OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

PLANNING MEETING AGENDA

June 23, 2015
5:00 p.m.

Pledge of Allegiance
Roll Call:

1. Minutes: Approval of the May 5, 2015 and May 26, 2015 meeting minutes

2. Consent Agenda:

2.1. UVR060215 Consideration and action on an administrative application, final approval of Phase 1 of The Ridge Townhomes at Wolf Creek PRUD, 8 units, 1st Amended at approximately 3400 North Moose Hollow Drive within the Forest Residential -3 (FR-3) Zone. (John Lewis agent for Capon Capital)

3. Administrative Items:
   a. Old Business
      1. DR2015-04 Consideration and action on a request for Design Review approval of an update to the outdoor lighting plan at Wolf Lodge Condominiums located at 3615 Wolf Lodge Drive in the Forest Residential -3 (FR-3) Zone. (Kyler Lewis, agent for Peak 2 Peak Management, Joanne Klump, Wolf Lodge, Home Owners Association)
4. Public Comment for Items not on the Agenda
5. Remarks from Planning Commissioners
6. Planning Director Report
7. Remarks from Legal Counsel
8. Adjourn to Convene to a Work Session

WS1. DISCUSSION: Continuation to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone (DRR-1) Chapter; the Design Review Chapter; the Parking and Loading Space, Vehicle Traffic, and Signs Chapter within the Weber County Land Use Code

WS2. DISCUSSION: Weber County Land Use Code – Title 108, Chapter 15 (Standards for Single Family Dwellings) and Title 108, Chapter 7 (Supplementary and Qualifying Regulations)

The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
Work Session will be held in the Commission Chambers Breakout Room. A pre-meeting will be held in the Commission Chambers Breakout Room beginning at 4:30 p.m.

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

Minutes of the Ogden Valley Planning Commission Regular meeting May 05, 2015 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Ann Miller; John Howell, Greg Graves, Kevin Parson, Greg Graves, Pen Hollist
Absent/Excused: Will Haymond
Staff Present: Sean Wilkinson, Planning Director; Charlie Ewert, Principal Planner; Ronda Kippen, Planner , Brett Peterson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance
Roll Call:

1. Petitions, Applications and Public Hearings
1.1. Legislative Item:
a. New Business
1. SUBVAC 2014-03: Consideration and action on a request to vacate Lot 13 of the Liberty Meadows Subdivision as part of a plat amendment to correct the location of a drainage easement and to reconfigure the Lot lines that have been established through previously recorded boundary line adjustment located at 3500 E 3700 N, Eden UT (Cecil Satterthwaite, Authorized Agent)

Ronda Kippen said the applicant is requesting to vacate Lot 13 of the Liberty Meadows Subdivision as part of a plat amendment to correct the location of a drainage easement and to reconfigure the Lot lines that have been established through previously recorded boundary line adjustment. The Liberty Meadows Subdivision was recorded in 1972, with a drainage easement that goes down the center of Lot 13. In 1976, it was brought to the county's attention that this easement was in the wrong location and needed to be corrected. The County Surveyor and Engineer performed a site visit to verify that the easement was not where the actual drainage is located and concluded that it needed to be corrected. Because of the erroneously recorded easement, the additional property deeded to Mr. Satterthwaite and the area of Lot 13 that will not be part of the new subdivision, an ordinance to vacate Lot 13 is necessary according to State Statue 17-27a-609 which states, *"that a legislative body may vacate a subdivision or a portion of a subdivision by recording in the County Recorder's Office, an ordinance describing the subdivision or the portion being vacated."* It further states, *"the land use authority may approve a vacation if the land use authority finds that there is good cause for the vacation or amendment and no public street, right-of-way, or easement has been vacated or amended."*

Ronda Kippen said that they are reconfiguring the lot and will it be re-identified per the County Surveyor as Lot 24. The subdivision amendment will be taken care of administratively in a public meeting in the Planning Division office. The vacating ordinance will be recorded with the new subdivision plat, so they don't create any type of nonconformity for Mr. Satterthwaite. Because Mr. Satterthwaite wanted to build a barn, and his site plan identified the barn location in the easement overlapping the original lot line is why this is an issue. Staff is unable to approve the site plan until a new plat is recorded correcting the errors. Included in the findings for good cause for the amendment, part of staff's recommendation that the vacation will allow for a new subdivision plat to move forward, correcting the location of the drainage easement, and granting right for ingress and egress for maintenance to Weber County. The proposal shows good cause for the vacation which will correct the errors found in the previously recorded plat. The applicant has worked with the County Engineer and the applicant's engineer to identify the high water mark because this drainage is not on the adopted stream corridor map. Once the new subdivision is recorded, access will be granted to Weber County in case they need to have access to clean and maintain the easement area.

Chair Warburton said as a point of clarification, staff did send out notices, and she asked how many people in the subdivision contacted staff that was affected, and if staff resolved their issues? Mrs. Kippen replied yes, there were two calls and the main concern was that the property to the east was going to be further subdivided because they love their quiet neighborhood. The one gentleman that resides across the street is also impacted with the same issues of the drainage easement, so he may be coming in to correct that issue as well.

In response to Commissioner Hollist's request, Mrs. Kippen showed where the actual drainage corridor was located. Commissioner Hollist asked with this actual drainage low land, will this action be given a drainage easement? Mrs. Kippen replied yes, they have dedicated a 15 foot easement on the inside of this lot because they cannot doing

anything outside of the lot because it's not part of the subdivision. They have dedicated a 15 foot access easement for ingress and egress from the high water mark along this drainage so the county will be able to come along this area on the interior portion of the lot and they would have this area to be able to work within.

Cecil Satterthwaite, 4015 E River Drive, Liberty, representing his uncle Lynn Satterthwaite, said his uncle wanted to build a woodworking shop; he went in for a building permit, and found that the erroneous easement has never been corrected. Now they have the easement in the correct location, they had their engineer survey it and put it on the plat. Now the easement is actually where the water runs.

Chair Warburton said that because this is a legislative matter, they are opening this up for public hearing. There was no response from the public, and it was closed for public hearing.

MOTION: Commissioner Parson moved to recommend approval of SUBVAC 2014-03 to vacate Lot 13 of the Liberty Meadows Subdivision according to staff recommendations in that this would correct the errors that have been identified. Commissioner Miller seconded. A vote was taken with Commissioner Miller, Howell, Graves, Parson, Hollist, and Chair Warburton voting aye. Motion Carried (6-0).

2. **Public Comment for Items not on the Agenda:** There were no public comments.
3. **Remarks from Planning Commissioners:** No remarks from the Planning Commissioners.
4. **Planning Director Report:** No report from the Planning Director.
5. **Remarks from Legal Counsel:** No remarks from Legal Counsel.

6. **Adjourn to Convene to a Work Session**

WS1. DISCUSSION: Weber County Land Use Code Revision Process: Conditional Use Code

Charles Ewert said Conditional Use Permits are a tool intended to help build a certain degree of discretion to enable them to allow for a greater amount of uses in their use list. Where there is a particular, use they may be able to put a finite number of standards in the code that specify how to use that property and how to mitigate potential impact. Conditional uses are a little vague and the standards are even vaguer. The idea here is if a conditional use permit is required to be approved under the law, provided that they comply with the applicable standards, and they are opening that up at every meeting to talk about conditional use permits to public comment, are they inviting a sense of clamor at the podium? Conditional use permits cannot be subject to public clamor like legislative items. Clamor is not a negative term, essentially public clamor is; emotionally charged, not necessarily fact based, evidence based, creditability based statements; comments such as "I don't like that color, I don't like that shape, those kinds of things can be public clamor. There are various degrees of clamor; and sticking with facts, credibility, and evidence will be where your decisions will be upheld upon review and will be defensible. Making decisions on the clamor side will require a high level of review and the decisions will probably be revised.

Charles Ewert said that a legislative hearing is open for public to hear; it is when the opinions of the people matter. They are creating ordinances that shape their community, and that's the important part. Once the ordinance is there, the standards are set, the process is set, and there is nothing much that this Planning Commission can do when they come to the microphone and state that this is not okay. As for conditional use permits, these are an administrative item, and if he is a member of the public, and the microphone is open for his comment, he probably won't comment on any particular standard, or with a particular sense of objectivity. He would come to the podium and make his statement of opposition, and this Planning Commission would find in favor of the applicant, because they are suppose to find in favor of the applicant, which would make him feel like the Planning Commission didn't even listen, which might be an exercise in futility. Does this give the public the perception in the verbal comment period that their voice will be heard and in the end it won't be? Is it creating an environment where they don't trust the process?

There was a discussion between the Planning Commissioners, and the consensus was that they would like to have the public come to the meetings and present their comments.

In response to the time frame of conditional uses, Director Wilkinson said that currently their code requires 30 days prior to the Planning Commission meeting, and he is not saying that can't be changed, but currently, the application comes in 30 days prior to a meeting. We as staff need time to analyze, to think about writing the report, and this does not happen in two or three days. He does understand from the citizens why they want to review these things, but there has to be the understanding as well, that if it meets the code, it meets the code, and no amount of time or input is going to change that.

Steve Clarke and Kirk Langford agreed with what the Planning Commissioners said about having the public comment verbally during a public hearing.

Charles Ewert required Exhibit A: Proposed Conditional Use Code Amendments noting that those in blue are additions, those in red are deletions, and those in green are recent changes either an addition or deletion.

Section 108-4-1 under Purpose and Intent:

- This explains what a conditional use permit is

Section 108-4-3 under Application and Review Procedures:

- This is broken into two parts, one is what the application shall include, and the second part is the procedure to process the application.
    - (1) An application shall include: This will supplement every application with what is required to review it.
    - Complete application is referenced in state code. If there is a complete application, the applicant is entitled to a decision. Until the application is complete, the applicant is not entitled to a decision. As a review agency or reviewer, if he/she sees something that is incomplete, he/she needs to get that comment to the applicant as quickly as possible, so they know they are not entitled to anything until they have a complete application.
    - The application must comply with standards is part of the complete application.
    - Under state code, the Planning Staff have an obligation to the applicant, to notify them that that their application is incomplete within 30 days from submittal.
    - (2) Application submittal and review: This states the process where an applicant comes in for a pre-meeting and brings a concept plan and talks to staff to get guidance on how to submit a complete application.
    - Upon acceptance of an application, staff will submit it to the applicable review agency.
    - The reviewer will forward to staff reasonable recommendations for conditions.
    - Planning Staff shall review the application, together from applicable reviewers, to determine compliance with this Land Use Code.
    - Upon receipt of the application and staff recommendation, the Land Use Authority shall make the final decision if the application complies with this Land Use Code.

Section 108-4-4 under Decision requirements:

- (a) A Conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards: This verbatim and the rest of the information is added in.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Section 108-4-5 under Conditional use standards:

- The following is a list of standards that may be applied to a conditional use permit. The Land Use Authority may apply any relevant standard to a conditional use provided credible evidence exists that such standard is reasonable and necessary to mitigate detrimental effects of the use.
    - This list of standards is comprehensive, but they may not be relevant to all CUP's.
    - They can get finite on the mitigating standards, but he would suggest not having them in the conditional standards, but have them in the design review standards.
- (1) Standards relating to safety for person and property.
    - A nuisance is a defined term in land use law, but it all comes down to what the science is behind it.
    - They can claim a nuisance if another person is losing their property in a manner that prevents the quiet and enjoyment of your property.

  - Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area
  - They need to identify what the problem is; this is an umbrella because they can't anticipate every harmful detrimental effects
  - Almost all of these are directly measureable and they don't get them until the use has been approved and is in place.
  - Create a fact sheet on what conditions they could look into to mitigate detrimental effects.
- (2) Standards relating to infrastructure, amenities, and services.
  - Recommends not going above and beyond what the experts are suggesting.
  - There are standards and the reason why they are asking for the standard.
  - The conditions of approval should speak to the entire standard not just portions of the standard.
- (3) Standards relating to the environment.
  - Local waters are not managed by the local entities; they are managed by the state.
  - Water Balance Report for the Valley
- (4) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.
  - Providing buffering, screening, or fencing as a standard to not have an unattractive site
  - The general plan should have some general element of architectural control
  - There are already design review controls in place
  - There are architectural controls in place
  - There is the Ogden Valley Lighting Control in place
- (5) Standards relating to performance
  - They might require a developer to submit a bond, an agreement, or a development agreement, but they don't want to administer, manage, and track 100,000 development agreements
  - A bond would be required if it's a large earth moving effort, in terms of storm water and pollution prevention, as well as erosion control and revegetation
- (6) Standards Generally
  - Provide an economic analysis
- (7) Voluntary Contributions providing satisfactory compliance with applicable standards. When considering a conditional use, the Land Use Authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this Chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise.
  - The purpose of any of the above standards can be satisfied by some alternative proposal that the applicant volunteers for and we say they aren't waiving those standards, they have been satisfied.

Section 108-4-6 under Appeal

- They removed revocation from the appeal section and moved it to the expiration section and amended the appeals section. Added the Board of Adjustment is the Appeal Authority for Conditional Use Permits.

Section 108-4-7 under Permit and improvement guarantee

- Just added as may be allowed by law as per the approved site plan, and for the completion of any incomplete improvements

Section 108-4-8 under Revocation and expiration

- Made changes by adding section (a) and added Land Use Authority in section (b).
  - This is an enforcement mechanism; it was only reviewed with certain constraints.

Section 108-4-9 under Discontinued Use

- Made changes by including discontinued and/or abandoned use and replacing planning commission to Land Use Authority.

Commissioner Hollist suggested to Lee Schussman, if he could write a letter to the editor of the Standard Examiner and the Ogden Valley News and highlight Section 108-4-4 Decision requirements, subsection a and b, and indicate that this is the heart of what this Planning Commission has to do. If in his own words say to the public; here is what the state law says, here is what is in front of the Ogden Valley Planning Commission currently for their approval, and that the

assumption is that a conditional use shall be approved unless they can come up with some mitigating circumstances it may be denied, but if there are no mitigating circumstances it must be approved.

WS2. DISCUSSION: Weber County Land Use Code Revision Process: Land Use Table (Agricultural Uses)

Charles Ewert brought up the Land Use Table and said they wanted to categorize and classify the things in accordance with like uses. There are many agricultural uses that have different types of impact. Categorizing like uses in terms of certain impact helps to identify the form and function versus the use. The use isn't always the problem; the issues that become a problem are issues of morality, and when they start talking about uses that should or should not be allowed. All the other uses are just skills of impact, so if they can group things in terms of like impact that is going to help reduce the amount of regulation they have.

Charles Ewert said the members should familiarize themselves with the zoning maps because they will need to know what they are talking about on what is allowed and their proximity to certain neighborhoods, historical features, geological or topographical features. The maps are on Geo Gizmo and if he needs to he could put them on Miradi. The Land Use Table shows the uses as Permitted (P), Conditional (C), or Not (N). The blue underline is the proposed code to be added and the red strikethrough is the existing code to be deleted. It may be more beneficial to go through these item by item.

3. Agriculture: Agricultural uses not otherwise more specifically regulated by this Land Use Code:
   - The Planning Commission needs to know how to interpret and apply the zone. The more specific always trumps the less specific. When you have agriculture and it says general agricultural uses included but not limited to these kinds of things, but if they have a fur farm chinchillas, it's a very specific regulation, and that trumps what your agricultural can do.

18. Animal husbandry: Keeping of horses. The keeping of horses for private use only, subject to the requirements of 108-7-8 of this Land Use Code.
   - Section 108-7-8 – This was changed to Animal husbandry and Setbacks for animals and fowl has been moved further down in this code.
   - Section 101-1-7 Definitions – Animal Husbandry: The term "animal husbandry" means a branch of agriculture for the raising, nurturing, management, breeding and production of domesticated farm animals, not including household pets as defined by this section. Animals are bred and raised for utility (e.g. food, fur), sport, pleasure, and research.
     - Shows the difference between a large animal farm and a small animal farm because the use table treats them differently. Previously, it stated the raising and grazing of horses, cattle, sheep or goats, and it didn't extend the offer to raise other kinds of animals, i.e., elk, alpaca, or llamas.
     - In some types of uses there is a limited number of pets. In a particular type of use, there is not a limit in the large animal numbers. In a dairy farm there is a limitation.
     - Large animal farms, small animal farms, aquaculture, and apiary; they don't count as animal unit calculations.

25. Green House, agricultural. A greenhouse or nursery, accessory to an agricultural use, limited to the sale of product, produced on the premised. No retail shop.
   - Permitted Use in the Land Use Table: AV-3, A-1, A-2, A-3, RE-15, RE-20.

