any proposed  
 447 development which requires preparation of a natural hazards report under this chapter to determine  
 448 the possible risks to the safety of persons or property from natural hazards.

449 (1) — Prior to consideration by the planning commission of any such development, the planning  
 450 director shall submit the report to the Utah Geological and Mineral Survey, the U.S. Forest Service,

451 and/or any other experts for review and recommendation. Any cost for the review shall be paid by the  
452 applicant prior to any planning commission action.

453 (2) — Whenever the planning commission determines that an area is subject to natural hazards which  
454 present an unreasonable risk to the safety of persons or property, including public streets, such area  
455 shall not be approved for development unless the applicant can demonstrate that such a risk can be  
456 reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural  
457 environment.

458 (3) — The planning commission may set requirements necessary to reduce the risks from natural  
459 hazards as a condition to the approval of any development which requires preparation of a natural  
460 hazards report.

461 (c) — Active fault consideration. No critical facility (excluding transportation lines or utilities which by  
462 their nature may cross active faults) or structures designed for human occupancy shall be built astride  
463 an active fault. If a fault is discovered in the excavation for such a structure, a special study and report,  
464 as described in subsection (a) of this section, shall be performed to determine if the fault is active, and if  
465 the fault is determined to be active, the procedures set forth in subsection (b) of this section, shall be  
466 followed. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks  
467 from a fault scarp shall meet the requirements of chapter 29 of the Uniform Building Code. The planning  
468 commission may increase footing setback requirements where information from a geotechnical report  
469 indicates slope conditions warrant a greater setback distance.

470 **Sec. 104-27-5. — Disclosure required.**

471 (a) — When a natural hazard report shows that a hazard exists which affects a particular parcel, a copy  
472 of the report shall be kept for public inspection in the county planning commission office. The natural  
473 hazard report denoting the type and severity of the hazard, the professional who prepared the report,  
474 the fact that the report is available to the public at the county planning department, and any restrictions  
475 on the use of the parcel required within the natural hazards report shall be recorded as a deed covenant  
476 running with the land, in the office of the county recorder, in addition to the following:

477 (1) — Notice that the parcel is located within a natural hazards special study area as shown on the  
478 natural hazards map.

479 (2) — Notice of the existence and availability of the natural hazards report for public inspection in the  
480 county planning commission office.

481 (3) — An agreement by the owner of the parcel and any successor in interest to comply with any  
482 conditions set by the planning commission to minimize adverse effects of the natural hazard.

483 (4) — When a natural hazard report is not required, but where the parcel is located within a mapped  
484 hazardous area, as shown on one of the natural hazards overlay maps, notice that the parcel is located

485 ~~within such an area shall be recorded as a deed covenant running with the land in the county recorder's~~  
486 ~~office and shall be written in a form satisfactory to the county engineer and attorney.~~

487 ~~(5) — The natural hazards ordinance codified in this chapter and natural hazards maps represent only~~  
488 ~~those hazardous areas known to the county, and shall not be construed to include all possible potential~~  
489 ~~hazard areas. The natural hazards listed in this chapter and associated maps may be amended as new~~  
490 ~~information becomes available. The provisions of this chapter do not in any way assure or imply that~~  
491 ~~areas outside its boundaries will be free from the possible adverse effects of natural hazards. This~~  
492 ~~chapter shall not create liability on the part of the county, any officer or employee thereof for any~~  
493 ~~damages from natural hazards that result from reliance on this chapter or any administrative~~  
494 ~~requirement or decision lawfully made thereunder.~~

495 ~~**Sec. 104-27-6. — Exemptions from filling natural hazard report.**~~

496 ~~Proposed development not occupied by humans shall not be required to provide a natural hazard~~  
497 ~~report, except critical facilities which shall be required to provide a report.~~

498 ~~**Sec. 104-27-7. — Costs to be the responsibility of the developer/applicant.**~~

499 ~~Any of the above described technical reports and/or studies shall be performed by the required qualified~~  
500 ~~professional on behalf of the county through a third party contract where all fees, costs and expenses~~  
501 ~~are the responsibility of the applicant. Any other costs incurred in providing technical reports or~~  
502 ~~testimony by expert witnesses shall be solely the responsibility of the applicant and not the county.~~

503 ~~**Sec. 104-27-8. — Change of use.**~~

504 ~~No change in use which results in the conversion of a building or structure from one not used for human~~  
505 ~~occupancy to one that is so used shall not be permitted unless the building or structure complies with~~  
506 ~~the provisions of this chapter.~~

507 ~~**Sec. 104-27-9. — Variances.**~~

508 ~~(a) — Ability to grant. The county board of adjustment, when deciding appeals for variances of~~  
509 ~~distance or area within the Natural Hazards Overlay Zone shall follow both the standards of title 102,~~  
510 ~~chapter 3 of the Weber County Land Use Code and the standards stated below.~~

511 ~~(b) — Items to consider. In deciding whether to grant a variance and what conditions to attach to its~~  
512 ~~approval, the board of adjustment shall consider:~~

513 ~~(1) — The likelihood during a significant seismic or other geologic event that materials may be moved~~  
514 ~~onto adjacent land areas causing injury to persons or property;~~

515 ~~(2) — The degree of susceptibility to damage by seismic or other geologic activity for the building~~  
516 ~~design or use proposed;~~

- 517 ~~(3) — The importance of the services of the proposed facility to the community and the need for the~~  
518 ~~facility to be functional following a significant event of geologic activity;~~
- 519 ~~(4) — The necessity of the facility to be in the proposed location or proposed design;~~
- 520 ~~(5) — Considering alternate locations and designs available;~~
- 521 ~~(6) — The ability of the community to provide emergency services to the facility in the event of a~~  
522 ~~catastrophe;~~
- 523 ~~(7) — The degree of benefit received from the variance relative to the hazards posed to the facility's~~  
524 ~~neighbors, visitors, and owners.~~
- 525 ~~(c) — Presumption relative to approval. Generally, the standards of this chapter shall not be varied~~  
526 ~~unless an equally safe method of use and construction can be approved.~~
- 527 ~~(1) — The amount of variance approved shall be only the minimum amount required to provide relief.~~
- 528 ~~(2) — A variance shall be granted only if it will not result in a threat to public safety, cause~~  
529 ~~extraordinary public expense, or create a nuisance.~~
- 530 ~~(3) — A variance shall be granted only if it will not result in a threat to public safety, cause~~  
531 ~~extraordinary public expense, or create a nuisance.~~
- 532 ~~(4) — In a continuum beginning with hay barns and agricultural structures and going to high rise~~  
533 ~~apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for structures~~  
534 ~~with a high percentage of time when the structure is utilized by humans or is occupied by a large~~  
535 ~~number of people.~~
- 536 ~~Sec. 104-27-10. — Disputes, boundaries or mapped hazards.~~
- 537 ~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be~~  
538 ~~determined by use of the scale appearing on the map. Where there is a conflict between the boundary~~  
539 ~~lines illustrated on the map and actual field conditions, or where detailed investigations show that the~~  
540 ~~mapped hazards are not present within a particular area, the dispute shall be settled as follows:~~
- 541 ~~(1) — The person disputing the hazard study area boundary or the mapped hazards present within a~~  
542 ~~particular area shall submit technical and geologic evidence to support such claim to the planning~~  
543 ~~commission in the form of a site-specific natural hazards report.~~
- 544 ~~(2) — The planning commission may request the Utah Geological Survey, the U.S. Forest Service,~~  
545 ~~and/or other experts to review the evidence prior to making a decision concerning the dispute.~~
- 546 ~~(3) — The cost of the review shall be paid by the person disputing the map.~~

547 ~~(4) The planning commission may allow deviations from the mapped boundary line only if the~~  
548 ~~evidence clearly and conclusively establishes that the natural hazard study area boundary location is~~  
549 ~~incorrect, or that the mapped hazards are not present within a particular area.~~

550 ~~(5) Any decision of the planning commission may be appealed to the board of county~~  
551 ~~commissioners by filing an appeal within 15 days of the planning commission's decision.~~

552 ...

553 **Title 106 - SUBDIVISIONS**

554 ...

555 **CHAPTER 1. - GENERAL PROVISIONS**

556 ...

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

558 ...

559 (g) ~~Additional documents provisions. The Land Use Authority may impose conditions of approval as may~~  
560 ~~be necessary to assure compliance with this Land Use Code. Unusual site specific conditions of~~  
561 ~~development or other restrictions applied to the use/development of a lot or lots resulting~~  
562 ~~attributed from to topography, geologic or environmental conditions or potential hazards, location, or~~  
563 ~~zoning or other site specific regulations/conditions or restrictions authorized by this Land Use Code;~~  
564 ~~etc., shall be identified in the actual location of the condition or restriction on the subdivision drawing.~~  
565 ~~A notice of the unusual site specific condition or restriction, and shall be recorded as a protective~~  
566 ~~covenant attached to run with the lot or lots affected.~~

**Comment [c9]:** This subsection of the Subdivision code is being modified to remove the requirement for a "covenant." It is also being modified for general clarity.

567 ...

568 **Title 108 - STANDARDS**

569 ...

570 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

571 ...

572 **Sec. 108-7-33. - Building parcel designation**

**Comment [c10]:** Here is the new statute for a building parcel designation.

573 (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes  
574 without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

575 (b) A building parcel designation shall be approved provided that:

576 (1) An application shall be submitted on a form approved by the Planning Director;

577 (2) The application shall include a copy of the subdivision plat;

578 (3) All lots proposed to be combined shall be under the same ownership;

579 (4) No additional lot shall be created; and

580 [\(5\) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or](#)  
581 [PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision](#)  
582 [plat.](#)

583 ...

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

585 **Sec. 108-14-1. - Purpose and intent.**

586 (a) It is recognized that the general provisions, definitions, procedures, improvements and design  
587 requirements, standards and principles set out in the Land Use Code of Weber County require  
588 supplementation to protect and preserve the public health, safety, and welfare in regard to hillside  
589 terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive  
590 areas, such features as special soil ~~and geologic~~ conditions, steep terrain, highly combustible native  
591 vegetation, and other conditions may pose serious potential consequences such as increased fire,  
592 flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage  
593 from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic  
594 beauty and unsightly developments. Such consequences may be avoided if special consideration is  
595 given to areas where one or more such conditions exist.

596 (b) In the administration of the provisions of this chapter, the hillside development review board shall  
597 strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging  
598 and requiring, where necessary, the following:

- 599 (1) A minimum amount of grading which preserves the natural contours of the land.
- 600 (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard  
601 results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the  
602 natural scenic beauty.
- 603 (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills  
604 and avoid permanent scarring of hillsides.
- 605 (4) Placement of building sites in such a manner as to permit ample room for adequate defensible  
606 area as defined by the fire code, landscaping and drainage between and around the buildings.
- 607 (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with  
608 respect to building sites and to road cross-sections.
- 609 (6) Lot and structure designs and location which will be appropriate in order to reduce ~~geologic and~~  
610 ~~environmental hazards, as required in of title 104, chapter 27, Natural Hazards Overlay District,~~  
611 ~~as well as~~ grading and natural topographic disturbance.
- 612 (7) Cluster type development or other new concepts and techniques, where appropriate, in order to  
613 eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- 614 (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain  
615 necessary cut and fill slopes in order to stabilize them with plant roots or other materials,  
616 thereby preventing erosion and to conceal the raw soil from view.

617 ...

618 **Sec. 108-14-3. - Applicability.**

619 (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or  
620 exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an  
621 application request for land use and building permits. Hillside Review is required as part of the  
622 preliminary subdivision review. This requirement may be waived by the ~~P~~lanning ~~D~~irector and the  
623 ~~C~~ounty ~~E~~ngineer on a case-by-case basis.

**Comment [c11]:** Changes to this whole chapter are intended to separate hillside review process from the natural hazards review process. More changes to this chapter can be anticipated in the future.

624 (b) The planning division shall not issue any land use permits, and the building official shall not issue  
625 any building permits until detailed plans and engineered drawings have been submitted to, and  
626 approved by the hillside development review board. Any condition attached to such approval by said  
627 board shall be a condition required with the issuance of land use permit. All parcels, subdivisions,  
628 lots, roads and accesses may come under consideration of the review board if requested by the  
629 owner, developer, or review agency. Other circumstances may warrant a review as found in the [Title](#)  
630 [108 Chapter 22 – Natural Hazard Areas](#). ~~"Natural Hazards Overlay Districts" of title 104, chapter 27.~~

631

632 **Sec. 108-14-4. - Procedure.**

633 Application plans and applications of the proposed development and any relevant information  
634 regarding building and excavation of the site are to be submitted to the planning division. Information shall  
635 include, but not be limited to the following:

- 636 (1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.  
637 (2) Site plan with contours.  
638 (3) Cross sections of improvements.  
639 (4) Retaining wall designs with engineers stamp (if applicable).  
640 (5) Geotechnical report (site specific for structures) and ~~\_if applicable, an outside review of the~~  
641 ~~geological report if deemed necessary.~~ [verification of compliance with the requirements of Title](#)  
642 [108, Chapter 22 - Natural Hazard Areas](#).  
643 (6) Other studies and/or information deemed necessary by the members of the board.  
644 (7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution  
645 prevention plan (SWPPP) shall be required at the time of application. Erosion control  
646 landscaping on cuts, fills and other locations, considered necessary by the review board, shall  
647 be provided in order to prevent erosion.  
648 (8) A landscape plan as per ~~section~~[Section](#) 108-14-10.

649 ...

650 **Sec. 108-14-9. -- ~~Reserved. Geologic and other environmental considerations.~~**

651 ~~(a) Geologic and other environmental constraints shall be considered by the review board when~~  
652 ~~reviewing any developments on restricted lots or parcels of land. Mitigation measures shall be~~  
653 ~~required as stated in title 104, chapter 27 the Natural Hazards Overlay District of the Weber County~~  
654 ~~Land Use Code.~~

655 ~~(b) An outside review of the geological report may be done by an independent firm, at the discretion of~~  
656 ~~the county engineer if he deems it necessary; the independent firm will be selected from a list,~~  
657 ~~provided by the county, with all costs associated with the review paid by the applicant. The hillside~~  
658 ~~development review board shall consider the findings, recommendations, and requirements of the~~  
659 ~~report. If the applicant disagrees with the finding and reconditions and requirements of the~~  
660 ~~independent firm, they may appeal to the board of adjustment.~~

661

662 ...

663 **Sec. 108-14-11. - Appeals.**

664 [\(a\) Except as allowed in subsection \(b\) of this section, an appeal of any written decision in the](#)  
665 [application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of](#)  
666 [Adjustment, of this Land Use Code.](#)

**Comment [c12]:** This whole section is intended to clarify the appeal process, and bring the ordinance into compliance with state statute.