26. Green house, noncommercial. A noncommercial greenhouse, intended for the private use of participating persons who reside in the vicinity.
   - Permitted Use in the Land Use Table: FV-3, FR-1, R-2, R-3, R-1-12, R-1-10.

27. Greenhouse, commercial. See "greenhouse commercial" in commercial use section of this land use table.

171. Greenhouse, commercial. A greenhouse or nursery intended for retail or wholesale sales in the AV-3, A-1, A-2 zones. The greenhouse and nursery shall be limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.
   - Conditional Use in the Land Use Table: AV-3, A-1, A-3.
   - Permitted Use in the Land Use Table: C-2, C-3, CV-2, M-1, M-2, M-3, MV-1.
   - Not Listed in the Land Use Table: A-3, F-5, F-10, F-40, FV-3, FR-1, FR-3, S1, R-2, R-3, R-1-12, F-1-10, RE-15, RE-10, RMHP, RMH-1-6, DRR-1, C-1, CV-1, CVR-1, G, O-1.

15. Animal husbandry, Large-Animal Farm: The raising and grazing of any "large-animal farm" animal husbandry unit, except where otherwise more specifically regulated by this Land Use Code, and subject to the requirements of Section

108-7-8 of this Land Use code. When conducted in the RE-15, RE-20, AV-3, A-1, and A-3 zones, a five acre minimum lot area is required.

- Sec. 108-7-8 – Animal Husbandry: (b) Setbacks for stable, corral, or enclosure etc. (this was already there).
- Sec. 108-7-8 – Animal Husbandry:(c) Sanitary keeping of pasture ground stable, corral, etc. (this is something new).

18. Animal husbandry, keeping of horses: The keeping of horses for private use only, subject to the requirements of 108-7-8. In the O-1 zone, a five-acre minimum devoted to pasture size is required.
    - Permitted Use in the Land Use Table: AV-3, A-1, A-2, A-3, F-5, F-10, F-40, FV-3, FR-1, RE-15, RE-20, DRR-1, O-1.
    - Not Listed in the Land Use Table: FR-3, S-1, R-2, R-3, R-1-12, R-1-10, RMHP, RMH-1-6, C-1, C-2, C-3, CV-1, CV-2, CVR-1, M-1, M-2, M-3 MV-1, G.

7. **Adjournment:** The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission

Minutes of the Ogden Valley Planning Commission Regular meeting May 26, 2015 held in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Laura Warburton, Chair; Ann Miller, Greg Graves, Will Haymond, Pen Hollist, Kevin Parson, John Howell
Absent/Excused:
Staff Present: Jim Gentry, Principal Planner; Charlie Ewert, Principal Planner; Dave Wilson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance
Roll Call:

1. Minutes: Approval of the April 28, 2015 Meeting Minutes

Chair Warburton moved to approve April 28, 2015 meeting minutes as written.

MOTION: Commissioner Graves moved to move Administrative Item #1. UVS051415 and #2. CUP2015-13 to the consent agenda. Commissioner Parson seconded.

VOTE: A vote was taken with Commissioner Miller Graves, Haymond, Hollist, Parson, Howell and Chair Warburton voting aye. Motion Carried (7-1).

2. Consent Agenda:
2.1. CUP 2015-16: Consideration and action for a Conditional Use Permit to raise an existing 40 foot cell tower by 14 feet, add 4 new antennas, and a new equipment shelter to make an existing site co-locatable located at approximately 546 Ogden Canyon in the Forest Residential-1 (FR-1) Zone Craig Chagnon, Agent for AT&T)

1. UVS051415: Consideration and action on a request to amend the Summit Eden Phase 1C PRUD by reducing the parking requirements for Lots 57A through 62R within the Destination Recreation Resort-1 (DRR-1) Zone located at approximately 5761 N Copper Crest, Eden. (Summit Mountain Holding Group, LLC, Applicant)

2. CUP 2015-13: Consideration and action for a conditional use permit for the water system improvements and restroom expansion located at the Cobble Creek RCMP, location to be determined in the Forest-40 (F-40) Zone (John J.D. Simmons, Forsgren Associates)

MOTION: Commissioner Miller moved to approve the consent agenda for CUP2015-16, UVS0514145, and CUP2015-13 Commissioner Parson seconded. A vote was taken with Commissioner's Hollist, Graves, Parson, Haymond, Howell, Miller and Chair Warburton vote aye. Motion Carried (7-0).

3. Administrative Items: (Moved to Consent Agenda)
a. Old Business

4. Public Comment for Items not on the Agenda: None

5. Remarks from Planning Commissioners: None

6. Planning Director Report: None

7. Remarks from Legal Counsel: None

8. Adjourn to Convene to a Work Session in the Breakout Room:

WS1. DISCUSSION: Request to consider allowed detached accessory apartment:

Charles Ewert said there is a gentleman who asked for discussion about detached accessory apartment. He is not here so we will move to the next agenda item.

WS2. DISCUSSION: Request to consider a land use code amendment to the Home Occupation Chapter

Charles Ewert said that the Thomassen's have moved to a five-acre residential property in Western Weber County in the A-1 zone that has an accessory building to run a small business there. When staff looked at this request, he analyzed the potential to change the A-1 Zone to allow for recreational opportunities outside of the home. If the code is written in such a way that they can't, it stops the ability for that to happen. Our current code is written so that they can't use any part of their site for a home occupation, except for 400 sq. ft. maximum inside the dwelling unit. He analyzed this request, saw that there could be a need for someone to have athletic instruction outside the home. He called eight different counties, three of them said inside only, and the other ones said they have a process where someone can ask for outside as well. Our current home occupation code not only restricts it to being inside, it also makes all home occupations permitted across the board; there is not a Planning Commission review, it goes through staff, if it meets the standards they are good to go. There is a list of examples that prohibit home occupations and a list of permitted home occupations. He eliminated those in favor of giving a list of what that they know are prohibited in home occupations, and a list of standards for everything else that comes forward. He asked Kregg and Kami Thomassen to do their presentation.

Kregg Thomassen said that they bought their property in Taylor on 3500 west, and it does have an exterior steel building that the previous owner had built a pool-size collegian basketball court, with hoops on the end and two on the side. As part of this process when they were widening 3500 west, they were told the parameters of that road, and as part of that they would be taking seven feet from the front of their property. The property sits on five acres, and when they looked at the property, they thought about getting a land use permit, and of those allowed business on five acres, fell into Agri-tourism. It seemed like five acres had advantages to them if they needed to fall back on that as an asset. With the road widening project, their property will have less than five acres, and this is why he brought this forward. They don't have a business now and they wanted to address it sooner rather than later. As a little-league basketball coach it has been difficult finding a gym for the junior leaguers and as a coach, he wants to have a facility for these teams to have practice. They aren't licensed physical therapists, trainers, or coaches and they are self-taught but there is a lot of need for that and they wanted to provide something for the kids. The gym has been there since 1994, and a lot of the issues have already been addressed. He has added some renovations like extra padding for safety issues. They would like have the ability to do some instruction and charge for it. This has been around for years and the neighbors are used to it, and there are opportunities and possibilities that they would like to do.

Commissioner Hollist asked staff if they considered an ordinance, in the fact that the county is taking from their property for a road that would place them in a different category. Did they not say in that ordinance that they would not suffer because of an action by the county, making their property ineligible. Mr. Ewert said to clarify there is not currently an ordinance that allows the business to operate on the property. The talked about legislatives changes in the code to allow that first. There has been discussion in the past about businesses that go outside of the home, with different impacts to the neighbors, and what might be mitigated by having a specific lot size for businesses that conduct business outside. That was part of the conversation and now the county takes seven feet where there is not currently a right to do. Now they have 4.8 feet and they are required to have 5 feet, then they wouldn't be entitled to that use.

Charles Ewert said in reference to their specific request, this is not about their site, building, or homes; this is something that could be applied to the county broadly. There are number of ways that they could do this, and his thought was that they could get this as a home occupation, and not open up all recreational opportunities. The A-1 Zone is still residential and not open this up to the ability for someone to have a recreational center on their property, but enable the ability for someone to have a recreational center on their property The A-1 is still residential and not open to the ability for someone to have a recreational center on their property, but enable the ability for someone who lives onsite to work onsite and provide a source of income. To address the impact for this kind of use, they looked at parking lighting, noise, and dust, etc; for outdoor uses. Morgan County, Box Elder County, and Summit County allow outdoor sales. They are allowed part of their yard space for outdoor sales provided that certain criteria are met. The point of home occupation code no matter what the jurisdiction, is to mitigate the effects of a use, and not look at residential essentially. In a home occupation residence, it needs to look, feel, operate, and act like residential site.

Commissioner Howell asked what kind of outdoor activities they plan to do outside. Mr. Thomassen replied that it would all be inside the building; it will be basketball, and a small batting cage netted off that could have some possibilities, but for now it is just basketball. Mr. Ewert added in looking at the proposed language, there is athletic instruction in accessory buildings, and athletic instruction outside. If the issue of conducting business outside, then maybe we should

say only inside and this gets them to where they want to be. They have a swimming pool and they aren't asking to teach swimming lessons, but if this stays adopted they might be able to ten years from now, so long as the state adopts it, they could teach swimming lessons.

Chair Warburton said this sounds very expansive. How many days of the week will you operate, how many people would be involved, and they had talked about 16 people. Mr. Thomassen replied that they are more focused on the school age, it is difficult because when they get a group of six 2nd or 3rd graders, a lot of the times the parents or grandparents will what to be at their kids practice for an hour. The overall occupancy is difficult to determine, even though it's a facility holds 150 people. As far as individual instruction, this Planning Commission could specify and would comply with their suggestion.

Chair Warburton asked this sounds like a business that should be in a commercial zone and what do you think your neighbors will say when they are notified. Mr. Thomassen replied that they are more upset with the road widening and the county taking seven feet from their property, than what they are proposing.

Kami Thomassen said a couple of years ago when they looked at this property and the opportunities they could have, and noticed that they could use this recreational building or playground, but they couldn't charge for the use of it. She understood that they need to keep this a residential feel if they were in a subdivision, but that was built to be more commercial eventually.

Chair Warburton said they have to look at the detrimental effects of the community as a whole. She acknowledged this is where a commercial should come in, but currently this is not commercial. There is a process where you could make that commercial if they wanted to. It is not just this particular project that they have to look, it is all the projects. What they are asking for is a business license for a home occupation license. There is no way to revoke your conditional use permit unless there is a complaint, it's complaint driven, and they can revoke it if there are too many complaints.

Commissioner Parson asked about their parking. Mr. Ewert replied that he would rather keep this in ordinance and policy perspective because they are looking at their specific site and there may be other ways they can deal with this by changing the ordinance in different ways.

Charles Ewert said the Thomassen's property is zoned A-1 and they want to be allowed to have a recreational area outside of their home, it is not for commercial purposes. This requires a CUP and the question is can they make money, and currently they cannot. That's where part of the problem comes in and the reason why he didn't want to address this on a zone by zone basis is because he wanted to ask the broad question for this county wide. If there is a need for this county wide, let's address this through the home occupation process. He wants to make sure that it's clear on the home occupation code as it moves far away from what the Thomassen's want. He will just talk home occupation code and what the Thomassen's want so they are not wasting their time and getting our objectives met.

On Exhibit A: Proposed Changes – Home Occupation Code: Section 108-13-2 Home Occupations: Line: Under (a):
(13) Athletic instruction shall be limited to eight nonresident, nonemployee persons at any one time, including observers, with a maximum of 16 nonresident, nonemployee persons per day. It shall require a minimum lot size of three acres if conducted outdoors or in an accessory building. It shall not include recitals, competitions, performances, and shall not permit general recreational activities without the athletic instruction.

- How many people can be there in association with the athletic instruction? Eight total people not including the employees or coaches, and they are allowed up to two non-resident employees. They can have a husband and wife, two extra coaches.
    - Under the child daycare, the number is 8 and he wanted to be consistent with that number.
    - No more than 8 and up to 16 including observers

(8) Home occupations shall provide adequate off-street parking for residential dwellings, as specified in Title 108 Chapter 8 of this Land Use Code, and in compliance with the following:

a. One parking space shall be required for each driver-age patron or clientele, or one space per two non-driver age patrons or clientele.
b. One parking space shall be required for each non-resident employee.
c. The parking area for patrons, clientele, or non-resident employees shall be substantially screened from view from the adjoining properties.

- As far as parking, they are insuring that there are enough triggers in the code to make sure that as soon as they flip a certain threshold of commercial nature, they're finding their own commercial property. Can they make that threshold for this kind of a use?
- All of these parking standards are for any home occupation that brings in clientele.

The Planning Commission and staff had a discussion with screening and the general consensus was to take that out.

d. Large truck deliveries, except for parcel delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery per week between the hours of 8:00 a.m. and 5:00 p.m. A loading and unloading area, adequately sized for the type of truck, shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.

The Planning Commission and staff had a discussion and it suggested changing the word "parcel" to "packaged." It was also suggested to limit the size of the large delivery truck with a tandem and staff indicated they would do some research on what a large truck with tandem is and the weight issue. The Planning Commission agreed to the delivery being one per week and the hours of operation of 8:00 a.m. to 5:00 p.m.

(13) Athletic instruction shall be limited to eight nonresident, nonemployee persons at any one time including observers, with a maximum of 16 nonresident, nonemployee persons per day. It shall require a minimum lot size of three acres if conducted outdoors or in an accessory building. It shall not include recitals, competitions, performances, and shall not permit general recreational activities without the athletic instruction.

The Planning Commission and staff had a discussion and suggested having only 8 pupils at a time, and have two sessions in a day. As to the acreage, it was suggested to have 3 acres and they were okay with it being conducted outdoors or in an accessory building. On the last sentence replace "it" with Athletic Instruction shall not include recitals, competitions, and performance. Take out and shall not permit general recreational activities without the athletic instruction and remove Athletic and just say Instruction. It was suggested to combine paragraph 11 with paragraph 13.

Section 108-13-2 – Home Occupations

(a) Use regulations. Home occupations are allowed in specified zones in accordance with the provisions of this ordinance:

(1) The following uses are prohibited as home occupations:

(b) Body art or tattoo parlors:

Staff called the Health Department and asked what the regulations are, and they said they regulate that but they don't restrict it, so they can do a body art or tattoo parlor in their home, but under their code they are not allowed and this would be a policy issue from what they currently have. The Planning Commissioners discussed having a body art or tattoo parlor and if it should be allowed as a home occupation.

(h) Sexually oriented businesses:

The Planning Commission asked Mr. Ewert to clarify sexually oriented businesses. Mr. Ewert said there are certain businesses that can be inside of the home, i.e., webcam businesses. They are making money, and they are supposed to be a business, obtain their business license, pay their taxes but under the code it is a sexually oriented business and it is not allowed. There is a big debate in the industry of whether they should be rendering what is happening behind closed doors in a house. Of all the different codes that he read, sexually oriented businesses were not on anybody else's list. We have another sexually oriented business code that specifically says that they are only allowed in certain areas. The Planning Commission said since they are talking about homes businesses, it should stay there.

(i) Others:

The question about someone putting in a motocross or four-wheeler track and staff indicated that on that type of activity, it is outside and they may be charging for people to be outside on their track. Our code would restrict them from doing so under the 400 sq. ft. rule, but if they are allowing instruction, it would no longer restrict them. The noise and dust would be a limiter and it cannot be unreasonable for the residential areas. Keep in mind that motocross is not just a threshold of decibels; it is also an annoying sound. If they regulate decibels, as objective as it gets, it won't flush out all the nuisance and annoyances that the neighbors might complain. What he would suggest doing under prohibited distances is business conducted outside that produces sound above a certain decibel rating as measured from the property line.

(2) Home occupations not prohibited shall be allowed provided compliance with the requirements and standards listed in this chapter:

Staff said he wanted to make a good point of this; in all of their zones they list 513 lines of things that are allowed and if it's not listed, it's not allowed.

(b) Requirements: A home occupation shall comply with the following requirements:

(1) An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities onsite shall be required in order to verify zoning requirements.

(2) The property owner's written authorization shall be submitted as part of the application for the home occupation.

(3) The home occupation shall obtain an annual business license.

Staff asked if anything else should be shown or demonstrated other than these three. The Planning Commission did not add any new requirements.

(c) Standards: A home occupation shall comply with the following standards:

(1) A home occupation shall only be carried on by the resident(s) who reside on the premises; except that two non-resident employees may be allowed provided the lot size is a minimum of one acre.