667 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
668 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
669 the sole purpose of determining those technical aspects<sup>1</sup>.

670 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
671 related to:

672 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
673 types of information presented in a study or report;

674 b. the review and recommendation of an acceptable study or report for the Land Use  
675 Authority's consideration; or

676 c. the interpretation or application of any technical provisions of a study or report that is  
677 required by this chapter.

678 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
679 this subsection, the County shall assemble the panel consisting of:

680 a. one qualified professional designated by the County;

681 b. one qualified professional designated by the applicant; and

682 c. one qualified professional chosen jointly by the County's designated qualified professional  
683 and the applicant's designated qualified professional.

684 (3) A member of the panel may not be associated with the application that is the subject of the  
685 appeal.

686 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

687 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
688 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

689 ~~An appeal of the Hillside Development Review Board's decision shall be submitted to the county~~  
690 ~~planning division:~~

691 ~~(1) The applicant, a board or officer of the county, or any person adversely affected by the Hillside~~  
692 ~~Development Review Board's decision administering or interpreting Hillside Development~~  
693 ~~Review procedures and standards ordinance may, within the time period provided by ordinance,~~  
694 ~~appeal that decision to the appeal authority by alleging that there is error in any order,~~  
695 ~~requirement, decision, or determination made by the Hillside Development Review Board in the~~  
696 ~~administration or interpretation of the hillside development review procedures and standards~~  
697 ~~ordinance.~~

698 ~~(2) An applicant who has appealed a decision of the land use authority administering or interpreting~~  
699 ~~the county's geologic hazard ordinance may request the county to assemble a panel of qualified~~  
700 ~~experts to serve as the appeal authority for purposes of determining the technical aspects of the~~  
701 ~~appeal.~~

702 ~~(3) If an applicant makes a request under subsection (1) of this section, the county shall~~  
703 ~~assemble the panel described in subsection (4) of this section consisting of, unless~~  
704 ~~otherwise agreed by the applicant and county:~~

705 ~~a. One expert designated by the county;~~

706 ~~b. One expert designated by the applicant; and~~

707 ~~c. One expert chosen jointly by the county's designated expert and the applicant's~~  
708 ~~designated expert from a pre-approved list that the engineering division has~~  
709 ~~assembled.~~

<sup>1</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

~~(4) A member of the panel assembled by the county under subsection (3) of this section may not be associated with the application that is the subject of the appeal.~~

~~(5) The applicant shall pay one-half of the cost of the panel and the county's published appeal fee.~~

...

## **CHAPTER 22. – NATURAL HAZARD AREAS**

### **Sec. 108-22-1. - Purpose and intent.**

(a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines and standards, in order to protect the health, welfare and safety of the citizens of the County, and to minimize potential effects of natural and manmade hazards by identifying known hazardous areas. This portion of the chapter specifies the areas for which an environmental analysis shall be performed prior to development, the content of the analysis and the procedure by which development applications requiring the analysis are reviewed and processed.

(b) The County recognizes individual property rights and shall make every effort to balance the right of the individual property owner with the health, welfare, safety and the common good of the general public.

### **Sec. 108-22-2. - Potential hazards.**

The following potential hazards have been identified:

#### (1) Surface-fault ruptures.

a. Surface faulting has been identified as a potential hazard in the County. Maps have been produced delineating the known area where a hazard may exist from surface fault ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas several miles away from the fault. These effects are not considered here, but are covered in subsection 3 of this section.

b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake which produces surface faulting, offsets of six feet or more may occur on the main trace of the fault zone. This offset will result in formation of a near-vertical scarp, generally in unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may also form, generally exhibiting a lesser amount of offset, but sometimes as much as several feet. The zone between these two faults may be complexly faulted and tilted with offset along minor faults of several inches or more.

c. Based upon this data, it is difficult, both technically and economically, to design a structure to withstand six feet or more of offset through its foundation. Thus, avoidance of the main traces of the fault is the principal risk reduction technique that can be reasonably taken.

d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structure designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some areas adjacent to the main trace but still within the zone of deformation, avoidance may not be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may occur and structural measures may be taken to reduce casualties and damage. However, structural damage may still be great, and buildings in the zone of deformation may not be safe for occupants following a large earthquake.

e. Due to the scale used to map these zones, there is not enough detail to delineate all fault traces and zones of deformation at a particular location, therefore, site specific plans,

**Comment [c13]:** All of the changes from Section 104-27 have been moved here in their modified form. See the comparison in Exhibit D to review the changes between them.

756 studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use  
757 Code, for development in or adjacent to the delineated areas.

758 f. Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in  
759 the setback may be considered if the report presents evidence to justify a reduction  
760 acceptable to the Land Use Authority, after recommendation from the County Engineer.

761 (2) Landslide.

762 a. Landslides, historically, have been one of the most damaging geologic processes occurring  
763 in Weber County. Most active landslides, and most older slides, have been mapped. The  
764 maps identify areas of landslides and slopes which are potentially unstable under static  
765 (non-earthquake) conditions, and are especially vulnerable under conditions of high to  
766 abnormally high precipitation, heavy snowmelt, or excessive water application due to  
767 irrigation or septic system discharge. Landslides can damage structures, roads, railroads  
768 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and  
769 water mains, all of which can add water to the slide plane and promote further movement.  
770 Flooding may also be caused.

771 b. Many methods have been developed for reducing a landslide hazard. Proper planning and  
772 avoidance is the least expensive measure, if landslide-prone areas are identified early in  
773 the planning and development process. Care in site grading with proper compaction of fills  
774 and engineering of cut slopes is a necessary follow-up to good land use planning. Where  
775 avoidance is not feasible, various engineering techniques are available to stabilize slopes,  
776 including de-watering (draining), retaining structures, piles, bridging, weighting or  
777 buttressing slopes with compacted earth fills and drainage diversion. Since every landslide  
778 and unstable slope has differing characteristics, any development proposed within an  
779 identified landslide hazard area shall require the submittal and review of a study and  
780 report, as provided in Section 108-22-3. The study and report shall address slope stability  
781 (including natural or proposed cut slopes), evaluate slope-failure potential, effects of  
782 development and recommendations for mitigative measures. Slope stability analysis shall  
783 include potential for movement under static, development-induced and earthquake-induced  
784 conditions as well as likely groundwater conditions.

785 (3) Tectonic subsidence.

786 a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a  
787 valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such  
788 as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the  
789 ponding of water in areas with a shallow water table may be caused by tectonic  
790 subsidence. Certain structures which require gentle gradients or horizontal floors,  
791 particularly wastewater treatment facilities and sewer lines may be adversely affected.

792 b. Because subsidence may occur over large areas (tens of square miles), it is generally not  
793 practical to avoid the use of potentially affected land except in narrow areas of hazard due  
794 to lake shoreline flooding. For gravity-flow structures such as wastewater treatment  
795 facilities that are within areas of possible subsidence, it is advisable to consider the  
796 tolerance of such structures to slight changes in gradient. Some structures may have to be  
797 releveled after a large-magnitude earthquake. Critical facilities which contain dangerous  
798 substances should have safety features to protect the structure, its occupants and the  
799 environment from both tilting and flooding.

800 c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
801 techniques such as raising structures above expected flood levels and dikes can be built.  
802 Development adjacent to lakes or reservoirs shall be prohibited within three feet of  
803 elevation above projected lake levels to protect against natural rises from wet periods,  
804 storm waves and earthquake induced seiching, as well as hazards associated with tectonic  
805 subsidence.

806 d. Rises in the water table accompanying tectonic subsidence may cause water to pond,  
807 flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to  
808 the fault on the down dropped side.

809 e. The principal application of the identified tectonic subsidence areas is to make the public  
810 aware of the hazard and to indicate those areas where further study may be necessary.  
811 Site specific tectonic subsidence reports and studies are recommended only for critical  
812 facilities in areas of potential lake-margin and ponded shallow groundwater flooding.  
813 However, certain vulnerable facilities such as high cost wastewater treatment plants and  
814 hazardous waste facilities should also consider potential tilting.

815 (4) Rock fall.

816 a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County.  
817 As development advances higher onto the bench areas and into the canyons the risk from  
818 falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is  
819 water in outcrop discontinuities. Rock falls present a hazard because of the potential  
820 damage a large rock mass, traveling at a relatively high velocity, could cause to structures  
821 and personal safety. When new developments cannot be designed around a rock fall path,  
822 and hazard reduction measures must be considered, a study and report as provided in  
823 Section 108-22-3, is required. Mitigation shall require design by a Utah licensed  
824 geotechnical engineer, and may include rock stabilization techniques such as bolting, cable  
825 lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts,  
826 as well as deflection berms, slope benches, and rock catch fences to stop or at least slow  
827 down falling rocks. Strengthening a structure to withstand impact is an example of  
828 modifying what is at risk. Mitigation problems can arise when rock source areas are located  
829 on land not owned by the developer.

830 b. In areas where the rock fall hazard is present but very low, disclosure of a potential hazard  
831 to land owners and residents with an acknowledgment of risk and willingness to accept  
832 liability may be an acceptable alternative to avoidance or mitigation for single-family  
833 residences.

834 (5) Debris flows.

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

840 b. The County debris flow hazard maps were constructed from the boundaries of active  
841 alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in  
842 areas identified as debris flow hazard areas shall be evaluated prior to approval of the  
843 proposed development. A study and report, as provided in Section 108-22-3, shall be  
844 prepared by an engineering geologist for any development proposed in or adjacent to a  
845 debris flow hazard area and shall include:

846 1. An analysis of the history of debris flow at the site based on subsurface exploration to  
847 determine the nature and thickness of debris flow and related alluvial fan deposits. If,  
848 in the engineering geologist's professional opinion, geologic conditions have changed  
849 enough to render a debris flow inactive, the analysis may estimate the nature and  
850 approximate thickness of the debris flow and related alluvial fan deposits in lieu of  
851 subsurface exploration.

852 2. An analysis of the drainage basin's potential to produce debris flows based on the  
853 presence of debris slides and colluvium-filled slope concavities, and an estimate of  
854 the largest probable volumes likely to be produced during a single event.

- 855 3. An analysis of the stream channel to determine if the channel will supply additional  
856 debris, impede flow, or contain debris flows in the area of the proposed development.
- 857 4. An analysis of manmade structures upstream that may divert or deflect debris flows.
- 858 5. Recommendations concerning any channel improvements, flow modifications and  
859 catchment structures, direct protection structures or floodproofing measures, if  
860 necessary, in order to protect the development.

861 (6) Liquefaction areas.

- 862 a. Earthquake ground shaking causes a variety of phenomena which can damage structures  
863 and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to  
864 increase the pressure in the pore water between soil grains, which decreases the stresses  
865 between the grains. The loss of intergranular stress can cause the strength of some soils  
866 to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When  
867 liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures  
868 such as septic tanks and storage tanks may rise, and even gentle slopes may fail as  
869 liquefied soils and overlying materials move down slope.
- 870 b. Areas of potential liquefaction have been delineated and the following regulations and  
871 mitigation measures have been adopted in order to reduce the hazard and consequences.  
872 Areas of moderate to high liquefaction potential need not be avoided. Structural measures  
873 and site modification techniques are available to reduce a hazard. A site specific  
874 liquefaction study and report shall be required pursuant to Section 108-22-3, and shall be  
875 prepared by an engineering geologist and/or a state licensed geotechnical engineer and  
876 shall comply with the following:
- 877 1. Standard soil foundation study, for the proposed development, shall include  
878 liquefaction potential evaluation based upon depth to groundwater, soil types and  
879 ground failure hazard.
- 880 2. If liquefiable soils are present, standard penetration tests and/or cone penetration  
881 tests shall be required to determine critical accelerations needed to induce  
882 liquefaction.
- 883 3. The study and report shall include an accurate map of the area showing any proposed  
884 development, the location of bore holes and/or test pits, the site geology, and location  
885 and depths of any liquefiable soils noted, along with the probability of critical  
886 accelerations needed to induce liquefaction in these soils being exceeded for  
887 appropriate time periods.
- 888 4. The report shall include recommendations for hazard reduction techniques.

889 (7) Flood.

- 890 a. The floodplain standards are written to minimize the loss of life and property when floods  
891 do occur, not to ban development outright from the floodplain. In the event the following  
892 provisions conflict with those in Title 22 of the Weber County Code, the most restrictive  
893 shall apply. The Federal Emergency Management Agency (FEMA) has produced official  
894 floodplain maps, depicting areas of potential stream flooding for major drainages in Weber  
895 County.
- 896 b. FEMA recommends that no new development be permitted in the 100-year floodplain  
897 unless:
- 898 1. Detailed engineering study and reports, as required by Section 108-22-3, prepared by  
899 a state-licensed engineer, show that the proposed development will not increase the  
900 flood hazard to other property in the area. Recommendations shall be made for  
901 floodproofing or other mitigation techniques for development within flood hazard  
902 areas. (Site investigations for proposed development in lake-flooding areas near  
903 Great Salt Lake need only indicate the site elevation. Development proposals in areas

904 with elevations less than 4,218 feet will be reviewed with respect to lake-flooding  
905 potential and compatibility of proposed use.)

906 2. The proposed development is elevated above the 100-year flood base elevation.

907 3. For federally-insured loans, flood insurance is purchased from a company  
908 participating with the Federal Insurance Administration or a like private carrier.

909 c.. The study and report, as may be required by Section 108-22-3, shall consider the  
910 following:

911 (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a  
912 hazard on all active alluvial fans identified on debris flow hazard maps. The  
913 hazard from such flooding shall be addressed and appropriate hazard reduction  
914 measures taken.

915 (ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped  
916 as areas of sheet flow flooding. The hazard from such flooding shall be addressed  
917 and appropriate hazard reduction measures taken.

918 (8) Other hazards.

919 a. As in many counties in the Western United States, development in the County is  
920 constrained by the presence of natural and manmade hazards. These hazards include, but  
921 are not limited to, avalanche, slope movement, soils categorized as having severe building  
922 limitations and slopes exceeding 30 percent.

923 b. Not all hazardous sites and conditions have been identified in the County. As a hazard or  
924 potential hazard becomes known, the County has discretion to require any study and  
925 report that is necessary to understand how the hazard or potential hazard may impact  
926 development. The study or report shall provide appropriate hazard mitigation measures.