(2) No changes

(3) The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes. The home occupation shall not occupy more than 400 sq. ft. or 25% whichever is less, of the total floor area of the home. This does not apply to a child day care.

(4) The home occupation shall not substantially increase the demand for services of excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, vibration, smoke, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.

(5) The home occupation shall only be carried on inside a dwelling unit. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling, except for child day care or athletic instruction activities. A child day care may have outdoor facilities for outdoor play. Athletic instruction may have athletic facilities outdoors or in accessory buildings.

The Planning Commission and staff discussed the square footage and the percentage, and it was decided to increase the square footage to 500 sq. ft. and keep the 25% minimum. It was suggested to take out Athletic and keep instruction activities. Staff indicated that he would be looking to change "instruction activities" to some better and it would be inserted before the next meeting.

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

Planning Commission and staff had a discussion and it was decided to take this out. Staff said he was surprised by the Home Occupation Code that doesn't go along with many other jurisdictions in a couple of different ways: (1) 400 sq. ft. inside the dwelling unit is so restrictive and the majority of jurisdictions are not doing that. (2) it is permitted. So they have nailed it down with the 400 sq. ft. inside of the house without having to go through the additional conditional use evaluation of traffic, lighting, noise, inspection, and hours of operation. When they start looking at visiting clientele; in speaking with Summit County, they said that was a big deal. They have Type 1 Home Occupation with no visiting clientele and no employees permitted across the board. Type 2 Home Occupation with clientele and employees, has to go through the conditional use process so they can view their site plan, parking, and evaluate direct impact to neighbors..

(10) Barber or beautician services shall be limited to two stations per residence.

Staff said this was taken straight from the examples of their permitted businesses. It is clear that the intent of the current code is intended to limit the amount of clientele on the inside but it doesn't do that anywhere else with the exception of the four-plexes. The Planning Commission suggested employees or contractors. Staff said that he would work on this further.

(12) Group instruction, motivational, or sales presentations shall be limited to one meeting per month.

Planning Commission and staff had a discussion and it was suggested to eliminate it completely.

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

Planning Commission and staff had a discussion and said to leave this portion as is.

Commissioner Hollist asked staff to bring this back as a whole with the changes so they can review it and then at the next meeting they could recommend approval or not. This needs to be provided to them so they have ample time to review. It was suggested that staff send a copy to them seven days in advance prior to the next meeting.

WS3. DISCUSSION: Weber County Land Use Code Revision Process: Conditional Use Code: This item will be discussed in a future meeting

WS4. DISCUSSION: **Weber County Land Use Code Revision Process: Land Use Table (Agricultural Uses):** This item will be discussed in a future meeting.

9. **Adjournment:** The meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Kary Serrano, Secretary;
Weber County Planning Commission

Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and / or action on an administrative application, final approval of Phase 1 of The Ridge Townhomes at Wolf Creek PRUD, 8 units, 1st Amended at approximately 3400 North Moose Hollow Drive
Agenda Date:	Tuesday, June 23, 2015
Applicant:	Capon Capital, John Lewis
File Number:	UVR0602-15

Property Information

Approximate Address:	3400 North Moose Hollow Drive
Project Area:	3.68
Zoning:	Forest Residential (FR-3)
Existing Land Use:	Townhomes
Proposed Land Use:	PRUD Development / subdivision
Parcel ID:	22-281-0001
Township, Range, Section:	T7N, R1E, Section 27

Adjacent Land Use

North:	Condominiums and a golf course	**South:**	Agriculture, Open Space
East:	Residential	**West:**	Agriculture

Staff Information

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

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 17 (Forest Residential FR-3)
- Weber County Land Use Code Title 104 Chapter 28 (Ogden Valley Sensitive Lands)
- Weber County Land Use Code Title 106 (Subdivision)

Type of Decision

Administrative Decisions: When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The applicant is requesting final approval of Phase 1 of The Ridge Townhomes at Wolf Creek PRUD 1st Amended. Phase 1 has 8 units on 3.68 acres with 2.73 acres being landscape. This property is zoned FR-3 which require group dwellings to have 7,500 square feet of net developable area for each dwelling plus 2,000 square feet of net developable area for each dwelling unit in excess of two in each building. This would mean this phase would need 23,000 square feet. This phase meets this requirement. These units will be used for nightly rentals. The only change to the plat is the development is no longer a condominium. In a condominium air space is sold. The development is now just a PRUD which has a small building envelop under each unit. The change is to make financing of the units easier.

Wolf Creek Water and Sewer will services for this project. The Engineering Office has reviewed the subdivision plat and has no issues.

Summary of Planning Commission Considerations

The planning commission may wish to consider the following questions:

- Are there any potential negative or detrimental effects that have not been considered and need to be addressed with this subdivision approval?
- Does the Planning Commission have other questions that have not been addressed?

Conformance to the General Plan

The proposed subdivision conforms to the Ogden Valley General Plan and complies with all applicable land use codes.

Conditions of Approval

- Requirements of the Weber County Land Use Code
- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District

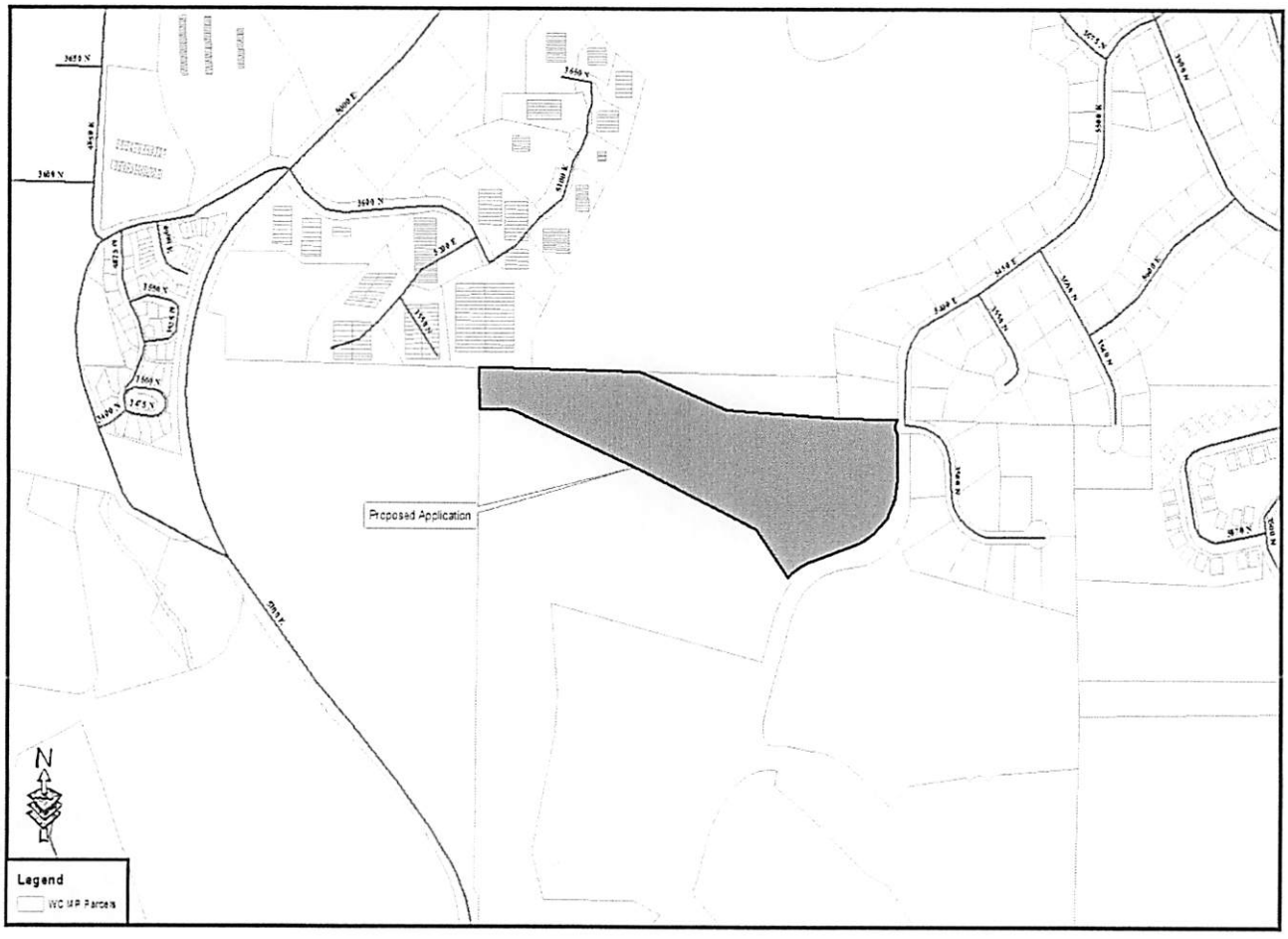
Staff Recommendation

Staff recommends the Planning Commission recommend approval of Phase 1 of The Ridge Townhomes at Wolf Creek PRUD, 8 units Amended.

Exhibits

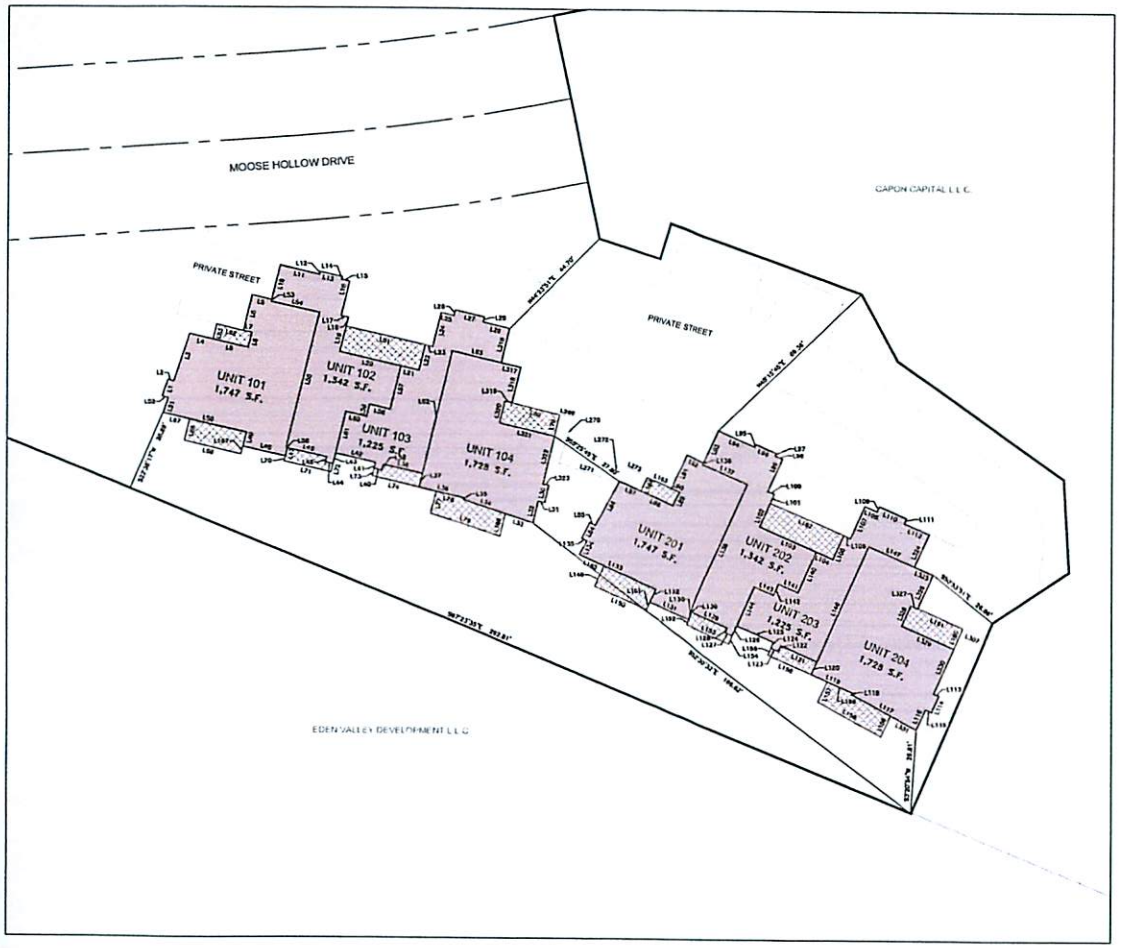
A. Plat Map

Exhibit A



THE RIDGE TOWNHOMES PHASE 1 - 1ST AMENDMENT
A PLANNED RESIDENTIAL UNIT DEVELOPMENT (P.R.U.D.)

PART OF THE NORTHEAST 1/4 OF SECTION 27
T7N, R1E, SLB & M, U.S. SURVEY
WEBER COUNTY, UTAH
JUNE 2015



UNITS 1 - 4

LINE TABLE		
LINE #	LENGTH	BEARING
L1	6.208	N18° 08' 52"E
L2	2.000	S71° 51' 08"E
L3	17.704	N18° 08' 52"E
L4	8.290	S76° 51' 08"E
L5	12.321	S76° 51' 08"E
L6	5.322	N13° 08' 52"E
L7	2.963	N76° 51' 08"W
L8	12.980	N13° 08' 52"E
L9	8.838	S76° 51' 08"E
L10	12.458	N13° 08' 52"E
L11	13.839	S76° 51' 08"E
L12	0.999	N13° 08' 52"E
L13	7.740	S76° 51' 08"E
L14	1.000	S13° 08' 52"W
L15	2.837	S76° 51' 08"E
L16	12.458	S13° 08' 52"W
L17	2.500	S76° 51' 08"E
L18	3.327	S13° 08' 52"W
L19	9.173	S13° 08' 52"W
L20	21.384	S76° 51' 08"E
L21	8.314	S76° 51' 08"E
L22	9.227	N13° 08' 52"E
L23	2.589	S76° 51' 08"E
L24	12.354	N13° 08' 52"E
L25	4.562	S76° 51' 08"E
L26	2.000	N13° 08' 52"E
L27	10.208	S76° 51' 08"E
L28	1.917	S13° 08' 52"W
L29	9.542	S76° 51' 08"E
L30	6.250	S13° 08' 52"W
L31	2.250	N76° 51' 08"W
L32	7.894	S13° 08' 52"W
L33	10.268	N71° 51' 08"W
L34	15.288	N71° 51' 08"W
L35	0.667	N13° 08' 52"E
L36	15.713	N76° 51' 08"W
L37	5.000	N13° 08' 52"E
L38	13.667	N76° 51' 08"W
L39	2.146	S13° 08' 52"W
L40	2.833	N76° 51' 08"W
L41	2.148	N13° 08' 52"E
L42	13.908	N76° 51' 08"W
L43	3.792	S13° 08' 52"W
L44	2.635	N76° 51' 08"W
L45	1.792	N13° 08' 52"E

LINE TABLE		
LINE #	LENGTH	BEARING
L46	13.830	N76° 51' 08"W
L47	3.000	S13° 08' 52"W
L48	14.917	N76° 51' 08"W
L49	5.042	N13° 08' 52"E
L50	29.303	N76° 51' 08"W
L51	5.548	N18° 08' 52"E
L52	2.208	N71° 51' 08"W
L53	0.667	S13° 08' 52"W
L54	16.918	S76° 51' 08"E
L55	49.042	S13° 08' 52"W
L56	0.458	S76° 51' 08"E
L57	15.715	S13° 08' 52"W
L58	7.229	N76° 51' 08"W
L59	4.375	S13° 08' 52"W
L60	7.229	N76° 51' 08"W
L61	15.119	S13° 09' 33"W
L62	44.438	N12° 55' 58"E
L63	17.438	S76° 51' 08"E
L67	9.310	N76° 51' 08"W
L68	7.758	N13° 08' 52"E
L69	20.010	N76° 41' 09"W
L70	1.818	N12° 52' 07"E
L71	18.453	N76° 41' 09"W
L72	3.074	S13° 12' 22"W
L73	2.782	N11° 02' 40"E
L74	18.399	N76° 31' 26"W
L76	9.706	S76° 51' 08"E
L77	7.971	N13° 18' 51"E
L78	25.037	N71° 41' 09"W
L79	7.640	N12° 49' 20"E
L80	17.129	N76° 02' 53"W
L81	27.699	N76° 37' 45"W
L82	9.342	N76° 18' 44"W
L83	5.416	N13° 18' 51"E
L187	2.774	S12° 48' 13"W
L188	8.228	S13° 18' 51"W
L316	12.437	S13° 08' 52"W
L317	8.937	S76° 51' 08"E
L318	12.958	S13° 08' 52"W
L319	2.558	N76° 51' 08"W
L320	7.880	S13° 08' 52"W
L321	19.729	S76° 51' 08"E
L322	17.347	S13° 08' 52"W
L323	2.042	S76° 51' 08"E

UNITS 5 - 8

LINE TABLE		
LINE #	LENGTH	BEARING
L84	6.208	N28° 52' 55"E
L85	2.000	S81° 07' 05"E
L86	17.704	N28° 52' 55"E
L87	8.308	S88° 07' 05"E
L88	12.303	S88° 07' 05"E
L89	5.322	N23° 52' 55"E
L90	2.963	N66° 07' 05"W
L91	12.980	N23° 52' 55"E
L92	8.838	S88° 07' 05"E
L93	12.459	N23° 52' 55"E
L94	13.839	S88° 07' 05"E
L95	0.999	N23° 52' 55"E
L96	7.740	S88° 07' 05"E
L97	1.000	S23° 52' 55"W
L98	2.837	S88° 07' 05"E
L99	12.458	S23° 52' 55"W
L100	2.500	S88° 07' 05"E
L101	3.447	S25° 00' 53"W
L102	9.054	S23° 27' 02"W
L103	21.384	S88° 07' 05"E
L104	8.314	S88° 07' 05"E
L105	9.227	N23° 52' 55"E
L106	2.589	S88° 07' 05"E
L107	12.354	N23° 52' 55"E
L108	4.563	S88° 07' 05"E
L109	2.000	N23° 52' 55"E
L110	10.208	S88° 07' 05"E
L111	1.917	S23° 52' 55"W
L112	9.542	S88° 07' 05"E
L113	2.042	S88° 07' 05"E
L114	8.250	S23° 52' 55"W
L115	2.250	N66° 07' 05"W
L116	7.894	S23° 52' 55"W
L117	25.556	N51° 07' 05"W
L118	0.667	N23° 52' 55"E
L119	15.713	N66° 07' 05"W
L120	5.000	N23° 52' 55"E
L121	13.667	N66° 07' 05"W
L122	2.148	S23° 52' 55"W
L123	2.833	N66° 07' 05"W
L124	2.148	N23° 52' 55"E
L125	13.908	N66° 07' 05"W
L126	3.792	S23° 52' 55"W
L127	2.635	N66° 07' 05"W
L128	1.792	N23° 52' 55"E

LINE TABLE		
LINE #	LENGTH	BEARING
L129	13.830	N66° 07' 05"W
L130	3.000	S23° 52' 55"W
L131	14.917	N66° 07' 05"W
L132	5.042	N23° 52' 55"E
L133	29.303	N66° 07' 05"W
L134	5.548	N28° 52' 55"E
L135	2.208	N81° 07' 05"W
L136	0.667	N23° 52' 55"E
L137	16.918	S66° 07' 05"E
L138	49.042	S23° 52' 55"W
L139	0.458	S66° 07' 05"E
L140	15.715	S23° 52' 55"W
L141	7.229	N66° 07' 05"W
L142	4.375	S23° 52' 55"W
L143	7.229	N66° 07' 05"W
L144	15.119	S23° 53' 36"W
L147	17.438	N66° 07' 05"W
L148	44.438	S23° 40' 01"W
L149	7.981	N23° 32' 55"E
L150	19.889	N66° 05' 07"W
L151	2.951	S23° 52' 55"W
L152	1.959	N23° 32' 55"E
L153	16.584	N66° 05' 08"W
L154	3.179	S22° 05' 35"W
L155	2.831	N23° 52' 55"E
L156	16.500	N66° 02' 15"W
L157	7.990	N23° 54' 53"E
L158	23.037	N81° 05' 07"W
L159	8.188	S23° 54' 53"W
L160	7.704	S23° 39' 29"W
L161	17.142	S65° 31' 40"E
L162	27.787	N88° 28' 31"W
L163	9.337	N66° 53' 43"W
L164	5.195	N23° 54' 53"E
L165	9.414	S66° 07' 05"E
L189	9.808	N66° 07' 05"W
L324	12.437	S23° 32' 55"W
L325	8.937	S66° 07' 05"E
L326	12.958	S23° 32' 55"W
L327	2.558	N66° 07' 05"W
L328	7.880	S23° 32' 55"W
L329	19.729	S66° 07' 05"E
L330	17.347	S23° 32' 55"W
L331	10.186	N81° 03' 45"W

L323	2.042	N78° 51' 08"W

Scale in Feet
1"=20'
0 20 40

LEGEND

- SECTION LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- PROPERTY BOUNDARY
- PUBLIC UTILITY EASEMENT (PUE)
- BUILDING TIES
- PRIVATE
- LIMITED COMMON AREA
- COMMON AREA

SHEET 2 OF 5

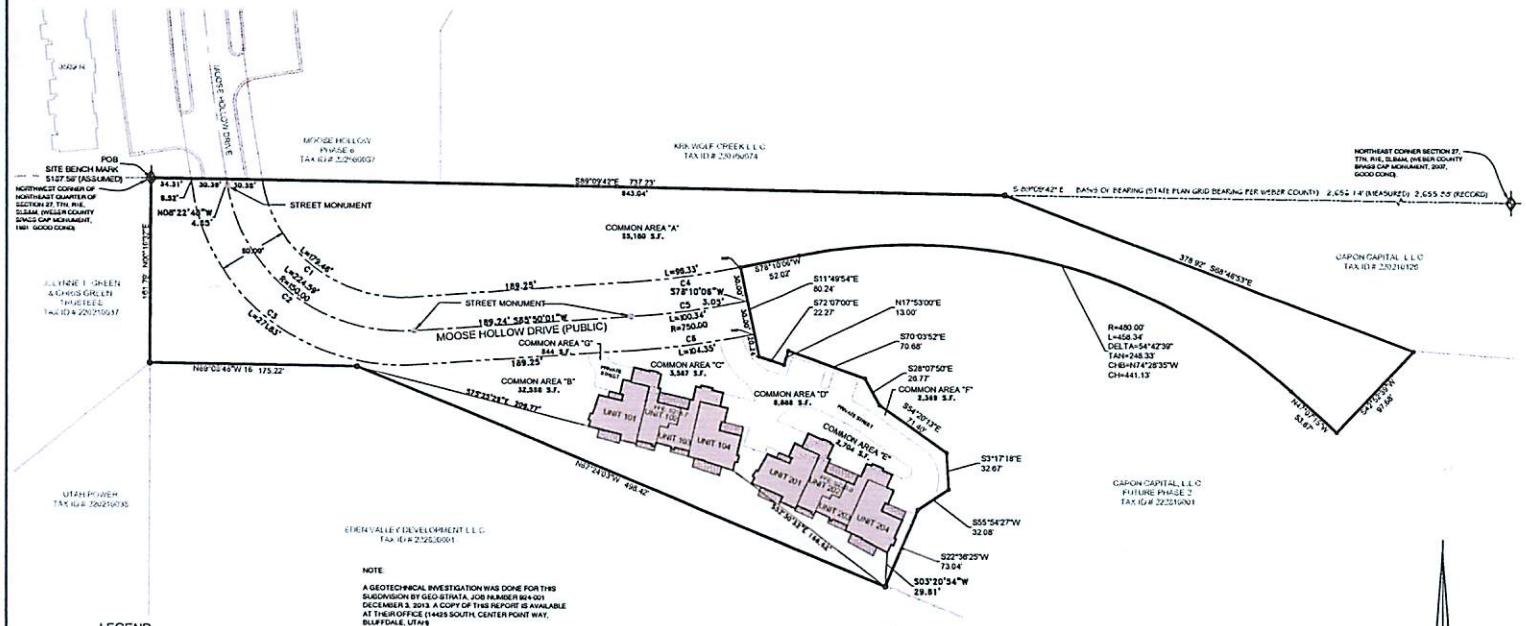
Prepared By:

GARDNER ENGINEERING
CIVIL • LAND PLANNING
MUNICIPAL • LAND SURVEYING
5150 SOUTH 375 EAST OGDEN, UT
OFFICE 801.476.9767 FAX 801.476.9066
www.gardnerengineering.net

COUNTY RECORDER
ENTRY NO. _____ FEE PAID
_____ FILED FOR RECORD AND
RECORDED _____, AT
IN _____ BOOK OF OFFICIAL
RECORDS, PAGE _____ RECORDED
FOR: _____
_____
COUNTY RECORDER
BY: _____
DEPUTY

THE RIDGE TOWNHOMES PHASE 1 - 1ST AMENDMENT
A PLANNED RESIDENTIAL UNIT DEVELOPMENT (P.R.U.D.)

PART OF THE NORTHEAST 1/4 OF SECTION 27
T7N, R1E, SLB & M, U.S. SURVEY
WEBER COUNTY, UTAH
JUNE 2015



NOTE

A GEOTECHNICAL INVESTIGATION WAS DONE FOR THIS SUBDIVISION BY GEO-STRATA, JOB NUMBER 924-001 DECEMBER 3, 2013. A COPY OF THIS REPORT IS AVAILABLE AT THEIR OFFICE (14423 SOUTH, CENTER POINT WAY, BLUFFDALE, UTAH)

LEGEND

- SECTION CORNER MONUMENT
- SET #5 BY 24" REBAR AND CAP STAMPED GARDNER ENGINEERING
- SECTION LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- PROPERTY BOUNDARY
- PUBLIC UTILITY EASEMENT (PUE)
- BUILDING TIES
- PRIVATE
- LIMITED COMMON AREA
- COMMON AREA

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	178.46	120.00	85°40'48"	S31°15'22"E	183.19
C2	224.88	130.00	89°47'24"	N51°16'23"W	204.19
C3	271.83	180.00	86°31'12"	S30°54'14"E	246.72
C4	96.33	720.00	7°40'12"	N82°00'93"E	96.33
C5	100.34	730.00	7°52'12"	N82°00'93"E	100.27
C6	104.38	780.00	7°40'12"	N82°00'93"E	104.28

ADDRESS TABLE

UNIT 101	5161 EAST
UNIT 102	5165 EAST
UNIT 103	5173 EAST
UNIT 104	5177 EAST
UNIT 201	5185 EAST
UNIT 202	5189 EAST
UNIT 203	5197 EAST
UNIT 204	5201 EAST

NOTES:

1. PRIVATE OWNERSHIP WILL BE DEFINED AS ANYTHING WITHIN THE FOOTPRINT OF THE INDIVIDUAL UNITS AS SHOWN ON SHEET 3.
2. LIMITED COMMON AREA TO BE EXCLUDED FROM PUBLIC UTILITY EASEMENT DEDICATION.

NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO AMEND THE CONDO PLAT OF THE THE RIDGE TOWNHOMES PHASE 1 TO BE A PLANNED RESIDENTIAL UNIT DEVELOPMENT ON PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY JOHN L. LEWIS. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING WEBER COUNTY SURVEY MONUMENTS SURROUNDING SECTION 27, TOWNSHIP 7 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION WHICH BEARS SOUTH 89°09'42" EAST 2656.14 FEET WEBER COUNTY, NAD 83, STATE PLANE GRID BEARING.

SITE SUMMARY

TOTAL AREA	= 181,305.82 SQ. FT.
BUILDING COVERAGE	= 12,082.16 SQ. FT.
HARD SURFACE AREA	= 43,061.14 SQ. FT.
LANDSCAPED AREA	= 106,366 SQ. FT.
DEDICATED ROAD AREA	= 31,312.98 SQ.FT.

OWNER:

RIDGE UTAH DEVELOPMENT CORPORATION
JOHN L. LEWIS
5577 EAST ELKHORN DRIVE
EDEN, UTAH 84310
801-430-1507

WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE _____ DAY OF _____ 2015

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT.

SIGNED THIS _____ DAY OF _____ 2015

SIGNATURE

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYORS OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA, AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTE THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.

SIGNED THIS _____ DAY OF _____ 2015

SIGNATURE

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNED THIS _____ DAY OF _____ 2015

SIGNATURE

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH

THIS _____ DAY OF _____ 2015

CHAIRMAN, WEBER COUNTY COMMISSION

ATTEST: _____

TITLE: _____

WOLF CREEK WATER AND SEWER IMPROVEMENT DISTRICT

APPROVED BY THE WOLF CREEK WATER AND SEWER IMPROVEMENT DISTRICT

THIS _____ DAY OF _____ 2015

ROBERT THOMAS, GENERAL MANAGER

ACKNOWLEDGMENT

STATE OF UTAH)
) ss
COUNTY OF WEBER)

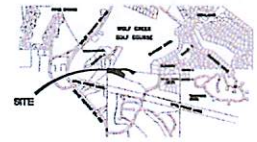
ON THIS ___ DAY OF _____ 2015,

PERSONALLY APPEARED BEFORE ME, JOHN L. LEWIS, THE SIGNER OF THE ABOVE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC

STAMP

VICINITY MAP



BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP SEVEN NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND RUNNING THENCE SOUTH 89°09'42" EAST 737.23 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 03°42'58" EAST 378.92 FEET; THENCE SOUTH 42°57'58" WEST 97.28 FEET; THENCE NORTH 47°57'19" WEST 63.27 FEET; THENCE ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE LEFT 458.34 FEET, HAVING A CENTRAL ANGLE OF 64°27'57", CHORD BEARS NORTH 74°29'58" WEST 441.13 FEET; THENCE SOUTH 76°16'00" WEST 52.02 FEET; THENCE SOUTH 11°49'54" EAST 80.24 FEET; THENCE SOUTH 72°07'00" EAST 22.27 FEET; THENCE NORTH 17°53'00" EAST 13.00 FEET; THENCE SOUTH 70°03'52" EAST 70.68 FEET; THENCE SOUTH 28°07'50" EAST 28.77 FEET; THENCE SOUTH 84°27'13" EAST 71.40 FEET; THENCE SOUTH 03°17'18" EAST 32.67 FEET; THENCE SOUTH 55°54'27" WEST 32.08 FEET; THENCE SOUTH 22°36'25" WEST 73.04 FEET; THENCE NORTH 67°24'03" WEST 496.42 FEET; THENCE NORTH 69°03'48" WEST 175.22 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID WEST LINE NORTH 00°16'32" EAST 151.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.701 ACRES.

SURVEYOR'S CERTIFICATE

I, KLINT WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS SUBDIVISION PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS PLAT; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY; AND THAT THIS PLAT OF;

THE RIDGE TOWNHOMES
PHASE 1

IN WEBER COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDERS OFFICE; I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEBER COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____ 2015

KLINT WHITNEY, PLS NO. 8227228

OWNER'S CERTIFICATE OF CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, JOHN L. LEWIS, RIDGE UTAH DEVELOPMENT CORPORATION, WHICH IS THE OWNER OF THE TRACT OF LAND DESCRIBED HEREON AS THE RIDGE TOWNHOMES PHASE 1 - 1ST AMENDMENT, PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) PROJECT LOCATED ON SAID TRACT OF LAND, DO HEREBY MAKE THIS CERTIFICATE FOR AND ON BEHALF OF SAID CORPORATION BY AUTHORITY OF A RESOLUTION OF THE BOARD OF DIRECTORS OF SAID CORPORATION, THAT SAID CORPORATION HAS CAUSED A SURVEY TO BE MADE, AND THIS RECORD OF SURVEY MAP, CONSISTING OF (5) PAGES TO BE PREPARED, THAT SAID CORPORATION HAS CONSENTED TO AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT.
IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED THE CORPORATE SEAL THIS _____ DAY OF _____ 2015

OWNER'S DEDICATION

DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS PUBLIC STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES DEDICATE AND PEDESTE UNTO THEMSELVES, THEIR HEIRS, THEIR GRANTEES AND ASSIGNS A RIGHT-OF-WAY TO BE USED IN COMMON WITH ALL OTHERS WITHIN SAID SUBDIVISION AND THOSE ADJOINING SUBDIVISIONS THAT MAY BE SUBDIVIDED BY THE UNDERSIGNED OWNERS, THEIR SUCCESSORS, OR ASSIGNS) ON, OVER AND ACROSS ALL THOSE PORTIONS OR PARTS OF SAID TRACT OF LAND DESIGNATED ON SAID PLAT AS PRIVATE STREETS AS ACCESS TO THE INDIVIDUAL UNITS AND PADS, TO BE MAINTAINED BY A UNIT AND PAD OWNERS ASSOCIATION WHOSE MEMBERSHIP CONSISTS OF SAID OWNERS, THEIR GRANTEES, SUCCESSORS, OR ASSIGNS. GRANT AND CONVEY TO THE RIDGE TOWNHOMES PHASE 1 HOA, INC., ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS COMMON AREAS TO BE USED FOR RECREATIONAL AND OPEN SPACE PURPOSES FOR THE BENEFIT OF EACH THE RIDGE TOWNHOMES PHASE 1 HOA INC., MEMBER IN COMMON WITH ALL OTHERS IN THE SUBDIVISION AND GRANT AND DEDICATE TO WEBER COUNTY A PERPETUAL EASEMENT ON AND OVER THE COMMON AREAS TO GUARANTEE TO WEBER COUNTY THAT THE COMMON AREAS REMAIN OPEN AND UNDEVELOPED EXCEPT FOR APPROVED RECREATIONAL, PARKING AND OPEN SPACE PURPOSES; GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREOF AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS. NOTES NUMBER 1 AND 2 ARE BY REFERENCE MADE A PART HEREOF AND INCORPORATED HEREIN.