927 **Sec. 108-22-3. - Studies and reports required.**

928 (a) Requirement for a study and report. Unless otherwise exempted in Section 108-22-5, any  
929 application for development on a parcel of land within a natural hazard study area shall be  
930 submitted to the planning division with two hard copies and one electronic (pdf) copy of a site-  
931 specific natural hazard study and report, where required for such development according to the  
932 following chart:

933

<u>Land Use (Type of Facility)</u>	<u>Liquefaction Potential High/Moderate</u>	<u>Landslide/Rock Fall/Debris Flow Study Area</u>	<u>Surface Fault Rupture Study Area</u>	<u>Tectonic Subsidence Study Area</u>	<u>Flood Study Area</u>	<u>Other Hazardous Areas</u>
<u>Critical facilities</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Recommended</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>Industrial, commercial, or multifamily (4 or more units)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>Residential subdivisions</u>	<u>No**</u>	<u>Yes, unless otherwise provided by Section 108-22- 2(4)b.</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>Residential, single lots/multifamily (less than 4 units)</u>	<u>No**</u>	<u>Yes, unless otherwise provided by Section 108-22- 2(4)b.</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>**Although no study and report is required, disclosure is required as described in Section 108-22-4.</u>						

- 934 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case  
 935 of a snow avalanche hazard, the study and report shall be prepared by an experienced  
 936 avalanche expert. The study and report shall be signed by the preparer and shall also include  
 937 the qualifications of the preparer.
- 938 (2) Each natural hazard study and report shall be site-specific and identify, to the extent  
 939 practicable, all known or suspected potential natural hazard(s) originating on-site or off-site  
 940 which present a reasonable likelihood of adversely affecting the particular property.
- 941 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals  
 942 200 feet or larger), showing the location and type of hazard with delineation of the  
 943 recommended setback distances from the hazard and the recommended location for structures.
- 944 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard  
 945 on the proposed development and occupants thereof in terms of the reasonable likelihood of  
 946 potential damage.
- 947 (5) Each natural hazard study and report shall contain recommendations for avoidance or  
 948 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

949 Section 108-22-1 of this chapter. The evidence on which recommendations and conclusions are  
950 based shall be clearly stated in the report.

951 (6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs,  
952 references with citations, and other supporting information, as applicable, shall also be included  
953 in each natural hazard study and report.

954 (b) Review of the study and report. In order to fulfill the purposes of this chapter, the Land Use Authority  
955 shall review any proposed development which requires preparation of a natural hazard study and  
956 report under this chapter to determine the possible risks to the safety of persons or property from a  
957 natural hazard.

958 (1) Prior to consideration by the Land Use Authority of any such development, the County Engineer  
959 may submit the study and report, and, if applicable, site specific plan, to outsourced qualified  
960 professionals for review and recommendation. Any cost for the review shall be paid by the  
961 applicant prior to any Land Use Authority action.

962 (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,  
963 or specific types of information presented in the study and report if industry standards of care  
964 were not used. All conclusions of the study and report shall be supported by adequate data.

965 (3) The County Engineer shall prepare a final review and recommendation of an acceptable study  
966 and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.

967 (4) Whenever the Land Use Authority determines that an area is subject to a natural hazard which  
968 present an unreasonable risk to the safety of persons or property, including public streets, such  
969 area shall not be approved for development unless the applicant can demonstrate that such a  
970 risk can be reduced to a reasonable and acceptable level in a manner which has a minimum  
971 effect on the natural environment.

972 (5) The Land Use Authority may set requirements or conditions necessary to reduce the risks from  
973 a natural hazard as a condition to the approval of any development which requires preparation  
974 of a natural hazard study and report.

975 (c) Study and report verification. The project engineering geologist shall submit with the study a signed  
976 and sealed verification letter stating that the study was conducted in accordance with industry  
977 standards of care, and that it complies with this Land Use Code and all other applicable laws. Written  
978 verification shall be provided from the issuer of professional errors and omissions liability insurance,  
979 in the amount of one million dollars (\$1,000,000.00), which covers the engineering geologist, and  
980 which is in effect on the date of preparation of all required studies and reports.

981 (d) Development design verification. Whenever possible, avoidance of development in an area with an  
982 identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,  
983 development in an area with an identified natural hazard shall be permitted when it is designed to  
984 mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not  
985 be accepted by the County unless:

986 (1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County  
987 with a signed and sealed verification letter stating that, pursuant to the considerations, findings,  
988 recommendations, and conclusions of the development's engineering geologist's study and  
989 report, the development has been designed to mitigate, and is reasonably safe from, the  
990 identified hazard.

991 (2) The development's engineering geologist submits a signed and sealed verification letter stating  
992 that the final design of the development adequately provides for the considerations, findings,  
993 recommendations, and conclusions of the study and report, and is reasonably safe from the  
994 identified hazard.

995 (3) Written verification is provided from the issuer(s) of professional errors and omissions liability  
996 insurance, in the amount of one million dollars (\$1,000,000.00), which covers the engineering

**Comment [c14]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

**Comment [c15]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

**Comment [c16]:** This word, and its use in throughout this subsection, has been changed from previous versions.

997 geologist and state licensed engineer(s), and which is in effect on the date of preparation of all  
998 required reports and certifications.

999 **Sec. 108-22-4. - Disclosure required.**

1000 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:

1001 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

1002 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision  
1003 plat shall be required, which provide:

1004 a. Notice that the parcel is located within a natural hazard study area;

1005 b. Notice that a natural hazard study and report is available for public inspection in the  
1006 County Planning Division Office;

1007 c. Notice that a hazard has been identified on the parcel and the type and severity of the  
1008 hazard;

1009 d. The professional who prepared the report, with his or her contact information; and

1010 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the  
1011 Land Use Authority.

1012 (b) When a natural hazard report is not required, but where the parcel is located within a natural hazard  
1013 study area, notice that the parcel is located within such an area shall be recorded running with the  
1014 land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the  
1015 County Engineer and County Attorney.

1016 (c) The natural hazard ordinance codified in this chapter and natural hazard map represent only those  
1017 potentially hazardous areas known to the County, and shall not be construed to include all possible  
1018 potential hazard areas. The natural hazards listed in this chapter may be amended as new  
1019 information becomes available. The provisions of this chapter do not in any way assure or imply that  
1020 areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This  
1021 chapter shall not create liability on the part of the County, any officer or employee thereof for any  
1022 damages from a natural hazard that result from reliance on this chapter or any administrative  
1023 requirement or decision lawfully made thereunder.

1024 **Sec. 108-22-5. - Exemptions from natural hazard study and report.**

1025 A proposed structure that is not a structure designed for human occupancy shall not be required to  
1026 provide a natural hazard report, except a report shall be provided for a critical facility if required by  
1027 Section 108-22-3.

1028 **Sec. 108-22-6. - Costs to be the responsibility of the developer/applicant.**

1029 Any of the above described technical reports and/or studies shall be performed by qualified  
1030 professionals on behalf of the applicant. The cost of outsourced qualified professionals used by the  
1031 County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other  
1032 costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses  
1033 shall be solely the responsibility of the applicant and not the County.

1034 **Sec. 108-22-7. - Change of use.**

1035 No change in use which results in the conversion of a building or structure not designed for human  
1036 occupancy to one designed for human occupancy shall be permitted unless the building or structure  
1037 complies with the provisions of this chapter.

1038 **Sec. 108-22-8. - Conflict between boundaries of study area or identified hazard.**

**Comment [c17]:** This section is being changed to remove the word "covenant." A covenant has a very specific legal meaning. The point of this section is to provide notice, not a covenant. On a related amendment herein, see §106-1-8(g).

**Comment [c18]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

1039 Where there is a conflict between the boundaries of an identified natural hazard study area and  
1040 actual field conditions, or where detailed investigations show that the identified hazard is not present  
1041 within a particular area, the conflict shall be settled as follows:

1042 (1) The person disputing the natural hazard study area boundary shall submit technical and  
1043 geologic evidence to support such claim to the County Engineer in the form of a site-specific  
1044 natural hazard report.

1045 (2) The County Engineer may request outsourced qualified professionals to review the evidence  
1046 and make a recommendation prior to making a final written decision concerning the dispute.  
1047 The cost of the outsourced qualified professional's review shall be paid by the person disputing  
1048 the boundary.

1049 (3) The County Engineer may allow modifications to the boundary only if the evidence clearly and  
1050 conclusively establishes that the natural hazard study area boundary location is incorrect, or  
1051 that the identified hazard is not present within a particular area.

1052 .

1053 **Sec. 108-22-9. - Appeals.**

1054 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the  
1055 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
1056 Adjustment, of this Land Use Code.

1057 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
1058 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
1059 the sole purpose of determining those technical aspects<sup>2</sup>.

1060 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
1061 related to:

1062 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
1063 types of information presented in a study or report;

1064 b. the review and recommendation of an acceptable study or report for the Land Use  
1065 Authority's consideration;

1066 c. the interpretation or application of any technical provisions of a study or report that is  
1067 required by this chapter; or

1068 d. the modification of a natural hazard study area boundary.

1069 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
1070 this subsection, the County shall assemble the panel consisting of:

1071 a. one qualified professional designated by the County;

1072 b. one qualified professional designated by the applicant; and

1073 c. one qualified professional chosen jointly by the County's designated qualified professional  
1074 and the applicant's designated qualified professional.

1075 (3) A member of the panel may not be associated with the application that is the subject of the  
1076 appeal.

1077 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

1078 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
1079 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

<sup>2</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

1 **Title 101 - GENERAL PROVISIONS**

2 ...

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

4 ...

5 Building parcel designation. The term "building parcel designation" means two or more lots within an  
6 approved subdivision are recognized as one lot for building purposes.

7 ...

8 Geologic and Geotechnical terms.

9 Active fault. The term "active fault" means a seismic (earthquake) fault displaying evidence of  
10 greater than four inches of surface displacement along one or more of its traces during Holocene  
11 time (approximately 10,000 years ago to the present).

12 Active landslide. The term "active landslide" means a landslide which is known to have moved  
13 or deformed and which has not been proven to be stable by a geotechnical investigation.

14 Aquifer. The term "aquifer" means a geological unit in which porous and permeable conditions  
15 exist or a geologic unit of stratified drift, and thus are capable of yielding usable amounts of water.

16 Aquifer recharge. The term "aquifer recharge" area means an area that has soils and geological  
17 features that are conducive to allowing significant amounts of surface water to percolate into  
18 groundwater.

19 Area of deformation. See "zone of deformation."

20 Critical acceleration. The term "critical acceleration" means the minimum amount of ground  
21 acceleration during seismically induced ground movement required to induce liquefaction or other  
22 forms of ground disruption.

23 Critical facilities. The term "critical facilities" means:

24 (1) Lifelines such as major communication, utility and transportation facilities and their  
25 connection to emergency facilities;

26 (2) Essential facilities, such as:

27 a. Hospitals and other medical facilities having surgery and emergency treatment areas;

28 b. Fire and police stations;

29 c. Tanks or other structures containing, housing, or supporting water or other fire-  
30 suppression materials or equipment required for the protection of essential or  
31 hazardous facilities, or special occupancy structures;

32 d. Emergency vehicle shelters and garages;

33 e. Structures and equipment in emergency-preparedness centers;

34 f. Standby power generating equipment for essential facilities;

35 g. Structures and equipment in government communication centers and other facilities  
36 required for emergency response;

37 (3) Hazardous facilities such as structures housing, supporting or containing sufficient  
38 quantities of toxic or explosive substances to be dangerous to the safety of the general  
39 public if released; or

- 40 (4) Special occupancy structures, such as:
- 41 a. Covered structures whose primary occupancy is public assembly (capacity greater
- 42 than 300 persons);
- 43 b. Buildings for schools through secondary or day care centers (capacity greater than 50
- 44 students);
- 45 c. Buildings for colleges or adult education schools (capacity greater than 50 students);
- 46 d. Medical facilities with 50 or more resident incapacitated patients, but not included
- 47 above;
- 48 e. Jails and detention facilities;
- 49 f. All structures with occupancy greater than 5,000 persons;
- 50 g. Structures and equipment in power-generating stations and other public utility facilities
- 51 not included above, and required for continued operation;
- 52 h. Unique or large structures whose failure might be catastrophic, such as dams holding
- 53 over ten acre feet of water.

54 Debris flow. The term “debris flow” means a mass of rock fragments, soil, and mud which, when

55 wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if

56 present on an alluvial/debris fan surface.

57 Engineering geologist. The term “engineering geologist” means a geologist who, through

58 education, training and experience, is able to assure that geologic factors affecting engineering

59 works are recognized, adequately interpreted and presented for use in engineering practice and for

60 the protection of the public. This person shall have:

- 61 (1) At least a four-year degree in geology, engineering geology, or a related field from an
- 62 accredited university; and
- 63 (2) At least three full years of experience in a responsible position in the field of engineering
- 64 geology.
- 65 (3) A Utah State Professional Geologist’s license.

66 Engineering geology. The term “engineering geology” means the application of geological data

67 and principles to engineering problems dealing with naturally occurring rock and soil for the purposes

68 of assuring that geological factors are recognized and adequately interpreted in engineering practice.

69 Fault. The term “fault” means a fracture in the earth’s crust forming a boundary between rock or

70 soil masses that have moved relative to each other (also see “active fault”).

71 Fault scarp. The term “fault scarp” means a steep slope or cliff formed directly by movement

72 along a fault.

73 Fault trace. The term “fault trace” means the intersection of the fault plane with the ground

74 surface.

75 Fault zone. The term “fault zone” means a corridor of variable width along one or more fault

76 traces.

77 Geotechnical report. The term “geotechnical report” means a technical report or study prepared

78 by a geotechnical professional who is qualified in the field of expertise examined and analyzed in

79 such a report. A person shall be considered “qualified” upon presentation of credentials providing

80 recognition in the professional field, an academic degree from an accredited college or university in

81 geology, geotechnics and/or geotechnical engineering.

82 Landslide. The term “landslide” means a general term for the down slope movement of a mass

83 of soil, surficial deposits or bedrock.

84 Liquefaction. The term “liquefaction” means a process by which certain water saturated soils  
85 lose bearing strength because of ground shaking and increase of groundwater pore pressure.  
86 Liquefaction potential categories depend on the probability of having an earthquake within a 100-  
87 year period that will be strong enough to cause liquefaction in those zones. High liquefaction  
88 potential means that there is a 50% probability of having an earthquake within a 100-year period that  
89 will be strong enough to cause liquefaction. Moderate means that the probability is between 10% and  
90 50%, low means that the probability is between 5% and 10%, and very low means less than 5%.

91 Natural hazard. The term “natural hazard” means any hazard listed in Section 108-22-2,  
92 including, but not limited to, liquefaction, surface fault rupture, rock fall, debris flow, flood, tectonic  
93 subsidence, landslide and other hazards.