RIDGE UTAH DEVELOPMENT CORPORATION

SIGNED THIS _____ DAY OF _____ 2015

JOHN L. LEWIS
PRESIDENT

Prepared By:

GARDNER ENGINEERING
CIVIL • LAND PLANNING
MUNICIPAL • LAND SURVEYING
5150 SOUTH 1900 EAST OGDEN, UT
OFFICE: 801.476.0202 FAX: 801.476.0066
www.gardnerengineering.net

SHEET 1 OF 5

COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED _____, AT _____
IN _____ BOOK OF OFFICIAL RECORDS, PAGE _____ RECORDED FOR _____

COUNTY RECORDER

BY: _____
DEPUTY

Staff Report for Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and or action on a request for Design Review approval of an update to the outdoor lighting plan at Wolf Lodge Condominiums located at 3615 Wolf Lodge Drive in Eden.
Agenda Date:	Tuesday, June 23, 2015
Applicant:	Kyler Lewis, Peak 2 Peak Management, Joanne Klump, Wolf Lodge HOA
File Number:	DR 2015-04

Property Information

Approximate Address:	3615 Wolf Lodge Drive in Eden
Project Area:	15.33 acre
Zoning:	Forest Residential (FR-3)
Existing Land Use:	Multi-family
Proposed Land Use:	Multi-family
Parcel ID:	22-094-0049 and 22-090-0037
Township, Range, Section:	T7N R1E Section 22

Adjacent Land Use

North:	**Open Space and Residential**	**South:**	**Multi-family**
East:	**Open Space**	**West:**	**Residential**

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 17 (Forest Residential FR-3 Zone)
- Weber County Land Use Code Title 108 Standards Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Standards Chapter 16 (Ogden Valley Lighting)

Type of Decision

Administrative Decisions: When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The applicant is requesting approval of an amendment to the lighting plan for the Wolf Lodge Condominiums located at 3615 Wolf Lodge Drive in Eden. The 14.41 acre multi-family development (1983) is located in the Forest Residential (FR-3) Zone. The development consists of:

- 12 multi-family buildings each with 12 dwelling units,
- one recreation center building,
- one manager and reception building,
- a swimming pool and spa,
- tennis courts,
- golf putting course, and
- children's playground

The Wolf Lodge Home Owners Association and property management (Peak 2 Peak Management) want to replace many of the outdoor lighting fixtures. A similar style of carriage lantern fixture has been chosen to replace the existing coach lamps. The new lanterns will have a black matte finish with a cream colored glass. Four sizes of fixtures have been chosen for the dwellings, walkways, and association buildings.

- 8 will be mounted on posts along the walkways in the common area. They are 20 inches high and have three interior bulbs.
- 18 will be used around the Clubhouse and Lobby, which are 19 inches high and also have three bulbs.
- 96 will be used on the front sides of the dwelling buildings. They are 12.5 inches high and have only one bulb.
- 194 will be used on the decks and back sides of the dwelling buildings. They are 10.5 inches high and have only one bulb.

It has been requested that LED light bulbs would be used instead of the standard 100 watt incandescent bulbs for energy efficiency. Some questions regarding the standards for LED bulbs arose in reviewing the code standards. Title 108 chapter 16 section 5 provides shielding and filtration requirements depending on the choice of bulb to be used. However, since the adoption of this chapter (2003) many new lighting sources are much more common such as CFL and LED bulbs. As the LED bulbs are not listed, it appears that they would fall under the "other source" category, which requires approval from the Planning Commission.

Sec. 108-16-5. - General requirements.

(a) *Shielding.* All exterior illumination devices, except those exempt from this chapter, and those regulated by subsection (c) of this section, shall be fully or partially shielded as required in subsection (c) of this section.

(1) The term "fully shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

(2) The term "partially shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing light above the horizontal.

(b) *Filtration.*

(1) Those outdoor light fixtures requiring a filter in subsection (c) of this section shall be equipped with a filter whose transmission is less than five percent total emergent flux at wavelengths less than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000 angstrom units.

(2) It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose transmission is less than ten percent total emergent flux at wavelengths less than 4,400 angstroms.

(3) Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

(c) *Requirements for shielding and filtering.* The requirements for the shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

Requirements for Shielding and Filtering

Fixture Lamp Type	Shielded	Filtered
Low pressure sodium (1)	Partially	None
High pressure sodium	Fully	None
Metal halide (6)	Fully	Yes
Fluorescent	Fully	Yes (2)
Quartz (3)	Fully	None

Incandescent greater than 100 W	Fully	None
Incandescent less than 100 W	None	None
Mercury vapor	Fully (7)	Yes (7)
Gas filled tubes (neon, argon, krypton)	None	None
Natural gas/fossil fuels	None	None
Other source	As approved by the planning commission	

Footnotes—

(1) This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

(2) Warm white and natural lamps are preferred to minimize detrimental effects.

(3) For the purposes of the chapter, quartz lamps shall not be considered an incandescent light source.

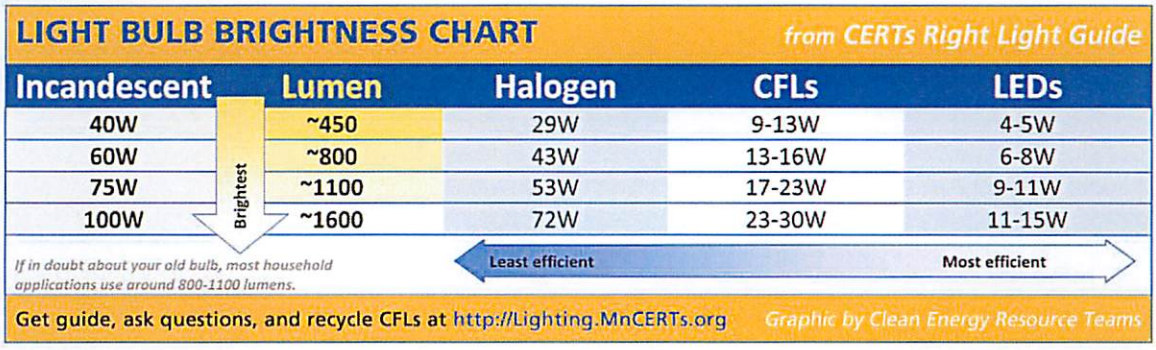
(4) Most glass, acrylic or translucent enclosures satisfy these filter requirements.

(5) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.

(6) Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.

(7) Recommended for existing fixture. The installation of mercury vapor fixtures is prohibited effective 90 days after the effective date of adoption of the ordinance from which this chapter is derived.

As no standards are in place in the Land Use Code for LED bulbs or other sources, the Planning Division staff has provided the following information regarding light that may help in determining what the intent of the standards currently are. The chart below compares bulb types with their associated wattage based upon the Lumens produced (or amount of candle feet produced).



The typical 100 Watt incandescent bulb produces approximately 1600 Lumens. It is suggested that if LED bulbs or other sources are used that they be compared based on Lumens produced with incandescent bulbs of greater than 100 Watts. This follows other typical Dark Sky standards which the Ogden Valley Lighting code was based upon.

Based on this information and the Wolf Lodge application, if 100 Watt incandescent bulbs (>1600 Lumens) are to be used, then the bulb is to be fully shielded beyond the top and bottom of the light source. Based on the fixtures proposed this may be difficult to do as the colored glass alone does not fully shield the light source. If bulbs of a wattage less than 100 Watts (<1600 Lumens) are used, then no shielding is required.

The application proposes that only two LED bulbs of 8 watts (900 Lumens) would be used in the three bulb fixtures, leaving one socket empty. This would reduce the amount of light from the fixture. This, however, accounts for only 26 of the 316

fixtures to be replaced. It is recommended that a fully shielded source be required for the remaining 290 single bulb fixtures if LED's are to be used. If not, one unshielded 75 Watt incandescent bulb could be used.

Summary of Planning Commission Considerations

- Is the proposed design consistent with the applicable Weber County Land Use Code?
- Are the proposed conditions reasonable to the Planning Commission based on the interpretation of the requirements of the code?

Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outline of permitted land uses of the zone in which it is located; all of the applicable requirements of the Land Use Code have been met.

Conditions of Approval

- All light fixtures are to produce only up to 1600 Lumens if unshielded. If larger LED bulbs are used then they are to be fully shielded. (per 108-16-5-a-1)
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Health Department

Staff Recommendation

Approval of the amended lighting plan for the Wolf Lodge Condominiums is recommended based upon compliance with the Weber County Land Use Code, the requirements of applicable review agencies, and the conditions of approval listed in this staff report.

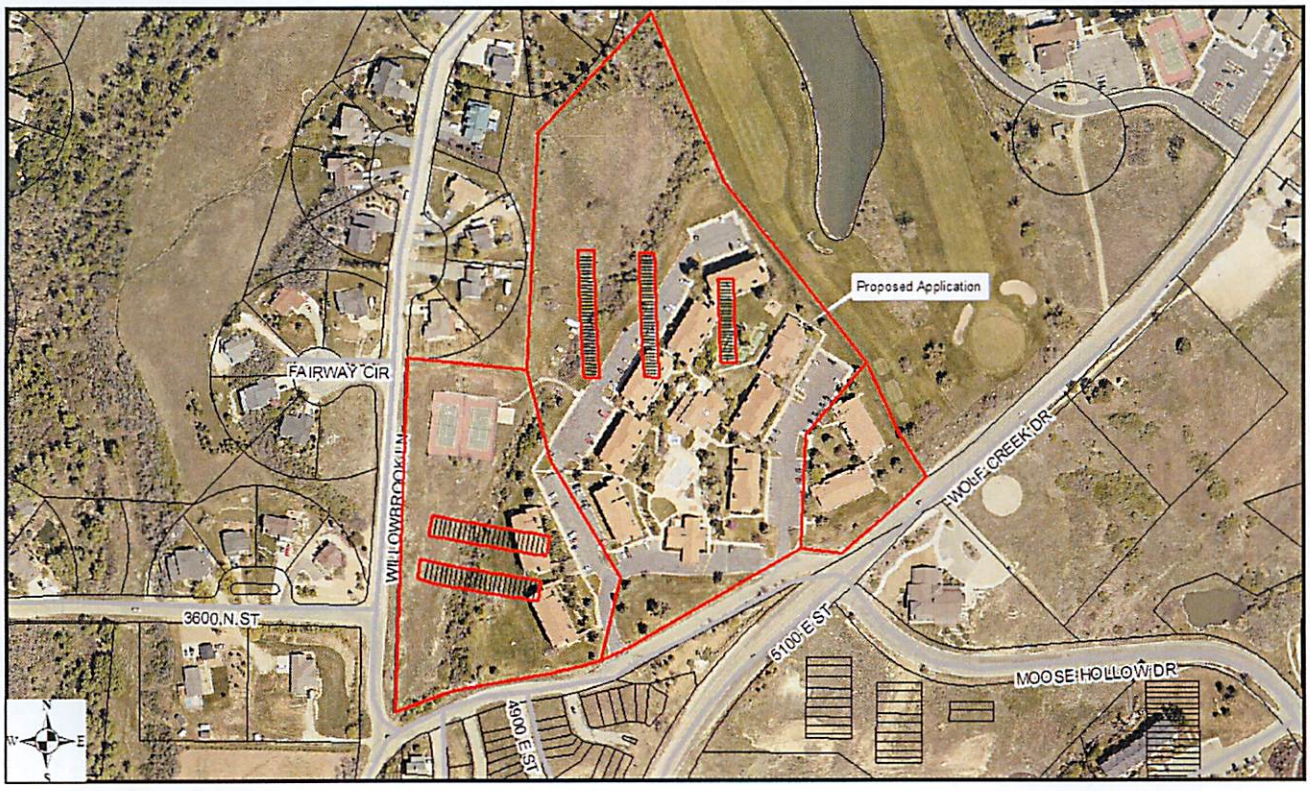
Exhibits

A. Application and narrative describing the lighting to be used
B. Renderings of the proposed light fixtures
C. Site Plan
D. Photos of lights being replaced
E. Example photos of proposed light fixtures

Maps

Map 1

Map 2



Weber County Design Review Application

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

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

Property Owner Contact Information

Name of Property Owner(s)	Mailing Address of Property Owner(s)
Wolf Lodge HOA	3605 N Huntsman Path Eden, UTAH 84310
Phone: 801-745-2009 / Fax:	
Email Address: kyler@peak2peakmanagement.com	Preferred Method of Written Correspondence: ☑ Email ☐ Fax ☐ Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)	Mailing Address of Authorized Person
Kyler Lewis	3605 N Huntsman Path Eden, Utah 84310
Phone: 801-695-1776 / Fax: 801-752-1078	
Email Address: kyler@peak2peakmanagement.com	Preferred Method of Written Correspondence: ☑ Email ☐ Fax ☐ Mail

Property Information

Project Name	Current Zoning
Wolf Lodge Light Fixture Replace	
Approximate Address: 3615 N Wolf Lodge Dr	Land Serial Number(s)

Proposed Use: Updating light fixtures at Wolf Lodge Condos

Project Narrative

See Exhibit

Exhibit A-1

Property Owner Affidavit

I (We), Wolf Ledge HOA, 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.

(Property Owner) (Property Owner)

Subscribed and sworn to me this _____ day of _____, 20 _____.

(Notary)

Authorized Representative Affidavit

I (We), Wolf Ledge HOA, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Kyler Lewis, 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) HOA President (Property Owner)

Dated this 14th day of May, 2014, personally appeared before me JoAnn Kloni, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Kary C. Serrano
(Notary)

KARY C. SERRANO
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 680641
COMM. EXP. 11-19-2018

Exhibit A-2

Project Name:	Wolf Lodge Light Fixture Replacement
Owner:	Wolf Lodge HOA
Address:	3615 N Wolf Lodge Drive Eden, Utah 84310

Authorized Representative:	Kyler Lewis (801)-695-1776 kyler@peak2peakmanagement.com
Tax ID #:	87-0428954

Statement of intended use: We would like to replace all existing old and outdated light fixtures around the property. The current fixtures are approximately 35 years old. We would also like to be in accordance with the Weber County Lighting Ordinance. The sole purpose of this application and proposal is to replace our current fixtures and to comply with all required lighting ordinances.

Note:
We have met with Janet Muir, of the Dark Skies Committee, and discussed the features of our new lights. It is her opinion that we are in accordance with the Dark Skies regulations, as long as we use the correct wattage and lumens of bulbs in our fixtures. Janet gave us permission to use her as a reference, if needed. Her contact number is 917-385-6555.

The next three pages consist of the fixtures and basic specs of the fixtures we are using.
The following pages portray a map of the property and pictures that are relevant to our install of the new fixtures.

SL90077 – These fixtures will be used on the all the buildings and are commercial quantity.
SL90067 – There are eight of these fixtures on posts (mainly around the pool area)
SL91067 – These fixtures are to be used on our clubhouse and lobby (referred to as unique buildings)

15w Led bulbs ≈ 60w incadecent bulbs

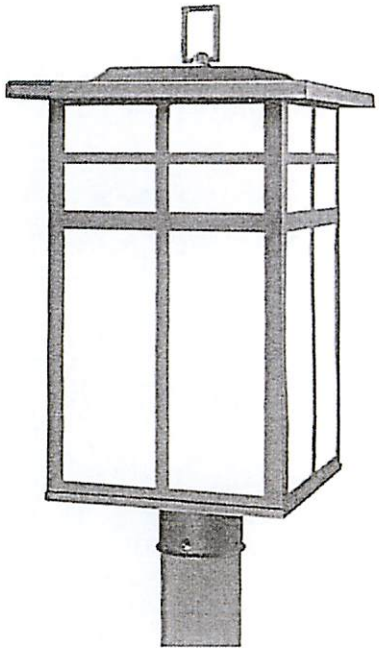
Approximately 900 lumens

Pictures of night/new fixtures

Exhibit A-3

Common Area

(8) **SL90067**



Three-light outdoor post lantern in Matte Black finish with cream colored glass.

Additional information

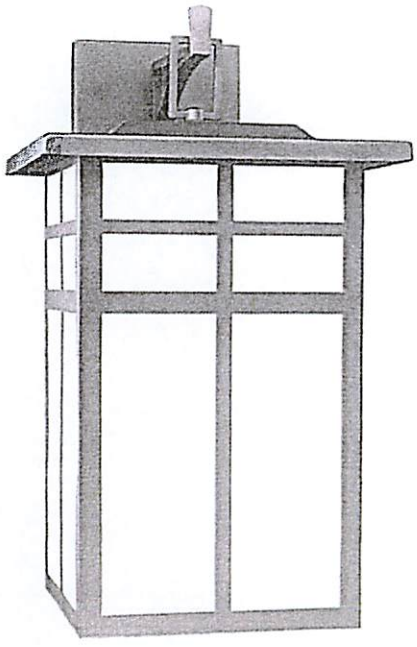
SKU	SL90067
Family Name	Mission
Full Finish	Black
Location	Outdoor
Illumination Source	Incandescent
Fixture Type	Posts & Lanterns
Height	20"
Width	11"
Number of Lights	3 x 60W
Wattage 1	60W
Wet / Damp	WET

10275 W Higgins Rd, 8th Floor I Rosemont, IL 60018 I 800.825.5844

Exhibit B-1

Lobby/Clubhouse
(18)

SL91067



Three-light outdoor wall fixture in Matte Black finish with cream colored glass.

Additional information

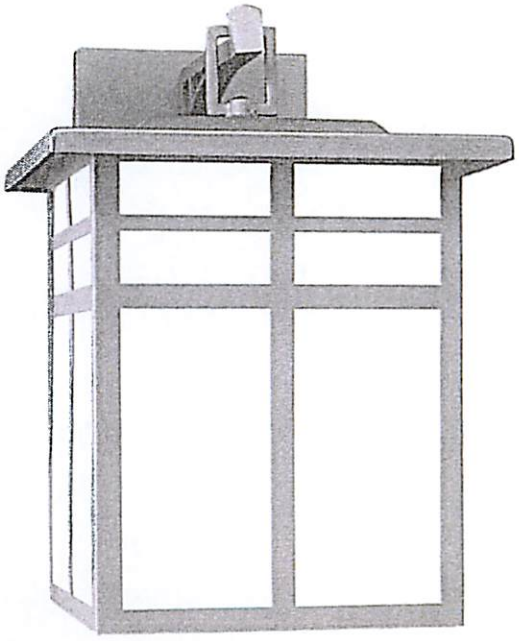
SKU	SL91067
Family Name	Mission
Full Finish	Black
Location	Outdoor
Illumination Source	Incandescent
Fixture Type	Wall
Height	19"
Width	11"
Depth	13 1/2"
HCO	5"
Number of Lights	3 x 60W
Wattage 1	60W
Wet / Damp	WET

Exhibit B-2

10275 W Higgins Rd, 8th Floor I Rosemont, IL 60018 I 800.825.5844

Front Entry
(96)

SL90077



One-light outdoor wall fixture in Matte Black finish with cream colored glass.

Additional information

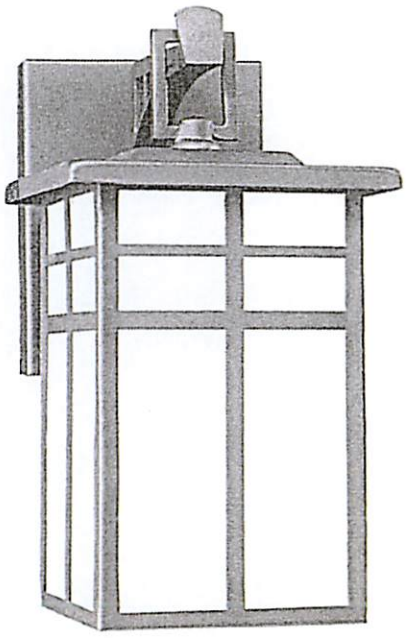
SKU	SL90077
Family Name	Mission
Full Finish	Black
Location	Outdoor
Illumination Source	Incandescent
Fixture Type	Wall
Height	12 1/2"
Width	9"
Depth	11"
HCO	3 1/2"
Number of Lights	1 x 100W
Wattage 1	100W
Wet / Damp	WET

10275 W Higgins Rd, 8th Floor I Rosemont, IL 60018 I 800.825.5844

Exhibit
B-3

Back Deck

(194) **SL91047**



One-light outdoor wall fixture in Matte Black finish with cream colored glass.

Additional information

SKU	SL91047
Family Name	Mission
Full Finish	Black
Location	Outdoor
Illumination Source	Incandescent
Fixture Type	Wall
Height	10 1/2"
Width	5 1/2"
Depth	7 1/2"
HCO	3 1/2"
Number of Lights	1 x 100W
Wattage 1	100W
Wet / Damp	WET

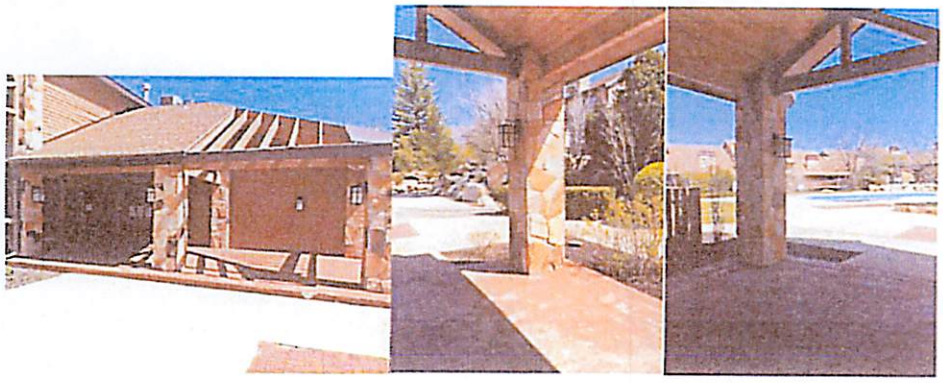
10275 W Higgins Rd, 8th Floor I Rosemont, IL 60018 I 800.825.5844

Exhibit B-4

Site Plan

Exhibit C

More Photos:



The Last three photos are from the two unique buildings on the property and have already been installed. Installation was halted when we learned of need for approval of application and ordinances.

Exhibit D

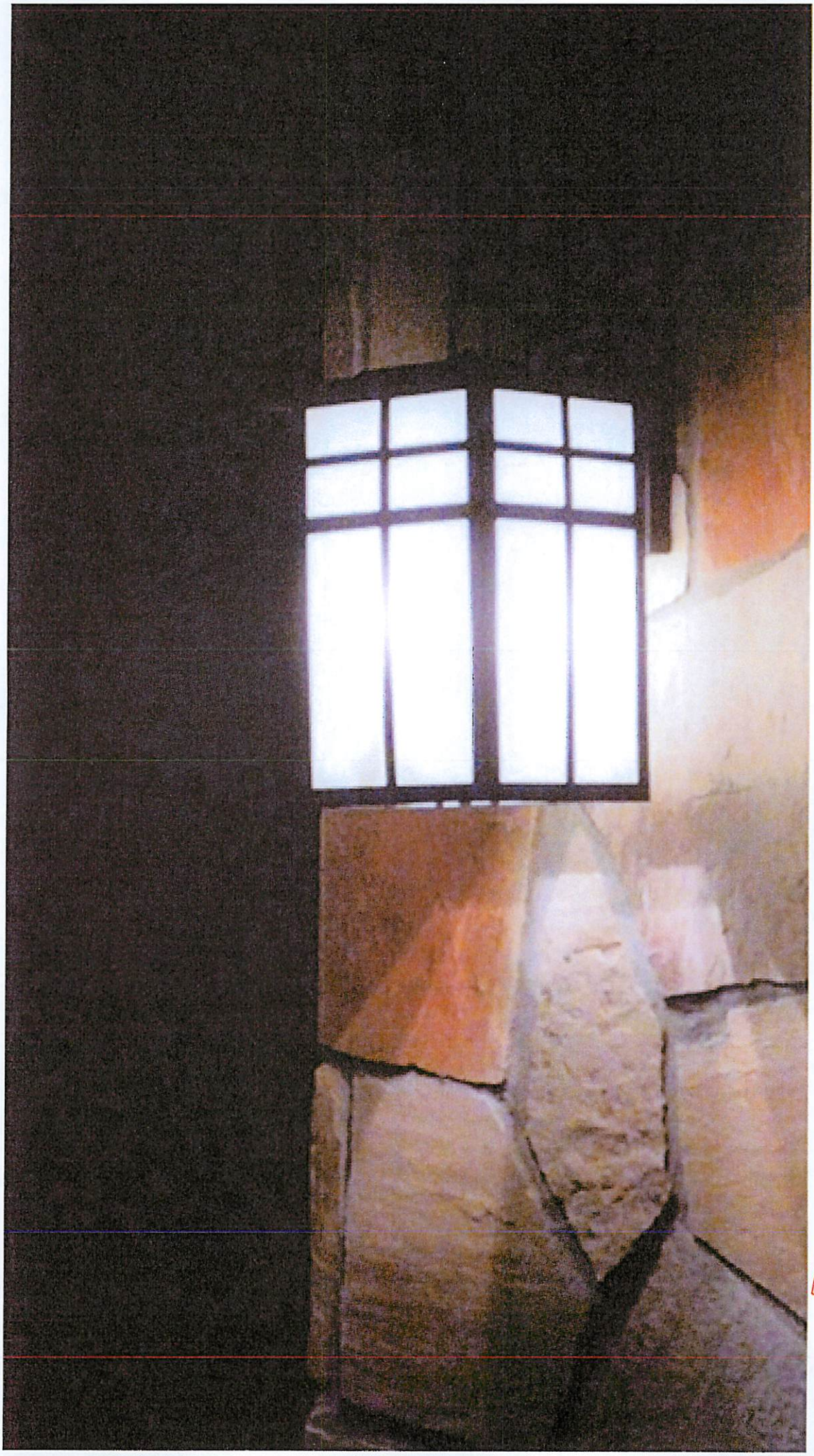


Exhibit
E-1

Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Continuation of a work-session to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone (DRR-1) Chapter; the Design Review Chapter; the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter; the Accessory Apartments Chapter; and the Ogden Valley Signs Chapter within the Weber County Land Use Code.
Agenda Date:	Tuesday, June 23, 2015
Applicant:	Summit Mountain Holding Group L.L.C.
Representative:	Paul Strange, Summit Mountain Holding Group – Eden, Utah
File Number:	ZTA 2015-03

Staff Information

Report Presenter:	Scott Mendoza smendoza@co.weber.ut.us 801-399-8769
Report Reviewer:	SW

Subject Codes

- Weber County Land Use Code, Section 101-1-7 (Definitions).
- Weber County Land Use Code Title 104, Chapter 29 (Ogden Valley Destination and Recreation Resort Zone DRR-1).
- Weber County Land Use Code Title 108, Chapter 1 (Design Review).
- Weber County Land Use Code Title 108, Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations).
- Weber County Land Use Code Title 108, Chapter 19 (Accessory Apartments).
- Weber County Land Use Code Title 110, Chapter 2 (Ogden Valley Signs).

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.

Request and Staff Review

The applicant is requesting that Weber County amend Section 101-1-7 (Definitions); the Ogden Valley Destination and Recreation Resort Zone (DRR-1) Chapter; the Design Review Chapter; the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter; the Accessory Apartments Chapter; and the Ogden Valley Signs Chapter within the Weber County Land Use Code. See pages 1 and 2 of Exhibit A for the applicant's descriptions of the proposed changes.

On Tuesday June 2, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission. During the work-session, Planning Commission input was received for items 1 through 6 as listed below. For contextual purposes, items 1 through 6 remain in this staff report. Refer to pages 2 and 3, of this staff report, for proposed items 1 through 6. Refer to pages 4 through 27, of Exhibit A, for these items written into the County Land Use Code.

At the June 23, 2015 work-session, the applicant will present and gather further input on items 7 through 11. Previously discussed items may be discussed again. Refer to pages 4 and 5, of this staff report, for proposed items 7 through 11. Refer to pages 28 through 37, of Exhibit A, for these items written into the County Land Use Code.

The following describes the requested changes and provides a Planning Division Staff review:

1. **Requested Amendment to Title 101 (General Provisions), Section 101-1-7 (Definitions)**
   This amendment changes the definition of "lockout sleeping room" in the Ogden Valley Destination and Recreation Resort Zone only and adds to the type of units allowed to have "lockout sleeping rooms" in that zone. This change also creates a new "detached" lock-out sleeping room. See page 4 of Exhibit A for proposed language.

   Planning Division Review
   Currently, lock-out sleeping rooms are only allowed when attached to a condominium dwelling unit or a condominium rental apartment. This amendment would allow an "attached" and/or "detached" lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

2. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-2 (Development Standards)**
   This amendment removes Ogden Valley Destination and Recreation Resort Zone buffers where the developer owns the land adjacent to the zone boundary or where the adjacent land owner approves a conceptual plan or site plan that shows encroachments into what otherwise would be a buffer area located at the perimeter of a resort. This amendment also changes minimum lot sizes, lot widths, setbacks, and maximum building heights. See pages 8 and 12-15 of Exhibit A for proposed language.

   Planning Division Review
   Required buffer areas are not intended to apply to land that is part of a resort but "technically" is located across a county line. The proposed language clarifies the intent and allows flexibility when affected parties agree that no buffer is necessary.

   The proposed changes, to the site development standards, provide more neighborhood design flexibility and limit the proposed increase to the maximum building heights (75 feet), of multi-family, commercial, and mixed use structures, to elevations above 6,200 feet. Some development areas, at Powder Mountain, are visible from the Ogden Valley floor; however, the areas are visible at a distance of approximately 5½ to 7 miles. Development areas, above 6,200 feet at Snowbasin, are not visible from the Valley floor.

3. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-7 (Seasonal Workforce Housing)**
   This amendment allows workforce housing units to be located on property contiguous to the resort where today the code requires that employee housing be located within the resort. See page 20 of Exhibit A for proposed language.

   Planning Division Review
   The DRR-1 zone requires that a majority of a resort's seasonal workforce housing be located within the resort. Weber County does not intend to limit seasonal workforce housing to resort property that is located in Weber County only. Housing may be located on property that is in the resort but is "technically" located across a county line. The proposed language clarifies the intent and allows flexibility when the resort owns adjacent property across a county line. Language should be added to clarify that the adjacent property was shown as part of the approved resort boundary or the property has historically been a part of the resort. Language should also be added that states that the adjacent property's zoning designation must allow workforce housing or another jurisdiction, if located in another jurisdiction, has approved the workforce housing.

4. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-8 (Land Uses)**
   This amendment allows some flexibility and makes a clarification for buffers related to heli-ports and adds approximately 12 new permitted uses with 4 of the most noteworthy being Accessory Dwelling Units; Additional Kitchens; Detached Lockouts; and Liquor, wine, and beer manufacturing, blending, distilling, packaging, and sales. It also changes several conditional uses to permitted uses. See pages 20-26 of Exhibit A for changes to the land use table.

Planning Division Review

One standard, related to heli-ports, requires that all landing areas be set back from a property line at least 200 feet. Weber County does not intend to limit heli-ports to resort property that is located in Weber County only. Heli-ports, that meet all applicable standards, may be located on property that is in the resort but "technically" located near or across a county line. The proposed language clarifies the intent and allows flexibility when the resort owns adjacent property or when affected parties agree.

The uses that are currently listed as conditional uses, in the DRR-1 Zone, are also listed as conditional uses in other Ogden Valley commercial and resort development zones.

Proposed uses such as Accessory Dwelling Units, Additional Kitchens, and Detached Lockouts can increase the number of residential-type and other nightly accommodation units without diminishing the total number of dwelling units approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings or other accommodations, can have impacts related to traffic and public services.

5. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-10 (Second Kitchen)**

This amendment creates a new section that states that the construction of a second full kitchen, in a home that is built within the Destination and Recreation Resort Zone, does not require the recording of a Second Kitchen Covenant where today all houses, with second full kitchens, require the recoding of the Covenant. See page 27 of Exhibit A for the proposed new section and language.