94 Natural hazard map. The term “natural hazard map” means any map that has been published  
95 by a qualified professional or applicable governmental agency, which contains the best available  
96 information, as determined by the County Engineer, and which delineates a potential natural hazard.

97 Natural hazard study area. The term “natural hazard study area” means any area identified on  
98 any natural hazard map or within any natural hazard studies or reports as having potential for being  
99 a natural hazard. In addition, the County Engineer has discretion to identify a natural hazard study  
100 area as a new hazard or potential hazard becomes known.

101 Rock fall. The term “rock fall” means the gravity-induced drop of a newly detached segment of  
102 bedrock or perched rock of any size from a cliff or steep slope.

103 Structure designed for human occupancy. The term “structure designed for human occupancy”  
104 means any residential dwelling or any other structure used or intended for supporting or sheltering  
105 any use or occupancy which is expected to have occupancy rate of more than 2,000 person-hours  
106 per year.

107 Zone of deformation. The term “zone of deformation” means the zone along a fault in which  
108 natural soil and rock materials are disturbed as a result of movement along the fault.

109 ...

110 **Title 102 - ADMINISTRATION**

111 **CHAPTER 1. - GENERAL PROVISIONS**

112 **Sec. 102-1-1. - Purpose and intent.**

113 The purpose of this section is to establish regulations and procedures for the processing and  
114 consideration of applications allowed by this Land Use Code.

115 **Sec. 102-1-2. - Planning director authority.**

116 (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an  
117 application for an administrative approval. Administrative approval can be given for the following  
118 applications:

119 (1) Site plan approval, when required by this Land Use Code, for which the Land Use Authority is not  
120 otherwise specified by this Land Use Code;

121 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one  
122 acre, as provided in Section 108-1-2;

123 (3) Home occupation, as provided in Section 108-13-2;

124 (4) Building parcel designation, as provided in Section 108-7-33;

125 (5) Small subdivisions, as provided in Section 106-1-8(f) of this Land Use Code; and

126 (6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a  
127 lot/parcel at a location other than across the front lot line, as provided in Title 108, Chapter 7 of this  
128 Land Use Code.

129 (b) The planning director may deny an application for an administrative approval if the use fails to  
130 comply with specific standards set forth in this Land Use Code or if any of the required findings are  
131 not supported by evidence in the record as determined by the director. At the discretion of the  
132 planning director, the planning commission can hear the request for an administrative approval.

133 (c) The planning director approval process includes public notice and comment from adjacent property  
134 owners, when required by this Land Use Code or state code.

135 ...

136 **Sec. 102-1-4. - Notice of decision.**

137 After reviewing the evidence and considering the application, the Land Use Authority, as designated  
138 by this Land Use Code, shall make its findings and decision. It shall then send a notice of decision to the  
139 applicant at the address or e-mail address given in the application. A notice of decision can be a written  
140 notice of decision, a copy of the written administrative approval signed by the planning director or  
141 designee, or a copy of the approved minutes. A decision by the Land Use Authority is final at the time the  
142 notice of decision is sent. If a notice of decision is not sent, and the decision was made in a meeting  
143 where minutes are kept, the decision shall be final on the date the minutes from the meeting are  
144 approved by the Land Use Authority. The planning division shall also mail notice of any decisions to any  
145 person or agency who, in writing, requested such notification before the decision was rendered. Unless  
146 the Land Use Authority's final decision specifies otherwise, the Land Use Authority's decision is subject to  
147 requirements and conditions stated in the staff report and, if applicable, listed in the meeting minutes.

148 ...

149 **Title 104 - ZONES**

150 ...

151 **CHAPTER 27. RESERVED**  
152 ...

153 **Title 106 - SUBDIVISIONS**

154 ...

155 **CHAPTER 1. - GENERAL PROVISIONS**

156 ...

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

158 ...(g) *Additional provisions.* The Land Use Authority may impose conditions of approval as may be  
159 necessary to assure compliance with this Land Use Code. Unusual site specific conditions or  
160 restrictions applied to the development of a lot or lots attributed to topography, geologic or  
161 environmental conditions or potential hazards, location, or other site specific conditions or restrictions  
162 authorized by this Land Use Code shall be identified in the actual location of the condition or  
163 restriction on the subdivision drawing. A notice of the unusual site specific condition or restriction  
164 shall be recorded to run with the lot or lots affected.

165 ...

166 **Title 108 - STANDARDS**

167 ...

168 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

169 ...

170 **Sec. 108-7-33. - Building parcel designation**

171 (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes  
172 without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

173 (b) A building parcel designation shall be approved provided that:

174 (1) An application shall be submitted on a form approved by the Planning Director;

175 (2) The application shall include a copy of the subdivision plat;

176 (3) All lots proposed to be combined shall be under the same ownership;

177 (4) No additional lot shall be created; and

178 (5) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or  
179 PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision  
180 plat.

181 ...

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

183 **Sec. 108-14-1. - Purpose and intent.**

184 (a) It is recognized that the general provisions, definitions, procedures, improvements and design  
185 requirements, standards and principles set out in the Land Use Code of Weber County require  
186 supplementation to protect and preserve the public health, safety, and welfare in regard to hillside  
187 terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive  
188 areas, such features as special soil conditions, steep terrain, highly combustible native vegetation,  
189 and other conditions may pose serious potential consequences such as increased fire, flood or  
190 erosion hazards, traffic circulation problems, sewage disposal problems, property damage from  
191 extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic  
192 beauty and unsightly developments. Such consequences may be avoided if special consideration is  
193 given to areas where one or more such conditions exist.

194 (b) In the administration of the provisions of this chapter, the hillside development review board shall  
195 strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging  
196 and requiring, where necessary, the following:

197 (1) A minimum amount of grading which preserves the natural contours of the land.

198 (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard  
199 results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the  
200 natural scenic beauty.

201 (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills  
202 and avoid permanent scarring of hillsides.

203 (4) Placement of building sites in such a manner as to permit ample room for adequate defensible  
204 area as defined by the fire code, landscaping and drainage between and around the buildings.

- 205 (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with  
206 respect to building sites and to road cross-sections.
- 207 (6) Lot and structure designs and location which will be appropriate in order to reduce grading and  
208 natural topographic disturbance.
- 209 (7) Cluster type development or other new concepts and techniques, where appropriate, in order to  
210 eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- 211 (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain  
212 necessary cut and fill slopes in order to stabilize them with plant roots or other materials,  
213 thereby preventing erosion and to conceal the raw soil from view.

214 ...

215 **Sec. 108-14-3. - Applicability.**

- 216 (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or  
217 exceeding 25 percent shall be reviewed by the Hillside Development Review Board as part of an  
218 application request for land use and building permits. Hillside Review is required as part of the  
219 preliminary subdivision review. This requirement may be waived by the Planning Director and the  
220 County Engineer on a case-by-case basis.
- 221 (b) The planning division shall not issue any land use permits, and the building official shall not issue  
222 any building permits until detailed plans and engineered drawings have been submitted to, and  
223 approved by the hillside development review board. Any condition attached to such approval by said  
224 board shall be a condition required with the issuance of land use permit. All parcels, subdivisions,  
225 lots, roads and accesses may come under consideration of the review board if requested by the  
226 owner, developer, or review agency. Other circumstances may warrant a review as found in the Title  
227 108 Chapter 22 – Natural Hazard Areas.

228 **Sec. 108-14-4. - Procedure.**

229 Application plans and applications of the proposed development and any relevant information  
230 regarding building and excavation of the site are to be submitted to the planning division. Information shall  
231 include, but not be limited to the following:

- 232 (1) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- 233 (2) Site plan with contours.
- 234 (3) Cross sections of improvements.
- 235 (4) Retaining wall designs with engineers stamp (if applicable).
- 236 (5) Geotechnical report (site specific for structures) and, if applicable, verification of compliance  
237 with the requirements of Title 108, Chapter 22 - Natural Hazard Areas.
- 238 (6) Other studies and/or information deemed necessary by the members of the board.
- 239 (7) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution  
240 prevention plan (SWPPP) shall be required at the time of application. Erosion control  
241 landscaping on cuts, fills and other locations, considered necessary by the review board, shall  
242 be provided in order to prevent erosion.
- 243 (8) A landscape plan as per Section 108-14-10.

244 ...

245 **Sec. 108-14-9. – Reserved.**

246 ...

247 **Sec. 108-14-11. - Appeals.**

- 248 (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the  
249 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
250 Adjustment, of this Land Use Code.
- 251 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
252 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
253 the sole purpose of determining those technical aspects<sup>1</sup>.
- 254 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
255 related to:
- 256 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
257 types of information presented in a study or report;
  - 258 b. the review and recommendation of an acceptable study or report for the Land Use  
259 Authority's consideration; or
  - 260 c. the interpretation or application of any technical provisions of a study or report that is  
261 required by this chapter.
- 262 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
263 this subsection, the County shall assemble the panel consisting of:
- 264 a. one qualified professional designated by the County;
  - 265 b. one qualified professional designated by the applicant; and
  - 266 c. one qualified professional chosen jointly by the County's designated qualified professional  
267 and the applicant's designated qualified professional.
- 268 (3) A member of the panel may not be associated with the application that is the subject of the  
269 appeal.
- 270 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.
- 271 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
272 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

273 ...

274 **CHAPTER 22. – NATURAL HAZARD AREAS**

275 **Sec. 108-22-1. - Purpose and intent.**

- 276 (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines  
277 and standards, in order to protect the health, welfare and safety of the citizens of the County, and to  
278 minimize potential effects of natural and manmade hazards by identifying known hazardous areas.  
279 This portion of the chapter specifies the areas for which an environmental analysis shall be  
280 performed prior to development, the content of the analysis and the procedure by which  
281 development applications requiring the analysis are reviewed and processed.
- 282 (b) The County recognizes individual property rights and shall make every effort to balance the right of  
283 the individual property owner with the health, welfare, safety and the common good of the general  
284 public.

285 **Sec. 108-22-2. - Potential hazards.**

286 The following potential hazards have been identified:

---

<sup>1</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

- 287 (1) Surface-fault ruptures.
- 288 a. Surface faulting has been identified as a potential hazard in the County. Maps have been  
289 produced delineating the known area where a hazard may exist from surface fault ruptures.  
290 Broad subsidence of the valleys accompanying surface faulting may affect areas several  
291 miles away from the fault. These effects are not considered here, but are covered in  
292 subsection 3 of this section.
- 293 b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake  
294 which produces surface faulting, offsets of six feet or more may occur on the main trace of  
295 the fault zone. This offset will result in formation of a near-vertical scarp, generally in  
296 unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle  
297 of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may  
298 also form, generally exhibiting a lesser amount of offset, but sometimes as much as  
299 several feet. The zone between these two faults may be complexly faulted and tilted with  
300 offset along minor faults of several inches or more.
- 301 c. Based upon this data, it is difficult, both technically and economically, to design a structure  
302 to withstand six feet or more of offset through its foundation. Thus, avoidance of the main  
303 traces of the fault is the principal risk reduction technique that can be reasonably taken.
- 304 d. No critical facility (excluding transportation lines or utilities which by their nature may cross  
305 active faults) or structure designed for human occupancy shall be built astride an active  
306 fault. If a fault is discovered in the excavation for such a structure, a geologic hazard study  
307 and report, as provided in Section 108-22-3 of this Land Use Code, is required. In some  
308 areas adjacent to the main trace but still within the zone of deformation, avoidance may not  
309 be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may  
310 occur and structural measures may be taken to reduce casualties and damage. However,  
311 structural damage may still be great, and buildings in the zone of deformation may not be  
312 safe for occupants following a large earthquake.
- 313 e. Due to the scale used to map these zones, there is not enough detail to delineate all fault  
314 traces and zones of deformation at a particular location, therefore, site specific plans,  
315 studies, and reports shall be required, as provided in Section 108-22-3 of this Land Use  
316 Code, for development in or adjacent to the delineated areas.
- 317 f. Building setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in  
318 the setback may be considered if the report presents evidence to justify a reduction  
319 acceptable to the Land Use Authority, after recommendation from the County Engineer.
- 320 (2) Landslide.
- 321 a. Landslides, historically, have been one of the most damaging geologic processes occurring  
322 in Weber County. Most active landslides, and most older slides, have been mapped. The  
323 maps identify areas of landslides and slopes which are potentially unstable under static  
324 (non-earthquake) conditions, and are especially vulnerable under conditions of high to  
325 abnormally high precipitation, heavy snowmelt, or excessive water application due to  
326 irrigation or septic system discharge. Landslides can damage structures, roads, railroads  
327 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and  
328 water mains, all of which can add water to the slide plane and promote further movement.  
329 Flooding may also be caused.
- 330 b. Many methods have been developed for reducing a landslide hazard. Proper planning and  
331 avoidance is the least expensive measure, if landslide-prone areas are identified early in  
332 the planning and development process. Care in site grading with proper compaction of fills  
333 and engineering of cut slopes is a necessary follow-up to good land use planning. Where  
334 avoidance is not feasible, various engineering techniques are available to stabilize slopes,  
335 including de-watering (draining), retaining structures, piles, bridging, weighting or  
336 buttressing slopes with compacted earth fills and drainage diversion. Since every landslide  
337 and unstable slope has differing characteristics, any development proposed within an

338 identified landslide hazard area shall require the submittal and review of a study and  
339 report, as provided in Section 108-22-3. The study and report shall address slope stability  
340 (including natural or proposed cut slopes), evaluate slope-failure potential, effects of  
341 development and recommendations for mitigative measures. Slope stability analysis shall  
342 include potential for movement under static, development-induced and earthquake-induced  
343 conditions as well as likely groundwater conditions.

344 (3) Tectonic subsidence.

345 a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a  
346 valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such  
347 as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the  
348 ponding of water in areas with a shallow water table may be caused by tectonic  
349 subsidence. Certain structures which require gentle gradients or horizontal floors,  
350 particularly wastewater treatment facilities and sewer lines may be adversely affected.

351 b. Because subsidence may occur over large areas (tens of square miles), it is generally not  
352 practical to avoid the use of potentially affected land except in narrow areas of hazard due  
353 to lake shoreline flooding. For gravity-flow structures such as wastewater treatment  
354 facilities that are within areas of possible subsidence, it is advisable to consider the  
355 tolerance of such structures to slight changes in gradient. Some structures may have to be  
356 releveled after a large-magnitude earthquake. Critical facilities which contain dangerous  
357 substances should have safety features to protect the structure, its occupants and the  
358 environment from both tilting and flooding.