Planning Division Review

The construction of a single-family dwelling with a full second kitchen has the potential of operating and having similar, if not the same, impacts as two dwellings. Because the County's subdivision code prohibits having two homes on one lot, Weber County as a policy, has been allowing the construction of a second full kitchen in one dwelling when the owner signs and records a covenant acknowledging and agreeing to operate his or her dwelling as one dwelling. The Second Kitchen Covenant would not prohibit an Accessory Apartment when granted an approval through the conditional use permitting process.

A use such as an Additional Kitchen, without the execution of a Second Kitchen Covenant, can increase the number of residential-type and other nightly accommodation units without diminishing the total number of dwelling units approved as part of a Destination and Recreation Resort development agreement. Any increase to the number and type of dwellings or other accommodations can have impacts related to traffic and public services.

6. **Requested Amendment to Title 104 (Zones), Chapter 29 (DRR-1), Section 104-29-11 (Miscellaneous Improvements)**

This amendment creates a new section that defines "miscellaneous improvements" and states that they are allowed to be built and/or extend into areas outside of a designated building envelope. See page 27 of Exhibit A for the proposed new section and language.

Planning Division Review

Locating "miscellaneous improvements" outside of a building envelope is appropriate in cases where the building envelope is an aesthetic consideration imposed by the developer. "Miscellaneous improvements" may not always be appropriate if a lot is "Restricted" or has a building envelope (or non-buildable area) do to slopes or other geological issues identified on the lot. It may be necessary to distinguish between a developer imposed building envelope and a building envelope that has been put into place because of potential hazards. It may also be necessary to acknowledge situations where sensitive lands and/or easements can prohibit the construction of "miscellaneous improvements" outside of a building envelope.

The most appropriate way to address improvements that can be built outside of a building envelope is to create and utilize plat notes, describing what is allowed, on each individual dedication plat.

7. **Requested Amendment to Title 108 (Standards), Chapter 1 (Design Review), Section 108-1-2 (Application and Review)**

This amendment allows the Planning Director additional flexibility and more discretion when being asked to approve land use applications in the Ogden Valley Destination and Recreation Resort Zone. See page 28 of Exhibit A for proposed language.

Planning Division Review

Currently, the Planning Director has the administrative authority to approve design review applications when a new building's footprint is less than 10,000 square feet and the site is less than one acre. Authorizing the Planning Director to approve larger buildings (up to 100,000 square feet is proposed) constructed at an elevation above 6,200 feet is reasonable because the Planning Commission will have already approved the development through an approved DRR-1 Zone conceptual plan.

8. **Requested Amendment to Title 108 (Standards), Chapter 8 (Parking and Loading), Section 108-8-12 (Ogden Valley Destination and Recreation Resort Zone)**

This amendment creates a new section that grants the Planning Director administrative authority to approve an overall parking plan, in the Ogden Valley Destination and Recreation Resort Zone, where the Planning Commission has already approved a master plan and the proposed parking plan is consistent with that approved master plan. It also allows the Planning Director to modify any provision within the parking chapter. See page 30 of Exhibit A for proposed language.

Planning Division Review

Currently, the Planning Commission has the authority to "adjust the required number of parking spaces" if in its determination there is an unusual or unique circumstance or condition that warrants an adjustment.

Where the Planning Commission already has the ability to make an adjustment to the number of parking spaces, it is more appropriate for the Planning Commission to approve a parking plan when consistent with a previously approved master plan. The Planning Division Staff recommends that very specific approval criteria be provided as part the amendment.

Language addressing the revocation of an approved parking plan should also be provided.

9. **Requested Amendment to Title 108 (Standards), Chapter 19 (Accessory Apartments), Section 108-19-6 (Destination and Recreation Resort Zone)**

This amendment creates a new section that states that Accessory Apartments that are constructed, as part of a single-family dwelling, will be a "permitted" use where otherwise they are conditional uses in all other zones. The amendment also states that existing regulations, found in the Accessory Apartment chapter, do not apply to the Resort Zone and all accessory apartment specifications are "up to the discretion of the developer." See pages 32 and 33 of Exhibit A for proposed language.

Planning Division Review

Currently, Accessory Apartments are a conditional use in all zones. This amendment would permit the construction of any number of Accessory Apartments at any size or relationship to the main dwelling. Also, the previously described amendment to the DRR-1 Zone "land uses" would permit the nightly rental of Accessory Apartments. According to the requested amendments, a resort developer could construct a single-family dwelling with any number of Accessory Apartments or any number of "Attached or Detached Lock-outs" and rent them nightly. See Exhibit D for standards found in the existing Weber County Accessory Apartments Code.

10. **Requested Amendment to Title 110 (Signs), Chapter 2 (Ogden Valley Signs), Section 110-2-5 (Allowable Signs by District)**

This amendment creates a new sub-section and would give the Planning Director the administrative authority to modify any provision in the current Ogden Valley Sign Code and to approve a master sign plan for areas within a Destination and Recreation Resort Zone that sit above an elevation of 6,200 feet. To enable any code modifications and the administrative sign plan approval, the Planning Commission has to have previously approved

a resort master plan and the sign plan has to be consistent with that plan. See page 36 of Exhibit A for proposed language.

Planning Division Review

Currently, there is no provision for modifying any standard in the Ogden Valley Sign Code. Because no specific approval criteria have been provided, it is more appropriate for the Planning Commission to approve any sign code modifications when consistent with a previously approved master plan.

The Planning Director could be granted the administrative authority to modify certain standards, within the sign code, and approve a master sign plan if very specific approval criteria could be provided as part the proposed amendment.

11. **Requested Amendment to Title 110 (Signs), Chapter 2 (Ogden Valley Signs), Section 110-2-8 (Prohibited Signs)**
This amendment would allow "off-site" signs for properties that do not frontage on a road but do have access through another property that has frontage. The "off-site" signs would only be permitted on the adjacent property that provides the access. See page 37 of Exhibit A for proposed language.

Planning Division Review

Currently, the Ogden Valley Sign Code allows a multi-tenant or multi-building project to construct one Entrance Ground Sign (advertising all businesses in the building or in the project) measuring 14 feet tall and 12 feet wide. This sign-type is typically located on a property that has street frontage and is somewhat an "off-site" sign.

The proposed amendment is consistent with existing standards and clarifies that a multi-building commercial project, even though it has multiple/separate building lots, can utilize an Entrance Ground Sign when parties agree.

Summary of Planning Commission Considerations

- Do the proposed amendments conform to the Ogden Valley General Plan?

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission consider the proposed amendments and provide input and direction related to preparing for the Planning Commission to take action at a future public meeting.

Exhibits

A. Application Form and Code pages with amendments.
B. Powder Mountain Resort (DRR-1) Overall Conceptual Plan Map.
C. Snowbasin Resort (DRR-1) Overall Conceptual Plan Map.
D. Current Weber County Accessory Apartments Code.

Exhibit A

Weber County General Plan or Text Amendment Application

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

Date Submitted	*Received By (Office Use)*	*Added to Map (Office Use)*

Property Owner Contact Information

Name of Property Owner(s)		Mailing Address of Property Owner(s)
Summit Mountain Holding Group, L.L.C., SMHG Landco, LLC, SMHG Phase 1 LLC		Paul Strange 3923 N. Wolf Creek Drive Eden, Utah 84310
Phone 801-987-0570	Fax	
Email Address paul@summit.co		Preferred Method of Written Correspondence ☒ Email ☐ Fax ☐ Mail

Ordinance Proposal

Ordinance to be Amended

101-1-7, 104-29-2, 104-29-7, 104-29-8, 104-29-10[NEW], 104-29-11[NEW], 108-1-2, 108-8-5, 108-19-6 [NEW], 110-2-5, 110-2-8

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

Sec. 101-1-7. - Definitions:

Make amendment to definition of "lockout sleeping room" and make changes to types of dwellings allowed to have "lockout sleeping rooms" in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 104-29-2. - Development standards

1. Amend to remove Ogden Valley Destination and Recreation Resort Zone buffers where the Developer owns the land adjacent to the zone boundary or where the adjacent land owner approves.

2. Adjust lot sizes, lot widths, setbacks and building heights.

See attached redline.

Sec. 104-29-7. - Seasonal workforce housing.

Amend to allow workforce housing units to be on property contiguous to the resort.

See attached redline.

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

Amend to permit additional uses.

See attached redline.

Sec. 104-29-10. – Second Kitchen.

Create section to clarify that second kitchens do not require a second kitchen covenant in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Ordinance Proposal (continued...)

Sec. 104-29-11. – Miscellaneous Improvements.

Create section to allow for miscellaneous improvements outside of the building envelope.

See attached redline.

Sec. 108-1-2. - Application and review:

Make change to allow additional discretion for approval by the planning director in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

Make change to allow the Planning Director to approve a parking plan in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.

See attached redline.

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Create New Section 108-19-6 that permits Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone and provide additional discretion for the developer.

See attached redline

Sec. 110-2-5. - Allowable signs by zoning district.

Make change to allow the Planning Director to approve a sign plan above 6,200 feet in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.

See attached redline.

Sec. 110-2-8. - Prohibited signs.

Make change to allow commercial signs on adjacent property where access to a parcel that has a business is via the adjacent parcel.

Applicant Affidavit

I (We), Paul Strange, depose and say that I (we) am (are) the interested member)s) of 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)

(Signature)

Subscribed and sworn to me this _____day of _____, 20 _____,

(Notary)

Sec. 101-1-7. - Definitions.

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

Abandonment. The term "abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

Abutting. The term "abutting" means having a common border with, or being separated from such a common border by a right-of-way.

Accessory dwelling unit (ADU). The term "accessory dwelling unit (ADU)" means an accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU is located in designated areas when constructed on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, an ADU is not, by any means, sold/conveyed separately from the main house. The right to construct an ADU does not constitute a transferable development right. See also *Carriage house*.

Acreage, adjusted gross. The term "acreage, adjusted gross" means a total of all land area that lies within a project boundary and is classified as "developable" by this or any other county, state or federal law, ordinance or regulation.

Acreage, agri-tourism activity center. The term "agri-tourism activity center acreage" means the land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

Acreage, gross. The term "acreage, gross" means a total of all (nondevelopable and developable) land area that lies within a project boundary.

Acreage, net developable. The term "acreage, net developable" means a total of all land area that lies within a project boundary and has not been excluded from use in density calculations or deemed "undevelopable" by this or any other county, state, or federal law, ordinance or regulation. The area within existing and proposed public and private road rights-of-way shall not be counted towards "net developable acreage."

Acreage, productive agri-tourism. The term "productive agri-tourism acreage" means agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

Agricultural arts center. The term "agricultural arts center" means a facility designed for the purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting, acts as a venue for the community to experience, appreciate, and consume art in a variety of forms, including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve meals when served to event participants and/or guests.

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

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

scrap material, debris, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

Kennel. The term "kennel" means the land or buildings used in the keeping of four or more dogs, at least four months old.

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

Landscape plan. The term "landscape plan" means:

(1) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;

(2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;

(3) Number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;

(4) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

Located behind the dwelling. The term "located behind the dwelling" means the setbacks are measured from the farthest rear location of the dwelling and is parallel to the front lot line.

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room in a condominium dwelling unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking interior access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~ In the Ogden Valley Destination and Recreation Resort Zone, the term "lockout sleeping room" means an attached or detached sleeping room (or multiple rooms) on the same lot with or in Single, Two, Three, Four, Multi-Family dwellings, recreation lodges, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, bed and breakfast dwellings/B&B inns/B&B hotels, accessory apartments, workforce housing/dormitories/residence hall, hostel, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.

Lodginghouse/boardinghouse. The term "lodginghouse/boardinghouse" means a building where lodging only is provided for compensation in five or more guest rooms, but not exceeding 15 persons.

Land use authority means a person, board, commission, agency, or other body designated by the county commission, through this title, to act upon subdivision applications.

Lot means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Such parcel shall also have frontage on a street or on a right-of-way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

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

Sec. 104-29-1. - Purpose and intent.

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.

(Ord. of 1956, § 44-1)

Sec. 104-29-2. - Development standards.

(a) *General design and layout.* A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multifamily dwellings.

(b) *Minimum area.* The minimum area requirement for a destination and recreation resort shall be 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.

(c) *Maximum permitted units.* Current zoning is not considered when determining the maximum number of dwelling units allowed within a destination and recreation resort zone. The maximum number of units allowed within the zone (resort) shall be dependent upon:

(1) An applicant's willingness to acquire and/or transfer development rights to the resort;

(2) An applicant's desire to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs) and/or density bonus units (DBUs); and

(3) An applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.

a. The preservation of open space and the maintenance of the Ogden Valley's rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the resort, from elsewhere within the valley. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), that may be used in a request to receive additional transfer incentive matching units (TIMUs) and/or density bonus units (DBUs). These units, requested in addition to the TBUs, are an alternative source of development rights and are considered to be performance based units that may be awarded through a resort's voluntary participation in the transfer incentive and bonus unit options listed below. These options are intended to provide flexibility and the voluntary means of increasing resort development rights through thoughtful and effective mitigation of resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs, the units transferred to the resort shall be from an elevation of 6,200 feet and below. Units transferred from an elevation above of 6,200 feet are permitted; however, those units shall

not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3 through 104-29-5 for transferable development right eligibility and procedures for calculating and transferring units to a destination and recreation resort zone.

b. In the event that a previously approved master planned resort makes application to become (or makes application to amend) a destination and recreation resort zone, the resort may retain the remaining dwelling unit rights associated with a previously approved and executed zoning development agreement given that the resort can meet all other requirements of this chapter and demonstrate a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously approved master planned resort chooses to increase densities beyond what remains as part of a previously approved and executed zoning development agreement, the resort shall be obligated to acquire and incorporate additional contiguous acreage into its boundary and/or acquire additional density in the form of transferable development rights, transfer incentive matching units and/or density bonus units.

1. Density related to additional acreage brought into the resort shall be calculated in conformance with the standards found in section 104-29-2, with the exception of those in section 104-29-4(a)(6) and (a)(7).

2. Density related to additional acreage, brought into the resort, which is the subject of a previously approved master plan, zoning development agreement and/or other agreement with the county relating to (or calculating) density, shall be calculated consistent with terms and conditions set forth in the previously approved master plan or agreement. Other (density and non-density) terms and conditions may, at the discretion of the Ogden Valley planning commission and the county commission, be altered, modified or otherwise amended and included in any rezone approval in order to promote the health, safety and welfare of the residents of the county.

3. Density related to transferable development rights shall be calculated in conformance with the standards found in sections 104-29-3 through 104-29-6

(d) *Transfer incentive matching units.* Each transferred base unit (TBU), that qualifies to receive transfer incentive matching units, shall only be applied to one of the following six categories.

(1) For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir, the county may match that number at a rate ranging from 0.0—2.0 units to each transferred unit, depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley general plan recreation element and shall be subject to the following.

(2) For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir, the county may match that number at a rate of three units to each transferred unit. To be eligible to receive the matching units associated with these parcels the following two conditions must be met:

a. All units, except one unit for every five acres within the parcel, shall be transferred.

b. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley general plan recreation element.

(3) For every unit transferred to a resort from an area within the Important Wildlife Area, as shown on the adopted Ogden Valley Sensitive Lands Map, the county may match that number at a rate of 2.0 units to each transferred unit.

(4) For every unit transferred to a resort from an area within a Ridge Line Area that skylines as viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the

adopted Ogden Valley Sensitive Lands Ordinance), the county may match that number at a rate of 2.0 units to each transferred unit.

(5) For every unit transferred to a resort from an area not previously listed but lying below an elevation of 5,500 feet, the county may match that number at a rate of 1.5 units to each transferred unit.

(6) For every unit transferred to a resort from any other areas within Ogden Valley, with the exception of units transferred from an elevation of 6,200 feet and above, the county may match that number at a rate of 1.0 unit to each transferred unit.

(e) *Density bonus units.* Any bonus units awarded by the county shall be calculated by multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed 60 percent. Actions which qualify for density bonus units and their maximum bonus percentages are as follows:

(1) Develop a resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this chapter (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities): up to a ten percent bonus may be granted.

(2) Develop a resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared traffic impact analysis) that due to proposed transferring of development rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the SR39/SR158 (spillway) intersection, SR158/Hwy. 162 (Eden four-way stop) intersection and the SR39/Hwy. 166 (Huntsville Crossroads) intersection will occur: up to a ten percent bonus may be granted.

(3) For an additional ten percent or more of conservation open space preserved within the resort in excess of the minimum required by this chapter: up to a one time maximum of five percent bonus may be granted.