359 c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
360 techniques such as raising structures above expected flood levels and dikes can be built.  
361 Development adjacent to lakes or reservoirs shall be prohibited within three feet of  
362 elevation above projected lake levels to protect against natural rises from wet periods,  
363 storm waves and earthquake induced seiching, as well as hazards associated with tectonic  
364 subsidence.

365 d. Rises in the water table accompanying tectonic subsidence may cause water to pond,  
366 flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to  
367 the fault on the down dropped side.

368 e. The principal application of the identified tectonic subsidence areas is to make the public  
369 aware of the hazard and to indicate those areas where further study may be necessary.  
370 Site specific tectonic subsidence reports and studies are recommended only for critical  
371 facilities in areas of potential lake-margin and ponded shallow groundwater flooding.  
372 However, certain vulnerable facilities such as high cost wastewater treatment plants and  
373 hazardous waste facilities should also consider potential tilting.

374 (4) Rock fall.

375 a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County.  
376 As development advances higher onto the bench areas and into the canyons the risk from  
377 falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is  
378 water in outcrop discontinuities. Rock falls present a hazard because of the potential  
379 damage a large rock mass, traveling at a relatively high velocity, could cause to structures  
380 and personal safety. When new developments cannot be designed around a rock fall path,  
381 and hazard reduction measures must be considered, a study and report as provided in  
382 Section 108-22-3, is required. Mitigation shall require design by a Utah licensed  
383 geotechnical engineer, and may include rock stabilization techniques such as bolting, cable  
384 lashing, burying, and grouting discontinuities, removal or break-up of potential rock clasts,  
385 as well as deflection berms, slope benches, and rock catch fences to stop or at least slow  
386 down falling rocks. Strengthening a structure to withstand impact is an example of  
387 modifying what is at risk. Mitigation problems can arise when rock source areas are located  
388 on land not owned by the developer.

389 b. In areas where the rock fall hazard is present but very low, disclosure of a potential hazard  
390 to land owners and residents with an acknowledgment of risk and willingness to accept  
391 liability may be an acceptable alternative to avoidance or mitigation for single-family  
392 residences.

393 (5) Debris flows.

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

399 b. The County debris flow hazard maps were constructed from the boundaries of active  
400 alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in  
401 areas identified as debris flow hazard areas shall be evaluated prior to approval of the  
402 proposed development. A study and report, as provided in Section 108-22-3, shall be  
403 prepared by an engineering geologist for any development proposed in or adjacent to a  
404 debris flow hazard area and shall include:

405 1. An analysis of the history of debris flow at the site based on subsurface exploration to  
406 determine the nature and thickness of debris flow and related alluvial fan deposits. If,  
407 in the engineering geologist's professional opinion, geologic conditions have changed  
408 enough to render a debris flow inactive, the analysis may estimate the nature and  
409 approximate thickness of the debris flow and related alluvial fan deposits in lieu of  
410 subsurface exploration.

411 2. An analysis of the drainage basin's potential to produce debris flows based on the  
412 presence of debris slides and colluvium-filled slope concavities, and an estimate of  
413 the largest probable volumes likely to be produced during a single event.

414 3. An analysis of the stream channel to determine if the channel will supply additional  
415 debris, impede flow, or contain debris flows in the area of the proposed development.

416 4. An analysis of manmade structures upstream that may divert or deflect debris flows.

417 5. Recommendations concerning any channel improvements, flow modifications and  
418 catchment structures, direct protection structures or floodproofing measures, if  
419 necessary, in order to protect the development.

420 (6) Liquefaction areas.

421 a. Earthquake ground shaking causes a variety of phenomena which can damage structures  
422 and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to  
423 increase the pressure in the pore water between soil grains, which decreases the stresses  
424 between the grains. The loss of intergranular stress can cause the strength of some soils  
425 to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When  
426 liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures  
427 such as septic tanks and storage tanks may rise, and even gentle slopes may fail as  
428 liquefied soils and overlying materials move down slope.

429 b. Areas of potential liquefaction have been delineated and the following regulations and  
430 mitigation measures have been adopted in order to reduce the hazard and consequences.  
431 Areas of moderate to high liquefaction potential need not be avoided. Structural measures  
432 and site modification techniques are available to reduce a hazard. A site specific  
433 liquefaction study and report shall be required pursuant to Section 108-22-3, and shall be  
434 prepared by an engineering geologist and/or a state licensed geotechnical engineer and  
435 shall comply with the following:

- 436 1. Standard soil foundation study, for the proposed development, shall include  
437 liquefaction potential evaluation based upon depth to groundwater, soil types and  
438 ground failure hazard.
- 439 2. If liquefiable soils are present, standard penetration tests and/or cone penetration  
440 tests shall be required to determine critical accelerations needed to induce  
441 liquefaction.
- 442 3. The study and report shall include an accurate map of the area showing any proposed  
443 development, the location of bore holes and/or test pits, the site geology, and location  
444 and depths of any liquefiable soils noted, along with the probability of critical  
445 accelerations needed to induce liquefaction in these soils being exceeded for  
446 appropriate time periods.
- 447 4. The report shall include recommendations for hazard reduction techniques.

448 (7) Flood.

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

477 (8) Other hazards.

- 478 a. As in many counties in the Western United States, development in the County is  
479 constrained by the presence of natural and manmade hazards. These hazards include, but  
480 are not limited to, avalanche, slope movement, soils categorized as having severe building  
481 limitations and slopes exceeding 30 percent.
- 482 b. Not all hazardous sites and conditions have been identified in the County. As a hazard or  
483 potential hazard becomes known, the County has discretion to require any study and

484 report that is necessary to understand how the hazard or potential hazard may impact  
485 development. The study or report shall provide appropriate hazard mitigation measures.

486 **Sec. 108-22-3. - Studies and reports required.**

487 (a) *Requirement for a study and report.* Unless otherwise exempted in Section 108-22-5, any  
488 application for development on a parcel of land within a natural hazard study area shall be  
489 submitted to the planning division with two hard copies and one electronic (pdf) copy of a site-  
490 specific natural hazard study and report, where required for such development according to the  
491 following chart:

492

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Study Area	Surface Fault Rupture Study Area	Tectonic Subsidence Study Area	Flood Study Area	Other Hazardous Areas
Critical facilities	Yes	Yes	Yes	Recommended	Yes	As determined by the County Engineer
Industrial, commercial, or multifamily (4 or more units)	Yes	Yes	Yes	No	Yes	As determined by the County Engineer
Residential subdivisions	No**	Yes, unless otherwise provided by Section 108-22- 2(4)b.	Yes	No	Yes	As determined by the County Engineer
Residential, single lots/multifamily (less than 4 units)	No**	Yes, unless otherwise provided by Section 108-22- 2(4)b.	Yes	No	Yes	As determined by the County Engineer
**Although no study and report is required, disclosure is required as described in Section 108-22-4.						

- 493 (1) Each natural hazard study and report shall be prepared by an engineering geologist. In the case  
 494 of a snow avalanche hazard, the study and report shall be prepared by an experienced  
 495 avalanche expert. The study and report shall be signed by the preparer and shall also include  
 496 the qualifications of the preparer.
- 497 (2) Each natural hazard study and report shall be site-specific and identify, to the extent  
 498 practicable, all known or suspected potential natural hazard(s) originating on-site or off-site  
 499 which present a reasonable likelihood of adversely affecting the particular property.
- 500 (3) Each natural hazard study and report shall include a detailed site map (scale: one inch equals  
 501 200 feet or larger), showing the location and type of hazard with delineation of the  
 502 recommended setback distances from the hazard and the recommended location for structures.
- 503 (4) Each natural hazard study and report shall address the potential adverse effects of the hazard  
 504 on the proposed development and occupants thereof in terms of the reasonable likelihood of  
 505 potential damage.
- 506 (5) Each natural hazard study and report shall contain recommendations for avoidance or  
 507 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

- 508 Section 108-22-1 of this chapter. The evidence on which recommendations and conclusions are  
509 based shall be clearly stated in the report.
- 510 (6) Trench logs (scale: one inch equals five feet or larger), trench photos, aerial photographs,  
511 references with citations, and other supporting information, as applicable, shall also be included  
512 in each natural hazard study and report.
- 513 (b) *Review of the study and report.* In order to fulfill the purposes of this chapter, the Land Use Authority  
514 shall review any proposed development which requires preparation of a natural hazard study and  
515 report under this chapter to determine the possible risks to the safety of persons or property from a  
516 natural hazard.
- 517 (1) Prior to consideration by the Land Use Authority of any such development, the County Engineer  
518 may submit the study and report, and, if applicable, site specific plan, to outsourced qualified  
519 professionals for review and recommendation. Any cost for the review shall be paid by the  
520 applicant prior to any Land Use Authority action.
- 521 (2) The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,  
522 or specific types of information presented in the study and report if industry standards of care  
523 were not used. All conclusions of the study and report shall be supported by adequate data.
- 524 (3) The County Engineer shall prepare a final review and recommendation of an acceptable study  
525 and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.
- 526 (4) Whenever the Land Use Authority determines that an area is subject to a natural hazard which  
527 present an unreasonable risk to the safety of persons or property, including public streets, such  
528 area shall not be approved for development unless the applicant can demonstrate that such a  
529 risk can be reduced to a reasonable and acceptable level in a manner which has a minimum  
530 effect on the natural environment.
- 531 (5) The Land Use Authority may set requirements or conditions necessary to reduce the risks from  
532 a natural hazard as a condition to the approval of any development which requires preparation  
533 of a natural hazard study and report.
- 534 (c) *Study and report verification.* The project engineering geologist shall submit with the study a signed  
535 and sealed verification letter stating that the study was conducted in accordance with industry  
536 standards of care, and that it complies with this Land Use Code and all other applicable laws. Written  
537 verification shall be provided from the issuer of professional errors and omissions liability insurance,  
538 in the amount of one million dollars (\$1,000,000.00), which covers the engineering geologist, and  
539 which is in effect on the date of preparation of all required studies and reports.
- 540 (d) *Development design verification.* Whenever possible, avoidance of development in an area with an  
541 identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,  
542 development in an area with an identified natural hazard shall be permitted when it is designed to  
543 mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not  
544 be accepted by the County unless:
- 545 (1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County  
546 with a signed and sealed verification letter stating that, pursuant to the considerations, findings,  
547 recommendations, and conclusions of the development's engineering geologist's study and  
548 report, the development has been designed to mitigate, and is reasonably safe from, the  
549 identified hazard.
- 550 (2) The development's engineering geologist submits a signed and sealed verification letter stating  
551 that the final design of the development adequately provides for the considerations, findings,  
552 recommendations, and conclusions of the study and report, and is reasonably safe from the  
553 identified hazard.
- 554 (3) Written verification is provided from the issuer(s) of professional errors and omissions liability  
555 insurance, in the amount of one million dollars (\$1,000,000.00), which covers the engineering

556 geologist and state licensed engineer(s), and which is in effect on the date of preparation of all  
557 required reports and certifications.

558 **Sec. 108-22-4. - Disclosure required.**

559 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel:

560 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

561 (2) A notice that runs with the land shall be recorded, and, if applicable, a note on the subdivision  
562 plat shall be required, which provide:

563 a. Notice that the parcel is located within a natural hazard study area;

564 b. Notice that a natural hazard study and report is available for public inspection in the  
565 County Planning Division Office;

566 c. Notice that a hazard has been identified on the parcel and the type and severity of the  
567 hazard;

568 d. The professional who prepared the report, with his or her contact information; and

569 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the  
570 Land Use Authority.

571 (b) When a natural hazard report is not required, but where the parcel is located within a natural hazard  
572 study area, notice that the parcel is located within such an area shall be recorded running with the  
573 land and noted on the subdivision plat (if applicable), and shall be written in a form satisfactory to the  
574 County Engineer and County Attorney.

575 (c) The natural hazard ordinance codified in this chapter and natural hazard map represent only those  
576 potentially hazardous areas known to the County, and shall not be construed to include all possible  
577 potential hazard areas. The natural hazards listed in this chapter may be amended as new  
578 information becomes available. The provisions of this chapter do not in any way assure or imply that  
579 areas outside its boundaries will be free from the possible adverse effects of a natural hazard. This  
580 chapter shall not create liability on the part of the County, any officer or employee thereof for any  
581 damages from a natural hazard that result from reliance on this chapter or any administrative  
582 requirement or decision lawfully made thereunder.

583 **Sec. 108-22-5. - Exemptions from natural hazard study and report.**

584 A proposed structure that is not a structure designed for human occupancy shall not be required to  
585 provide a natural hazard report, except a report shall be provided for a critical facility if required by  
586 Section 108-22-3.

587 **Sec. 108-22-6. - Costs to be the responsibility of the developer/applicant.**

588 Any of the above described technical reports and/or studies shall be performed by qualified  
589 professionals on behalf of the applicant. The cost of outsourced qualified professionals used by the  
590 County to aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other  
591 costs incurred in providing technical reports or testimony by qualified professionals or expert witnesses  
592 shall be solely the responsibility of the applicant and not the County.

593 **Sec. 108-22-7. - Change of use.**

594 No change in use which results in the conversion of a building or structure not designed for human  
595 occupancy to one designed for human occupancy shall be permitted unless the building or structure  
596 complies with the provisions of this chapter.

597 **Sec. 108-22-8. - Conflict between boundaries of study area or identified hazard.**

598 Where there is a conflict between the boundaries of an identified natural hazard study area and  
599 actual field conditions, or where detailed investigations show that the identified hazard is not present  
600 within a particular area, the conflict shall be settled as follows:

- 601 (1) The person disputing the natural hazard study area boundary shall submit technical and  
602 geologic evidence to support such claim to the County Engineer in the form of a site-specific  
603 natural hazard report.
- 604 (2) The County Engineer may request outsourced qualified professionals to review the evidence  
605 and make a recommendation prior to making a final written decision concerning the dispute.  
606 The cost of the outsourced qualified professional's review shall be paid by the person disputing  
607 the boundary.
- 608 (3) The County Engineer may allow modifications to the boundary only if the evidence clearly and  
609 conclusively establishes that the natural hazard study area boundary location is incorrect, or  
610 that the identified hazard is not present within a particular area.

611 .

612 **Sec. 108-22-9. - Appeals.**

- 613 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision in the  
614 application of this chapter shall be appealed in accordance with Title 102, Chapter 3 – Board of  
615 Adjustment, of this Land Use Code.
- 616 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
617 request the County to assemble a panel of qualified professionals to serve as the appeal authority for  
618 the sole purpose of determining those technical aspects<sup>2</sup>.
  - 619 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
620 related to:
    - 621 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
622 types of information presented in a study or report;
    - 623 b. the review and recommendation of an acceptable study or report for the Land Use  
624 Authority's consideration;
    - 625 c. the interpretation or application of any technical provisions of a study or report that is  
626 required by this chapter; or
    - 627 d. the modification of a natural hazard study area boundary.
  - 628 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
629 this subsection, the County shall assemble the panel consisting of:
    - 630 a. one qualified professional designated by the County;
    - 631 b. one qualified professional designated by the applicant; and
    - 632 c. one qualified professional chosen jointly by the County's designated qualified professional  
633 and the applicant's designated qualified professional.
  - 634 (3) A member of the panel may not be associated with the application that is the subject of the  
635 appeal.
  - 636 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.
  - 637 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
638 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

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<sup>2</sup> Note to codifiers: provide reference to UCA §17-27a-703(2)

1 | CHAPTER ~~27-22~~ - NATURAL HAZARDS OVERLAY DISTRICTS HAZARD AREAS

2 | Sec. ~~104-27~~108-22-1. - Purpose and intent.

3 | (a) The purpose and intent of this chapter is to coordinate the application of natural hazards guidelines  
4 | and standards, in order to protect the health, welfare and safety of the citizens of the ~~county~~County,  
5 | and to minimize potential effects of natural and manmade hazards by identifying known hazardous  
6 | areas. This portion of the chapter specifies the areas for which an environmental analysis shall be  
7 | performed prior to development, the content of the analysis and the procedure by which  
8 | development applications requiring the analysis are reviewed and processed.

9 | (b) The ~~county~~County recognizes individual property rights and shall make every effort to balance the  
10 | right of the individual property owner with the health, welfare, safety and the common good of the  
11 | general public.

12 | Sec. ~~104-27~~108-22-2. - Potential hazards.

13 | The following potential hazards have been identified:

14 | (1) Surface-fault ruptures.

15 | a. Surface faulting has been identified as a potential hazard in the ~~county~~County. Maps have  
16 | been produced delineating the known area where a hazard may exist from surface fault  
17 | ruptures. Broad subsidence of the valleys accompanying surface faulting may affect areas  
18 | several miles away from the fault. These effects are not considered here, but are covered  
19 | in subsection ~~b3~~ of this section.

20 | b. Studies along the Wasatch fault have indicated that during a "characteristic" earthquake  
21 | which produces surface faulting, offsets of six feet or more may occur on the main trace of  
22 | the fault zone. This offset will result in formation of a near-vertical scarp, generally in  
23 | unconsolidated surficial deposits, that begin to ravel and erode back to the material's angle  
24 | of repose (33-35 degrees) soon after formation. Antithetic faults west of the main trace may  
25 | also form, generally exhibiting a lesser amount of offset, but sometimes as much as  
26 | several feet. The zone between these two faults may be complexly faulted and tilted with  
27 | offset along minor faults of several inches or more.

28 | c. Based upon this data, it is difficult, both technically and economically, to design a structure  
29 | to withstand six feet or more of offset through its foundation. Thus, avoidance of the main  
30 | traces of the fault is the principal risk reduction technique that can be reasonably taken.

31 | d. No critical facility (~~excluding transportation lines or utilities which by their nature may cross~~  
32 | ~~active faults~~) or structure ~~designed~~ for human occupancy shall be built astride an active  
33 | fault. ~~If a fault is discovered in the excavation for such a structure, a geologic hazard study~~  
34 | ~~and report, as provided in Section 108-22-3 of this Land Use Code, is required.~~ In some  
35 | areas adjacent to the main trace but still within the zone of deformation, avoidance may not  
36 | be necessary. Less damaging (smaller) offsets of less than four inches, and tilting may  
37 | occur and structural measures may be taken to reduce casualties and damage. However,  
38 | structural damage may still be great, and buildings in the zone of deformation may not be  
39 | safe for occupants following a large earthquake.

40 | e. Due to the scale used to map these zones, there is not enough detail to delineate all fault  
41 | traces and zones of deformation at a particular location, therefore, site specific plans ~~and~~  
42 | studies, ~~and reports~~ shall be required, ~~as provided in Section 108-22-3 of this Land Use~~  
43 | ~~Code,~~ for development in or adjacent to the delineated areas.

44 | ~~Upon submittal, review and planning commission approval of site specific plans and~~  
45 | ~~studies with recommendations, produced by a qualified engineering geologist,~~ Building  
46 | setbacks shall be a minimum of 50 feet from an active fault trace. A reduction in the  
47 | setback ~~will~~may be considered if the report presents evidence to justify a reduction

Comment [c1]: All of the changes from Section 104-27 have been moved into this new section (108-22) in their modified form.

Comment [c2]: Current code is inconsistent about this. This corrects the inconsistency.

Comment [c3]: Of specific concern, this ordinance suggests that only the planning commission has control over development approvals where natural hazards are a concern. This amendment fixes that (you see these changes throughout).

48 acceptable to the ~~planning commission~~ Land Use Authority, after recommendation from the  
49 County Engineer.

50 (2) ~~Landslide~~ tectonic subsidence.

51 a. ~~Landslide~~—Landslides, historically, have been one of the most damaging geologic  
52 processes occurring in Weber County. Most active landslides, and most older slides, have  
53 been mapped ~~and are shown on the Sensitive Lands Overlay District maps. These~~  
54 ~~designations serve as an indication of unstable ground. The maps designate.~~ The maps  
55 identify areas of landslides and slopes which are potentially unstable under static (non-  
56 earthquake) conditions, and are especially vulnerable under conditions of high to  
57 abnormally high precipitation, heavy snowmelt, or excessive water application due to  
58 irrigation or septic system discharge. Landslides can damage structures, roads, railroads  
59 and power lines. Furthermore, landslides may rupture canals, aqueducts, sewers and  
60 water mains, all of which can add water to the slide plane and promote further movement.  
61 Flooding may also be caused.

Comment [c4]: Added language to be clear that precipitation is not the only problem.

62 b. Many methods have been developed for reducing a landslide ~~hazards~~ hazard. Proper  
63 planning and avoidance is the least expensive measure, if landslide-prone areas are  
64 identified early in the planning and development process. Care in site grading with proper  
65 compaction of fills and engineering of cut slopes is a necessary follow-up to good land use  
66 planning. Where avoidance is not feasible, various engineering techniques are available to  
67 stabilize slopes, including de-watering (draining), retaining structures, piles, bridging,  
68 weighting or buttressing slopes with compacted earth fills and drainage diversion. Since  
69 every landslide and unstable slope has differing characteristics, any development  
70 proposed within ~~a designated~~ an identified landslide hazard area, ~~as delineated on the~~  
71 ~~Sensitive Lands Overlay District maps,~~ shall require the submittal, and review and approval  
72 by the planning commission, of specific site studies, including grading plans, cut/fill, a study  
73 and plans produced by a qualified engineering geologist report, as provided in Section 108-  
74 22-3. The study and a Utah licensed geotechnical engineer. The site specific study report  
75 shall address slope stability (including natural or proposed cut slopes), evaluate slope-  
76 failure potential, effects of development and recommendations for mitigative measures.  
77 Slope stability analysis shall include potential for movement under static, development-  
78 induced and earthquake-induced conditions as well as likely groundwater conditions.

79 e. (3) Tectonic subsidence.

80 a. Tectonic subsidence, also called seismic tilting, is the warping, lowering and tilting of a  
81 valley floor that accompanies surface-faulting earthquakes on normal (dip slip) faults such  
82 as the Wasatch fault zone. Inundation along the shores of lakes and reservoirs and the  
83 ponding of water in areas with a shallow water table may be caused by tectonic  
84 subsidence. Certain structures which require gentle gradients or horizontal floors,  
85 particularly wastewater treatment facilities and sewer lines may be adversely affected.

86 b. Because subsidence may occur over large areas (tens of square miles), it is generally not  
87 practical to avoid the use of potentially affected land except in narrow areas of hazard due  
88 to lake shoreline flooding. For gravity-flow structures such as wastewater treatment  
89 facilities that are within areas of possible subsidence, it is advisable to consider the  
90 tolerance of such structures to slight changes in gradient. Some structures may have to be  
91 releveled after a large-magnitude earthquake. Critical facilities which contain dangerous  
92 substances should have safety features to protect the structure, its occupants and the  
93 environment from both tilting and flooding.

94 c. Flooding problems along lakes from tectonic subsidence shall be reduced using standard  
95 techniques such as raising structures above expected flood levels and dikes can be built.  
96 Development adjacent to lakes or reservoirs shall be prohibited within three feet of  
97 elevation above projected lake levels to protect against natural rises from wet periods,  
98 storm waves and earthquake induced seiching, as well as hazards associated with tectonic  
99 subsidence.

100 | fd. Rises in the water table accompanying tectonic subsidence may cause water to pond,  
101 | flood basements and disrupt buried facilities in areas of shallow groundwater adjacent to  
102 | the fault on the down dropped side.

103 | ge. The principal application of the identified tectonic subsidence areas is to make the public  
104 | aware of the hazard and to indicate those areas where further study may be necessary.  
105 | Site specific tectonic subsidence reports and studies are recommended only for critical  
106 | facilities in areas of potential lake-margin and ponded shallow groundwater flooding.  
107 | However, certain vulnerable facilities such as high cost wastewater treatment plants and  
108 | hazardous waste facilities should also consider potential tilting.

109 | (34) Rock fall.

110 | a. Rock falls are a naturally occurring erosional process in mountain areas in Weber County.  
111 | As development advances higher onto the bench areas and into the canyons the risk from  
112 | falling rocks becomes greater. A primary mechanism responsible for triggering rock falls is  
113 | water in outcrop discontinuities. Rock falls present a hazard because of the potential  
114 | damage a large rock mass, traveling at a relatively high velocity, could cause to structures  
115 | and personal safety. ~~Buildings shall be located so that structures are not positioned in an~~  
116 | ~~area susceptible to rock falls.~~ When new developments cannot be designed around a rock  
117 | fall path, and hazard reduction measures must be considered, a ~~site specific plan and~~  
118 | ~~hazard study, with recommendations for mitigation, shall be produced by a qualified~~  
119 | ~~engineering geologist, submitted for review and approval by the planning commission.~~  
120 | ~~Mitigation may study and report as provided in Section 108-22-3, is required. Mitigation~~  
121 | shall require design by a Utah licensed geotechnical engineer, and may include rock  
122 | stabilization techniques such as bolting, cable lashing, burying, and grouting  
123 | discontinuities, removal or break-up of potential rock clasts, as well as deflection berms,  
124 | slope benches, and rock catch fences to stop or at least slow down falling rocks.  
125 | Strengthening a structure to withstand impact is an example of modifying what is at risk.  
126 | Mitigation problems can arise when rock source areas are located on land not owned by  
127 | the developer.

128 | b. In areas where the rock fall hazard is present but very low, ~~disclosures~~disclosure of a  
129 | potential ~~hazards~~hazard to land owners and residents with an acknowledgment of risk and  
130 | willingness to accept liability may be an acceptable alternative to avoidance or mitigation  
131 | for single-family residences.

132 | (45) Debris flows.

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

138 | b. The ~~county~~County debris flow hazard maps were constructed from the boundaries of active  
139 | alluvial fans and areas with slopes steeper than 30 percent. Any proposed development in  
140 | areas identified as debris flow hazard areas shall be evaluated prior to approval of the  
141 | proposed development.

142 | 4. ~~A study and report, as provided in Section 108-22-3,~~ shall be prepared by an engineering  
143 | geologist for any development proposed in or adjacent to a debris flow hazard area and  
144 | shall include:

145 | ~~(1)~~1. An analysis of the ~~past~~ history of debris flow at the site based on subsurface  
146 | exploration to determine the nature and thickness of debris flow and related alluvial  
147 | fan deposits. ~~If, in the engineering geologist's professional opinion, geologic~~  
148 | ~~conditions have changed enough to render a debris flow inactive, the analysis may~~  
149 | ~~estimate the nature and approximate thickness of the debris flow and related alluvial~~  
150 | ~~fan deposits in lieu of subsurface exploration.~~

**Comment [c5]:** Added language to facilitate common sense application of the law. This will help geologists still comply with the law while not conducting an expensive trench analysis when, in their opinion, it's obvious that subsurface exploration is not necessary.

- 151 | ~~(ii)2.~~ An analysis of the drainage basin's potential to produce debris flows based on the  
152 | presence of debris slides and colluvium-filled slope concavities, and an estimate of  
153 | the largest probable volumes likely to be produced during a single event.
- 154 | ~~(iii)3.~~ An analysis of the stream channel to determine if the channel will supply  
155 | additional debris, impede flow, or contain debris flows in the area of the proposed  
156 | development.
- 157 | ~~(iv)4.~~ An analysis of manmade structures upstream that may divert or deflect debris  
158 | flows.
- 159 | ~~(v)5.~~ Recommendations concerning any channel improvements, flow modifications and  
160 | catchment structures, direct protection structures or floodproofing measures, if  
161 | necessary, in order to protect the development.
- 162 | ~~(vi) Upon approval of the county engineer, the report shall be presented to the~~  
163 | ~~planning commission along with review comments for recommendation of~~  
164 | ~~approval by the county commission.~~
- 165 | ~~(5) (6)~~ Liquefaction areas.
- 166 | a. Earthquake ground shaking causes a variety of phenomena which can damage structures  
167 | and threaten lives. One of these is termed soil liquefaction. Ground shaking tends to  
168 | increase the pressure in the pore water between soil grains, which decreases the stresses  
169 | between the grains. The loss of intergranular stress can cause the strength of some soils  
170 | to decrease nearly to zero. When this occurs, the soil behaves like a liquid. When  
171 | liquefaction occurs, foundations may crack, buildings may tip, buoyant buried structures  
172 | such as septic tanks and storage tanks may rise, and even gentle slopes may fail as  
173 | liquefied soils and overlying materials move down slope.
- 174 | b. Areas of potential liquefaction have been delineated and the following regulations and  
175 | mitigation measures have been adopted in order to reduce the hazard and consequences.  
176 | Areas of moderate to high liquefaction potential need not be avoided. Structural measures  
177 | and site modification techniques are available to reduce ~~hazards~~ a hazard. A site specific  
178 | liquefaction study and report shall be required pursuant to be prepared Section 108-22-3,  
179 | and shall be prepared by an engineering geologist and/or a state licensed geotechnical  
180 | engineer ~~and shall comply with the following:~~
- 181 | ~~(i)1.~~ Standard soil foundation study, for the proposed development, shall include  
182 | liquefaction potential evaluation based upon depth to groundwater, soil types and  
183 | ground failure hazard.
- 184 | ~~(ii)2.~~ If liquefiable soils are present, standard penetration tests and/or cone penetration  
185 | tests shall be required to determine critical accelerations needed to induce  
186 | liquefaction.
- 187 | ~~(iii)3.~~ The study and report shall include an accurate ~~maps~~ map of the area  
188 | showing any proposed development, the location of bore holes and/or test pits, the  
189 | site geology, and location and depths of any liquefiable soils noted, along with the  
190 | probability of critical accelerations needed to induce liquefaction in these soils being  
191 | exceeded for appropriate time periods.
- 192 | ~~(iv)4.~~ The report shall include recommendations for hazard reduction techniques.
- 193 | ~~(v) The county engineer shall concur with the scope of the report, techniques and~~  
194 | ~~methodology to be used in the preparation of the report and shall have input as~~  
195 | ~~to the specific types of information to be included in the report.~~
- 196 | ~~(vi) Upon approval of the county engineer, the report shall be presented to the~~  
197 | ~~planning commission along with review comments for recommendation of~~  
198 | ~~approval by the county commission.~~

**Comment [c6]:** This language is removed from these subsections throughout and better consolidated into 108-22-3.

- 199 | ~~(67)~~ Flood.
- 200 |     a. The floodplain standards are written to minimize the loss of life and property when floods  
201 |     do occur, not to ban development outright from the floodplain. In the event the following  
202 |     provisions conflict with those in Title 22 of the Weber County Code, the most restrictive  
203 |     shall apply. The Federal Emergency Management Agency (FEMA) has produced official  
204 |     floodplain maps, depicting areas of potential stream flooding for major drainages in Weber  
205 |     County. ~~FEMA recommends that no new development be permitted in the 100-year~~  
206 |     ~~floodplain unless:~~
- 207 |     ab. FEMA recommends that no new development be permitted in the 100-year floodplain  
208 |     unless:
- 209 |         1. Detailed engineering ~~studies~~study and reports, as required by Section 108-22-3,  
210 |         prepared by a state-licensed engineer, show that the proposed development will not  
211 |         increase the flood hazard to other property in the area. Recommendations shall be  
212 |         made for floodproofing or other mitigation techniques for development within flood  
213 |         hazard areas. (Site investigations for proposed development in lake-flooding areas  
214 |         near Great Salt Lake need only indicate the site elevation. Development proposals in  
215 |         areas with elevations less than 4,218 feet will be reviewed with respect to lake-  
216 |         flooding potential and compatibility of proposed use.)
- 217 |         b2. The proposed development is elevated above the 100-year flood base elevation.
- 218 |         c3. For federally-insured loans, flood insurance is purchased from a company  
219 |         participating with the Federal Insurance Administration or a like private carrier.
- 220 |     ~~d. Upon approval of the county engineer, the report shall be presented to the planning~~  
221 |     ~~commission along with review comments for recommendation of approval by the county~~  
222 |     ~~commission.~~
- 223 |     4-c. The study and report, as may be required by Section 108-22-3, shall consider the  
224 |     following:
- 225 |         (i) Alluvial fan flooding, which is not mapped under the FEMA program, may be a  
226 |         hazard on all active alluvial fans ~~designated~~identified on ~~the~~-debris flow hazard  
227 |         maps. The hazard from such flooding shall be addressed and appropriate hazard  
228 |         reduction measures taken.
- 229 |         2-(ii) Sheet flow. Certain areas of the Ogden Valley have been identified and mapped  
230 |         as areas of sheet flow flooding. The hazard from such flooding shall be addressed  
231 |         and appropriate hazard reduction measures taken.
- 232 | ~~(78)~~ Other ~~hazardous areas~~-hazards.
- 233 |     a. As in many counties in the Western United States, development in the ~~county~~County is  
234 |     constrained by the presence of natural and manmade hazards. These hazards include but  
235 |     are not limited to, avalanche, slope movement, soils categorized as having severe building  
236 |     limitations and slopes exceeding 30 percent.
- 237 |     b. Not all hazardous sites and conditions have been identified in the ~~county; however,~~  
238 |     ~~development on those identified sites shall be permitted when projects are studied and~~  
239 |     ~~designed by County. As~~ a ~~qualified engineering geologist and a state-licensed civil~~  
240 |     ~~engineer, architect and~~ hazard or an ~~engineering geologist and certified to withstand the~~  
241 |     potential hazard ~~for which it is designed, and~~ becomes known, the County has discretion to  
242 |     require any study and report that is necessary to understand how ~~the site is buildable and~~  
243 |     ~~that the site is safe. This allows development on hazardous sites with the full~~  
244 |     ~~acknowledgment of the property owner~~ hazard or potential hazard may impact  
245 |     development. ~~The use of hazardous sites for open space is encouraged.~~ study or report  
246 |     shall provide appropriate hazard mitigation measures.

247 ~~Sec. 104-27-3. Supplementary hazards definitions.~~

**Comment [c7]:** This section is being deleted and all definitions are being moved into 101-1-7 (definitions). See Exhibit B to review changes to them.

248 ~~The following words, terms and phrases, when used in this chapter, shall have the meanings~~  
249 ~~ascribed to them in this section, except where the context clearly indicates a different meaning:~~

250 ~~Active fault means a fault displaying evidence of greater than four inches of displacement along one~~  
251 ~~or more of its traces during Holocene time (about 11,000 years ago to the present).~~

252 ~~Area of deformation means the zone along a fault in which natural soil and rock materials are~~  
253 ~~disturbed as a result of movement along the fault. (Also Zone of Deformation.)~~

254 ~~Critical acceleration means the minimum amount of ground acceleration during seismically induced~~  
255 ~~ground movement required to induce liquefaction or other forms of ground disruption.~~

256 ~~Critical facilities means:~~

257 ~~(1) Lifelines such as major communication, utility and transportation facilities and their connection~~  
258 ~~to emergency facilities;~~

259 ~~(2) Essential facilities, such as:~~

260 ~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

261 ~~b. Fire and police stations;~~

262 ~~c. Tanks or other structures containing housing or supporting water or other fire-suppression~~  
263 ~~materials or equipment required for the protection of essential or hazardous facilities, or~~  
264 ~~special occupancy structures;~~

265 ~~d. Emergency vehicle shelters and garages;~~

266 ~~e. Structures and equipment in emergency-preparedness centers;~~

267 ~~f. Standby power generating equipment for essential facilities;~~

268 ~~g. Structures and equipment in government communication centers and other facilities~~  
269 ~~required for emergency response;~~

270 ~~(3) Hazardous facilities such as structures housing, supporting or containing sufficient quantities of~~  
271 ~~toxic or explosive substances to be dangerous to the safety of the general public if released; or~~

272 ~~(4) Special occupancy structures, such as:~~

273 ~~a. Covered structures whose primary occupancy is public assembly (capacity greater than~~  
274 ~~300 persons);~~

275 ~~b. Buildings for schools through secondary or day care centers (capacity greater than 50~~  
276 ~~students);~~

277 ~~c. Buildings for colleges or adult education schools (capacity greater than 50 students);~~

278 ~~d. Medical facilities with 50 or more resident incapacitated patients, but not included above;~~

279 ~~e. Jails and detention facilities;~~

280 ~~f. All structures with occupancy greater than 5,000 persons;~~

281 ~~g. Structures and equipment in power generating stations and other public utility facilities not~~  
282 ~~included above, and required for continued operation;~~

283 ~~h. Unique or large structures whose failure might be catastrophic, such as dams holding over~~  
284 ~~ten-acre feet of water.~~

285 ~~Debris flow means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like~~  
286 ~~fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris~~  
287 ~~fan surface.~~

288 ~~Engineering geologist means a geologist who, through education, training and experience, is able to~~  
289 ~~assure that geologic factors affecting engineering works are recognized, adequately interpreted and~~  
290 ~~presented for use in engineering practice and for the protection of the public. This person shall have at~~  
291 ~~least a four-year degree in geology, engineering geology, or a related field from an accredited university~~  
292 ~~and at least three full years of experience in a responsible position in the field of engineering geology.~~

293 ~~Engineering geology means the application of geological data and principles to engineering~~  
294 ~~problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors~~  
295 ~~are recognized and adequately interpreted in engineering practice.~~

296 ~~Fault means a fracture in the earth's crust forming a boundary between rock and soil masses that~~  
297 ~~have moved relative to each other (See Active fault).~~

298 ~~Fault scarp means a steep slope or cliff formed directly by movement along a fault.~~

299 ~~Fault trace means the intersection of a fault plane with the ground surface.~~

300 ~~Fault zone means a corridor of variable width along one or more fault traces.~~

301 ~~Landslide means a general term for the downslope movement of a mass of soil, surficial deposits or~~  
302 ~~bedrock.~~

303 ~~Liquefaction means a process by which certain water-saturated soils lose bearing strength because~~  
304 ~~of ground shaking and increase of groundwater pore pressure.~~

305 ~~Natural hazard means avalanche, liquefaction, surface fault rupture, rock fall, debris flow, flood,~~  
306 ~~tectonic subsidence and/or landslide.~~

307 ~~Natural hazard maps means the overlay maps, which delineate hazards, such as avalanche,~~  
308 ~~liquefaction, surface fault rupture, rock fall and/or landslide areas.~~

309 ~~Rock fall means the gravity induced drop of a newly detached segment of bedrock or perched rock~~  
310 ~~of any size from a cliff or steep slope.~~

311 ~~Structure designed for human occupancy means any residential dwelling or any other structure used~~  
312 ~~or intended for supporting or sheltering any use or occupancy which is expected to have occupancy rate~~  
313 ~~of more than 2,000 person-hours per year.~~

314 ~~Sec. 104-27-4. Studies~~ **Sec. 108-22-3. - Study and reports required.**

315 (a) ~~Requirement for a study and report. Any applicant requesting~~ Unless otherwise exempted in  
316 Section 108-22-5, any application for development on a parcel of land within a natural  
317 hazard study area, as shown on the natural hazards maps, shall submit ~~be submitted~~  
318 to the planning commission six division with two hard copies ~~of and one electronic (pdf) copy of a~~  
319 site-specific natural hazard studies ~~study~~ and reports ~~report~~, where required for such  
320 development according to the following chart-;

321

<u>Land Use (Type of Facility)</u>	<u>Liquefaction Potential High/Moderate</u>	<u>Landslide/Rock Fall/Debris Flow Study Area</u>	<u>Surface Fault Rupture Study Area</u>	<u>Tectonic Subsidence Study Area</u>	<u>Flood Study Area</u>	<u>Other Hazardous Areas</u>
<u>Critical facilities</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Recommended</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>Industrial, commercial, or multifamily (4 or more units)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>Residential subdivisions</u>	<u>No**</u>	<u>Yes, unless otherwise provided by Section 108-22- 2(4)b.</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>Residential, single lots/multifamily (less than 4 units)</u>	<u>No**</u>	<u>Yes, unless otherwise provided by Section 108-22- 2(4)b.</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>As determined by the County Engineer</u>
<u>**Although no study and report is required, disclosure is required as described in Section 108-22-4.</u>						

**Comment [c8]:** This section has been expanded and modified to accommodate all hazards listed in 108-22-2. It has been moved here from further down for clarity purposes.

- 322 (1) ~~The~~Each natural ~~hazards~~hazard study and report~~and studies~~ shall be prepared by an  
 323 engineering geologist. In the case of a snow avalanche hazard, the study and report shall be  
 324 prepared by an experienced avalanche expert. The study and report shall be signed by the  
 325 preparer and shall also include the qualifications of the preparer.
- 326 (2) ~~The~~Each natural hazard study and report shall be site-specific and identify, to the extent  
 327 practicable, all known or suspected potential natural ~~hazards~~hazard(s) originating on-site or off-  
 328 site which present a reasonable likelihood of adversely affecting the particular property.
- 329 (3) ~~The~~Each natural hazard study and report shall include a detailed site map (scale: one inch  
 330 equals 200 feet or larger), showing the location and type of ~~the~~ hazard with delineation of the  
 331 recommended setback distances from the hazard and the recommended location for structures.
- 332 (4) ~~The~~Each natural hazard study and report shall address the potential adverse effects of the  
 333 hazard on the proposed development and occupants thereof in terms of ~~risk and the reasonable~~  
 334 likelihood of potential damage.
- 335 (5) ~~The~~Each natural hazard study and report shall contain recommendations for avoidance or  
 336 mitigation of the identified adverse effects of the hazard consistent with the purposes set forth in

337 | ~~section 104-27~~Section 108-22-1 of this chapter. The evidence on which recommendations and  
 338 | conclusions are based shall be clearly stated in the report.

339 | (6) Trench logs (scale: one inch equals five feet or larger), [trench photos](#), aerial photographs,  
 340 | references with citations, and other supporting information, as applicable, shall also be included  
 341 | in ~~the~~[each natural hazard study and](#) report.

Land Use (Type of Facility)	Liquefaction Potential High/Moderate	Landslide/Rock Fall/Debris Flow Special Study Area	Surface Fault Rupture Special Study Area
Critical facilities	Yes	Yes	Yes
Industrial or commercial ;gt;2 stories;/;gt;5,000 sq. ft.	Yes	Yes	Yes
Multifamily (4 or more units) and all other industrial or commercial	Yes	Yes	Yes
Residential subdivisions	No**	Yes	Yes
Residential, single lots/multifamily (less than 4 units/acre)	No**	Yes	Yes
<b>**Although no special study is required, disclosure is required as described in section 104-27-7.</b>			

342 | -

343 | (b) Review of [the study and report](#). In order to fulfill the purposes of this chapter, the ~~planning~~  
 344 | ~~commission (for conditional uses, site plan review, design review and subdivisions)~~Land Use  
 345 | ~~Authority~~ shall review any proposed development which requires preparation of a natural  
 346 | ~~hazardshazard study and~~ report under this chapter to determine the possible risks to the safety of  
 347 | persons or property from ~~a natural hazardshazard~~.

348 | (1) Prior to consideration by the ~~planning commission~~Land Use Authority of any such development,  
 349 | the ~~planning director shall~~County Engineer ~~may~~ submit the ~~study and report to the Utah~~  
 350 | ~~Geological and Mineral Survey, the U.S. Forest Service, and/or any other experts, if applicable,~~  
 351 | ~~site specific plan, to outsourced qualified professionals~~ for review and recommendation. Any  
 352 | cost for the review shall be paid by the applicant prior to any ~~planning commission~~Land Use  
 353 | ~~Authority~~ action.

354 | (2) ~~The County Engineer has discretion to reject the scope, techniques, methodology, conclusions,~~  
 355 | ~~or specific types of information presented in the study and report if industry standards of care~~  
 356 | ~~were not used. All conclusions of the study and report shall be supported by adequate data.~~

357 | (3) ~~The County Engineer shall prepare a final review and recommendation of an acceptable study~~  
 358 | ~~and report, and, if applicable, site specific plans, for the Land Use Authority's consideration.~~

**Comment [c9]:** County Engineer may, but is not required to, outsource the review. The County Engineer will outsource in the event that there are unique issues with geology or a geology report.

**Comment [c10]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

**Comment [c11]:** This section is identified as potentially producing a decision of "technical aspects" for which an appeal may merit a special panel for review. See the new section 108-22-9(b) for more details.

359 (4) Whenever the ~~planning commission~~ Land Use Authority determines that an area is subject to a  
360 natural ~~hazards~~ hazard which present an unreasonable risk to the safety of persons or property,  
361 including public streets, such area shall not be approved for development unless the applicant  
362 can demonstrate that such a risk can be reduced to a reasonable and acceptable level in a  
363 manner which has a minimum effect on the natural environment.

364 (35) The ~~planning commission~~ Land Use Authority may set requirements or conditions necessary to  
365 reduce the risks from a ~~natural hazards~~ hazard as a condition to the approval of any  
366 development which requires preparation of a natural hazards study and report.

367 ~~(c) Active fault consideration. No critical facility (excluding transportation lines or utilities which by  
368 their nature may cross active faults) or structures designed for human occupancy shall be built  
369 astride an active fault. If a fault is discovered in the excavation for such a structure, a special  
370 study and report, as described in subsection (a) of this section, shall be performed to determine  
371 if the fault is active, and if the fault is determined to be active, the procedures set forth in  
372 subsection (b) of this section, shall be followed. No structure designed for human occupancy  
373 shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements  
374 of chapter 29 of the Uniform Building Code. The planning commission may increase footing  
375 setback requirements where information from a geotechnical report indicates slope conditions  
376 warrant a greater setback distance.~~

**Comment [c12]:** This section does not belong here. It is incorporated into 108-22-2.

377 (c) Study and report confirmation. The project engineering geologist shall submit with the study a signed  
378 and sealed confirmation letter that the study was conducted in accordance with industry standards of  
379 care, and that it complies with this Land Use Code and all other applicable laws. Written verification  
380 shall be provided from the issuer of professional errors and omissions liability insurance, in the  
381 amount of one million dollars (\$1,000,000.00), which covers the engineering geologist, and which is  
382 in effect on the date of preparation of all required studies and reports.

**Comment [c13]:** Subsection c and d are an expansion of a "certification" requirement in current code. It has been modified and expanded to provide for the following:

383 (d) Development design confirmation. Whenever possible, avoidance of development in an area with an  
384 identified natural hazard is strongly encouraged. However, pursuant to requirements of this chapter,  
385 development in an area with an identified natural hazard shall be permitted when it is designed to  
386 mitigate, and is reasonably safe from, the identified hazard. Final design of the development shall not  
387 be accepted by the County unless:

1. It's been moved here to provide better visibility. It was previously tucked into §104-27-2, which is an inconsistent place for its meaning and application.

388 (1) The development's state licensed engineer, or if applicable, engineers, provide(s) the County  
389 with a signed and sealed confirmation letter stating that, pursuant to the considerations,  
390 findings, recommendations, and conclusions of the development's engineering geologist's study  
391 and report, the development has been designed to mitigate, and is reasonably safe from, the  
392 identified hazard.

2. It has been modified to avoid the word "certify." In the geology and engineering world this word has a different meaning than the code anticipates.

393 (2) The development's engineering geologist submits a signed and sealed confirmation letter  
394 stating that the final design of the development adequately provides for the considerations,  
395 findings, recommendations, and conclusions of the study and report, and is reasonably safe  
396 from the identified hazard.

3. It has been modified to put the general public and the private market on notice that the private market needs to be willing to accept full accountability for their work. This is an attempt to help shift "good development practices" from needing complete governmental control, and place it on the private market folks who are actually experts in their field.

397 (3) Written verification is provided from the issuer(s) of professional errors and omissions liability  
398 insurance, in the amount of one million dollars (\$1,000,000.00), which covers the engineering  
399 geologist and state licensed engineer(s), and which is in effect on the date of preparation of all  
400 required reports and certifications.

4. It is an effort to keep the project geologist in the loop during development design – and to keep designs complying with the geologists recommendations. A reoccurring flaw in relying on the private market to provide optimal geologic hazards safety without significant governmental oversight is that there are not the appropriate checks and balances. Often times development designers do not completely consider the geologists recommendations and infrastructure failures can result. In lieu of significant governmental control over geology review, this section requires that the government check that the project geologist has checked the work and is satisfied.

401 **Sec. 104-27-5 108-22-4. - Disclosure required.**

402 (a) When a natural hazard report shows that a hazard exists which affects a particular parcel, ~~a copy of  
403 the report shall be kept for public inspection in the county planning commission office. The natural  
404 hazard report denoting the type and severity of the hazard, the professional who prepared the report,  
405 the fact that the report is available to the public at the county planning department, and any  
406 restrictions on the use of the parcel required within the natural hazards report shall be recorded as a  
407 deed covenant running with the land, in the office of the county recorder, in addition to the following:~~

408 (1) a copy of the report shall be kept for public inspection in the County Planning Division Office.

409 (2) A covenant that runs with the land shall be recorded, and, if applicable, a note on the  
410 subdivision plat shall be required, which provide:

411 a. Notice that the parcel is located within a natural ~~hazards-special~~hazard study area ~~as~~  
412 ~~shown on the natural hazards map.~~

413 (2)b. Notice ~~of the existence and availability of the~~ that a natural ~~hazards-hazard~~ study and  
414 report ~~is available~~ for public inspection in the ~~county-planning-commission-office.~~ County  
415 Planning Division Office;

416 (3)c. Notice that a hazard has been identified on the parcel and the type and severity of the  
417 hazard;

418 d. The professional who prepared the report, with his or her contact information;

419 e. Any restrictions on the use of the parcel required within the natural hazard report, or by the  
420 Land Use Authority; and

421 f. An agreement by the owner of the parcel and any successor in interest to comply with  
422 any~~the~~ conditions set by the ~~planning-commission~~Land Use Authority to minimize adverse  
423 effects of the natural hazard.

424 (4b) When a natural hazard report is not required, but where the parcel is located within a ~~mapped~~  
425 ~~hazardous area, as shown on one of the~~ natural ~~hazards overlay maps~~hazard study area, notice  
426 that the parcel is located within such an area shall be recorded as a ~~deed~~ covenant running with the  
427 land ~~in the county recorder's office~~and noted on the subdivision plat (if applicable), and shall be  
428 written in a form satisfactory to the ~~county-engineer~~County Engineer and ~~attorney~~County Attorney.

429 (5c) The natural ~~hazards~~hazard ordinance codified in this chapter and natural ~~hazards-maps~~hazard map  
430 represent only those potentially hazardous areas known to the ~~county~~County, and shall not be  
431 construed to include all possible potential hazard areas. The natural hazards listed in this chapter  
432 ~~and associated maps~~ may be amended as new information becomes available. The provisions of  
433 this chapter do not in any way assure or imply that areas outside its boundaries will be free from the  
434 possible adverse effects of a natural ~~hazards~~hazard. This chapter shall not create liability on the part  
435 of the ~~county~~County, any officer or employee thereof for any damages from a natural ~~hazards~~hazard  
436 that result from reliance on this chapter or any administrative requirement or decision lawfully made  
437 thereunder.

438 **Sec. ~~104-27-6~~108-22-5. - Exemptions from ~~filling~~-natural hazard ~~study and~~ report.**

439 Proposed developmentA proposed structure that is not ~~occupied by humans~~a structure designed for  
440 human occupancy shall not be required to provide a natural hazard report, except ~~critical facilities which~~  
441 report shall be provided for a critical facility if required ~~to provide a report.~~ by Section 108-22-3.

442 **Sec. ~~104-27-7~~108-22-6. - ~~Costs~~ to be the responsibility of the developer/applicant.**

443 Any of the above described technical reports and/or studies shall be performed by ~~the required~~  
444 qualified ~~professional~~professionals on behalf of the ~~county through a third-party contract where all fees,~~  
445 costs and expenses are applicant. The cost of outsourced qualified professionals used by the County to  
446 aid in the review required in Section 108-22-3 is the responsibility of the applicant. Any other costs  
447 incurred in providing technical reports or testimony by qualified professionals or expert witnesses shall be  
448 solely the responsibility of the applicant and not the ~~county~~County.

449 **Sec. ~~104-27-8~~108-22-7. - Change of use.**

450 No change in use which results in the conversion of a building or structure ~~from one not~~  
451 useddesigned for human occupancy to one ~~that is so used~~designed for human occupancy shall ~~not~~  
452 be permitted unless the building or structure complies with the provisions of this chapter.

453 **Sec. ~~104-27-9.~~ Variances.**

**Comment [c14]:** One objective of this amendment is to make it clear that expert reviews will not always be required by the County Engineer; but when they are the applicant is responsible for the cost.

454 ~~(a) Ability to grant. The county board of adjustment, when deciding appeals for variances of distance or~~  
455 ~~area within the Natural Hazards Overlay Zone shall follow both the standards of title 102, chapter 3~~  
456 ~~of the Weber County Land Use Code and the standards stated below.~~

457 ~~(b) Items to consider. In deciding whether to grant a variance and what conditions to attach to its~~  
458 ~~approval, the board of adjustment shall consider:~~

459 ~~(1) The likelihood during a significant seismic or other geologic event that materials may be moved~~  
460 ~~onto adjacent land areas causing injury to persons or property;~~

461 ~~(2) The degree of susceptibility to damage by seismic or other geologic activity for the building~~  
462 ~~design or use proposed;~~

463 ~~(3) The importance of the services of the proposed facility to the community and the need for the~~  
464 ~~facility to be functional following a significant event of geologic activity;~~

465 ~~(4) The necessity of the facility to be in the proposed location or proposed design;~~

466 ~~(5) Considering alternate locations and designs available;~~

467 ~~(6) The ability of the community to provide emergency services to the facility in the event of a~~  
468 ~~catastrophe;~~

469 ~~(7) The degree of benefit received from the variance relative to the hazards posed to the facility's~~  
470 ~~neighbors, visitors, and owners.~~

471 ~~(c) Presumption relative to approval. Generally, the standards of this chapter shall not be varied unless~~  
472 ~~an equally safe method of use and construction can be approved.~~

473 ~~(1) The amount of variance approved shall be only the minimum amount required to provide relief.~~

474 ~~(2) A variance shall be granted only if it will not result in a threat to public safety, cause~~  
475 ~~extraordinary public expense, or create a nuisance.~~

476 ~~(3) A variance shall be granted only if it will not result in a threat to public safety, cause~~  
477 ~~extraordinary public expense, or create a nuisance.~~

478 ~~(4) In a continuum beginning with hay barns and agricultural structures and going to high rise~~  
479 ~~apartment buildings and auditoriums, the difficulty in obtaining a variance shall be greater for~~  
480 ~~structures with a high percentage of time when the structure is utilized by humans or is~~  
481 ~~occupied by a large number of people.~~

482 ~~Sec. 104-27-10. Disputes; 108-22-8. - Conflict between boundaries of study area or identified hazard,~~  
483 ~~or mapped hazards.~~

484 ~~The boundary lines of the special study areas shown on the Natural Hazards Overlay Maps shall be~~  
485 ~~determined by use of the scale appearing on the map.~~

486 Where there is a conflict between the ~~boundary lines illustrated on the map~~ boundaries of an  
487 identified natural hazard study area and actual field conditions, or where detailed investigations show that  
488 the ~~mapped hazards are~~ identified hazard is not present within a particular area, the ~~dispute~~ conflict shall  
489 be settled as follows:

490 (1) The person disputing the natural hazard study area boundary ~~area boundary or the mapped hazards present~~  
491 ~~within a particular area~~ boundary shall submit technical and geologic evidence to support such  
492 claim to the ~~planning commission~~ County Engineer in the form of a site-specific natural  
493 ~~hazards~~ hazard report.

494 (2) The ~~planning commission~~ County Engineer may request the ~~Utah Geological Survey, the U.S.~~  
495 ~~Forest Service, and/or other experts~~ outsourced qualified professionals to review the evidence  
496 ~~and make a recommendation~~ prior to making a final written decision concerning the dispute.

497 ~~(3)~~—The cost of the outsourced qualified professional's review shall be paid by the person disputing  
498 the mapboundary.

499 (43) The ~~planning commission~~County Engineer may allow ~~deviations from~~modifications to the  
500 ~~mapped-boundary-line~~ only if the evidence clearly and conclusively establishes that the natural  
501 hazard study area boundary location is incorrect, or that the ~~mapped hazards are~~identified  
502 hazard is not present within a particular area.

503 ~~(5)~~—Any.

504 Sec. 108-22-9. - Appeals.

505 (a) Except as allowed in subsection (b) of this Section, an appeal of any written decision ~~of~~in the  
506 ~~planning commission may~~ application of this chapter shall be appealed ~~to~~in accordance with Title  
507 102, Chapter 3 – Board of Adjustment, of this Land Use Code.

508 (b) When a written decision provided under this chapter contains technical aspects, an applicant may  
509 request the board of county commissioners by filing an appeal within 15 days of County to assemble  
510 a panel of qualified professionals to serve as the ~~planning commission's decision~~ appeal authority  
511 for the sole purpose of determining those technical aspects.

512 (1) The technical aspects of the administration and interpretation of this chapter are decisions  
513 related to:

514 a. the acceptance or rejection of scope, techniques, methodology, conclusions or specific  
515 types of information presented in a study or report;

516 b. the review and recommendation of an acceptable study or report for the Land Use  
517 Authority's consideration;

518 c. the interpretation of any technical provisions of a study or report that is required by this  
519 chapter; or

520 d. the modification of a natural hazard study area boundary.

521 (2) Unless otherwise agreed by the applicant and County, if an applicant makes a request under  
522 this subsection, the County shall assemble the panel consisting of:

523 a. one qualified professional designated by the County;

524 b. one qualified professional designated by the applicant; and

525 c. one qualified professional chosen jointly by the County's designated qualified professional  
526 and the applicant's designated qualified professional.

527 (3) A member of the panel may not be associated with the application that is the subject of the  
528 appeal.

529 (4) The applicant shall pay for one half the cost of the panel in addition to the County's appeal fee.

530 (5) The panel shall be governed by the same appeal provisions of the Board of Adjustment  
531 provided in Title 102, Chapter 3 - Board of Adjustment, of this Land Use Code.

532

**Comment [c15]:** State code requires the county to allow appeals to be run this way. Our natural hazards code does not currently adequately provide for this.

## 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.