(4) Provide a developed and (public land agency) approved access to public lands: up to a five percent bonus may be granted.

(5) Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by the county in consultation with the state agriculture extension office: up to a ten percent bonus may be granted for parcels containing 50 acres of more; however; a 20 percent bonus may be granted for preserving an agricultural parcel containing 100 acres or more.

(6) Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by the county in consultation the state historic preservation office: up to a 20 percent bonus may be granted.

(7) Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan: up to a 30 percent bonus may be granted.

(8) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility: up to a five percent bonus may be granted.

(9) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other county-approved entity, for the perpetual location and operation of a public cultural or recreational facility: up to a 20 percent bonus may be granted.

(f) *Maximum permitted units.* The following formula demonstrates how to calculate the maximum permitted units at a destination and recreation resort: The maximum number of permitted units shall diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square feet of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

(g) *Buffer area.* A buffer area, approved by the Ogden Valley planning commission, shall be provided at the perimeter of the resort boundary where commercial and/or multifamily buildings and associated parking are proposed to lie within close proximity to lands that are not a part of the resort, except where at the location of the use the Developer (as defined in the applicable Zoning Development Agreement) owns at least 200 feet of property extending from the resort boundary or where the Developer has received approval from the owner of any property within 200 feet of the resort boundary. The following minimum standards shall apply:

(1) DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

(2) DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit per three acres: a minimum width of 100 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

(3) DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer required.

(4) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

(h) *Development standards.*

(1) *General design and layout.* A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multifamily dwellings.

(2) *Minimum area.* The minimum area requirement for a Destination and recreation resort shall be 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.

(3) *Maximum permitted units.* Current zoning is not considered when determining the maximum number of dwelling units allowed within a destination and recreation resort zone. The maximum number of units allowed within the zone (resort) shall be dependent upon; (1) an applicant's willingness to acquire and/or transfer development rights to the resort; (2) an applicant's desire to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs) and/or density bonus units (DBUs); and (3) an applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.

a. The preservation of open space and the maintenance of the Ogden Valley's rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the resort, from elsewhere within the valley. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), that may be used in a request to receive additional transfer incentive matching units (TIMUs) and/or density bonus units (DBUs). These units, requested in addition to the TBUs, are an alternative source of development rights and are considered to be performance based units that may be awarded through a resort's voluntary participation in the transfer incentive and bonus unit options listed below. These

options are intended to provide flexibility and the voluntary means of increasing resort development rights through thoughtful and effective mitigation of resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs, the units transferred to the resort shall be from an elevation of 6,200 feet and below unless located within an important wildlife habitat area and/or ridgeline area as defined by the Weber County Zoning Ordinance. Units transferred from an elevation above of 6,200 feet are permitted; however, those units, excepting those located with an important wildlife area and/or ridgeline area, shall not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3, 104-29-4 and 104-29-5 of this chapter for transferable development right eligibility and procedures for calculating and transferring units to a destination and recreation resort zone.

b. In the event that a previously approved master planned resort makes application to become (or makes application to amend) a destination and recreation resort zone, the resort may retain the remaining dwelling unit rights associated with a previously approved and executed zoning development agreement given that the resort can meet all other requirements of this chapter and demonstrate a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously approved master planned resort chooses to increase densities beyond what remains as part of a previously approved and executed zoning development agreement, the resort shall be obligated to acquire and incorporate additional contiguous acreage into its boundary and/or acquire additional density in the form of transferable development rights, transfer incentive matching units and/or density bonus units.

1. Density related to additional acreage, brought into the resort, shall be calculated in conformance with the standards found in section 104-29-4, with the exception of those in subsections 104-29-4(a)(6) and (7).

2. Density related to additional acreage, brought into the resort, which is the subject of a previously approved master plan, zoning development agreement and/or other agreement with Weber County, relating to (or calculating) density, shall be calculated consistent with terms and conditions set forth in the previously approved master plan or agreement. Other (density and non-density) terms and conditions may, at the discretion of the Ogden Valley Planning Commission and Weber County Commission, be altered, modified or otherwise amended and included in any rezone approval in order to promote the health, safety and welfare of the residents of Weber County.

3. Density related to transferable development rights shall be calculated in conformance with the standards found in sections 104-29-3 through 104-29-6

(4) *Transfer incentive matching units.* Each transferred base unit (TBU) that qualifies to receive transfer incentive matching units shall only be applied to one of the following six categories:

a. For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir, Weber County may match that number at a rate ranging from 0.0—2.0 units to each transferred unit depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element and shall be subject to the following table:

Percentage of Units Transferred from Parcel	**Match**

Less than 40%	0.0
40% to 55%	1.25
56% to 70%	1.5
71% to 85%	1.75
86% to 100%	2.0

b. For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir, Weber County may match that number at a rate of three units to each transferred unit. To be eligible to receive the matching units associated with these parcels, the following two conditions must be met:

1. All units, except one unit for every five acres within the parcel, shall be transferred.
2. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element.

c. For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within the important wildlife area, as shown on the adopted Ogden Valley Sensitive Lands Map, Weber County may match that number at a rate of 2.0 units to each transferred unit.

d. For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within a ridge line area that skylines as viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the adopted Ogden Valley Sensitive Lands Ordinance), Weber County may match that number at a rate of 2.0 units to each transferred unit.

e. For every unit transferred to a resort from an area not previously listed but lying below an elevation of 5,500 feet, Weber County may match that number at a rate of 1.5 units to each transferred unit.

f. For every unit transferred to a resort from any other areas within Ogden Valley, with the exception of units transferred from an elevation of 6,200 feet and above, Weber County may match that number at a rate of 1.0 unit to each transferred unit.

(5) *Density bonus units.* Any bonus units awarded by Weber County shall be calculated by multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed 60 percent.

a. Develop a resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this chapter (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities); up to a ten percent bonus may be granted.

b. Develop a resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared traffic impact analysis) that, due to proposed transferring of

development rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the SR39/SR158 (spillway) intersection, SR158/Highway 162 (Eden four-way stop) intersection and the SR39/Highway 166 (Huntsville Crossroads) intersection will occur; up to a ten percent bonus may be granted.

c. For an additional ten percent or more of conservation open space preserved within the resort in excess of the minimum required by this chapter; up to a one-time maximum of five percent bonus may be granted.

d. Provide a developed and (public land agency) approved access to public lands; up to a five percent bonus may be granted.

e. Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by Weber County in consultation with the Utah State Agriculture Extension Office; up to a ten percent bonus may be granted for parcels containing 50 acres of more; however; a 20 percent bonus may be granted for preserving an agricultural parcel containing 100 acres or more.

f. Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by Weber County in consultation the Utah State Historic Preservation Office; up to a 20 percent bonus may be granted.

g. Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan; up to a 30 percent bonus may be granted.

h. Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility; up to a five percent bonus may be granted.

i. Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other county-approved entity, for the perpetual location and operation of a public cultural or recreational facility; up to a 20 percent bonus may be granted.

(6) [*Calculating maximum permitted units.*] The following formula demonstrates how to calculate the maximum permitted units at a destination and recreation resort:

Applicant's initial Transfer of Base Units (TBUs)

\+ Transfer Incentive Matching Units (TIMUs) Awarded by Weber County

× Density Bonus Unit (DBUs) Percentage Awarded by Weber County

———

= Maximum Permitted Units

a. The maximum number of permitted units shall diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square feet of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

(7) *Buffer area.* A buffer area, approved by the Ogden Valley Planning Commission, shall be provided at the perimeter of the resort boundary where commercial and/or multifamily buildings and associated parking are proposed ~~to lie~~ within close proximity to lands that are not a part of the resort, except where at the location of the use the Developer (as defined in the applicable Zoning Development Agreement) owns at least 200 feet of property extending from the resort

boundary or where the Developer has received approval from the owners of any property within 200 feet of the resort boundary. The following minimum standards shall apply:

a. DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

b. DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit per three acres: A minimum width of 100 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.

c. DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer required.

d. No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

(8) *Site development standards.*

a.	*Minimum lot area*		
	1.	Single-family residential/main building	~~6,000 sq. ft~~None.
	2.	Two, three, four and multi-family, commercial and mixed use structure	None
	3.	Public utility substation	As required in Chapter 26, Public Utility
	4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
b.	*Minimum lot width*		
	1.	Single-family residential/main building	~~60 feet~~None
	2.	Two, three, four and multi-family, commercial and mixed use structure	None
	3.	Public utility substation	As required in Chapter 26, Public Utility
	4.	Other	~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~None

c.	*Site setbacks.* Setbacks shall apply for the following specific uses:		
	1. Front yard		
	i.	Single, two, three and four-family dwelling	None (0 feet)~~20 feet~~
	ii.	Accessory building related to the above	None (0 feet)~~20 feet~~
	iii.	Multifamily, commercial and mixed use structure	None (0 feet)
	iv.	Accessory building related to the above	None (0 feet)~~20 feet~~
	v.	Public utility substation	As required in Chapter 26, Public Utility
	vi.	Other	None (0 feet)~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~
	2. Side yard		
	i.	Single, two, three and four-family dwelling	~~8~~ 3 feet ~~with a total of two required side yards of not less than 18 feet~~
	ii.	Accessory building	~~3~~8 feet~~, except 3 feet when located at least 10 feet from the rear of the dwelling~~
	iii.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel sides on an existing parcel in a commercial zone, lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.

	iv.	Accessory building	None (0 feet); exception is the same as above
	v.	Public utility substation	As required in Chapter 26, Public Utility
	vi.	Other	~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~None
3.	Rear yard		
	i.	Single, two, three and four-family dwelling	~~20~~ 10 feet
	ii.	Accessory building	3 feet~~, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot~~
	iii.	Multifamily, commercial and mixed use structure	None (0 feet); except where a destination and recreation resort parcel rears on an existing parcel in a commercial zone lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
	iv.	Accessory building	None (0 feet); exception is the same as above
	v.	Public utility substation	As required in Chapter 26, Public Utility
	vi.	Other	~~As otherwise required by the Uniform Land Use Ordinance of Weber County~~None.
d.	*Maximum building height*		
1.	Single, two, three and four-family dwelling		35 feet
2.	Multifamily, commercial and mixed use structure		55 feet at elevations lower than 6,200 feet above sea level. ~~Any building designed to exceed a height of 55 feet shall require a conditional use permit unless otherwise exempted in Chapter 23 (23-5), Supplementary and Qualifying Regulations.~~ 75 feet at elevations of

			at least 6,200 feet above sea level.
	3.	Public utility substation	35 feet, unless otherwise exempted in Section 108-7-5~~Chapter 23 (23-5),~~ Supplementary and Qualifying Regulations
	4.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County

(9) *Open space.* A minimum of 60 percent of the adjusted gross acreage, owned by the resort and located within the destination and recreation resort zone, shall be designated as open space. A portion of that open space shall consist of conservation open space in an amount equal to or greater than 30 percent of the resort's adjusted gross acreage. The area designated as conservation open space shall be encumbered by an irrevocable conservation easement meeting the general/applicable requirements described in section 104-29-6 of this chapter and shall be granted prior to beginning any construction within an overall project phase. The minimum number of acres encumbered by each easement shall be equal to or greater than the number of acres involved in each project phase until the total number, of required conservation open space acres, is met. Areas dedicated (platted and recorded) as open space within residential and nonresidential subdivisions may count towards the minimum open space requirement.

(Ord. of 1956, § 44-2)

Sec. 104-29-3. - Transferable development right (TDR) eligibility.

Real transfer from parcels contiguous or noncontiguous to the resort and not included as part of DRR-1 Zone. A landowner may transfer development rights from any lot of record or described parcel of land that is contiguous or noncontiguous to the resort and meets or exceeds the minimum (single-family dwelling) area requirement for the zone in which it located. A landowner may also transfer development rights from any parcel that has been described in a document (e.g., deed, sales contract or survey) and subsequently recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992. This parcel must have complied with the zoning requirements in effect at the time of its creation but not necessarily undergone or successfully completed the county subdivision process. Development rights transferred from parcels, as described above, shall be considered eligible to receive TIMUs and DBUs as described in section 104-29-2(c) (Maximum permitted units). A resort that transfers development rights shall do so by conforming to the requirements of this chapter and shall finalize and record all necessary transfers (for a particular phase or part thereof) prior to submitting any application for subdivision or plan approval for any site within the destination and recreation resort zone.

(1) At the discretion of the resort, development rights required to be transferred in order to establish an initial number of transferred base units (TBUs), as described in section 104-29-2(c) (Maximum permitted units), may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only.

(2) Refer to section 104-29-4 (Calculating transferable density) for transferable density calculation requirements. Refer to section 104-29-5 (Transferable development right procedure) and section 104-29-6 (Transferable development right easement) for procedural and content requirements relating to a transfer of development right easement.

(Ord. of 1956, § 44-3)

Sec. 104-29-4. - Calculating transferable density.

(a) Transferable density calculation for real transfers. Except for the circumstances and/or conditions listed below, every lot of record; and every described parcel of land exceeding the minimum (single-family dwelling) area requirement, for the zone in which it is located; and every parcel/lot that has been described in a deed, sales contract or survey that was recorded in the office of the county recorder, in between January 1, 1966, and June 30, 1992, and met the zoning requirements in effect at the time of its creation but has not necessarily undergone and successfully completed the county subdivision process shall be granted transferable development rights based upon the parcel/lot's record description/area and current or other applicable zoning. Transferable development rights shall be excepted from and/or not granted to the following:

(1) Areas within a described parcel of land containing slopes of 40 percent or greater in forest zones and 30 percent or greater in all other zones.

(2) Areas within a described parcel of land and/or proposed irrevocable transfer of development right easement (ITDRE) reserved for future development or designated as a reserved future development area (RFDA) on an approved transferable development right site plan.

(3) Areas within a described parcel of land or lot of record restricted by conservation easement or similar instrument restricting residential or commercial development.

(4) Areas or tracts of land owned by federal government and/or state government agencies.

(5) Areas or tracts of land lying outside of the Ogden Valley area as defined by the Ogden Valley general plan, recreation element project area map adopted December 27, 2005 (OVGPRE; Figure 1, pg 4).

(6) Lot of record subject to the payment of fees for operation and/or maintenance of common areas, open space, amenities and/or private facilities.

(7) Fractional and/or noncontiguous portions of a lot of record or parcel of land that does not meet or fully exceed the minimum (single-family dwelling) area requirement for the zone in which it is located.

(b) The following provides an example of calculating the development rights associated with a typical parcel of land that exceeds the minimum (single-family dwelling) area requirement.

(Ord. of 1956, § 44-4)

Sec. 104-29-5. - Transferable development right procedure.

(a) Real transfer from parcels contiguous or noncontiguous to the resort but not included as part of DRR-1 Zone. At the discretion of the resort, development rights required to be transferred in order to establish an initial number of transferred base units (TBUs), as described in section 104-29-2(c) (Maximum permitted units), may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only. In either situation, the property owner or his representative who wishes to transfer development rights shall complete the following:

(1) *Registration.* A property owner or his representative who is interested in transferring development rights from their property shall register to do so by declaring his intent and desire, to transfer development rights, on an official county request to register transferrable development rights form. The transferrable development right register shall be maintained by the county planning division and shall be made available to any resort upon request.

(2) *Certification request.* A property owner or his representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone shall obtain an Ogden Valley certificate of transferable development rights by providing the county planning division with the following:

a. Payment of a certification fee.

b. Complete county request to certify transferrable development rights form.

c. Map of the property in the form of a county recorder's plat or record of survey map filed in accordance with USC 17-23-17.

d. Legal description, including total acreage, as it appears in the county recorder's office or as it is described on a record of survey map on file in the county surveyor's office.

e. Transferable development right site plan, drawn to a scale no smaller than 100 feet to one inch, that demonstrates the location and dimensions of all important features including, but not limited to, reserved future development right areas, water bodies or courses, easements and buildings within the subject parcel (transferring parcel) of land.

f. Slope analysis, performed by a professionally licensed engineer or land surveyor, that identifies developable acreage as described in the section 106-2-9 of this Land Use Code. This requirement may be waived by the county engineer upon finding that the subject parcel of land (transferring parcel) is not affected by steep terrain as defined in section 106-2-9

g. Preliminary title report demonstrating that the subject parcel of land (transferring parcel) has clear title; or a preliminary title report identifying any interested party making claim to the property and/or any beneficiary of an easement or encumbrance that exists in the form of a mortgage, deed of trust or other instrument that either secures the property and its unrestricted value as collateral or restricts development in any manner.

h. Title report summary letter prepared by the property owner or his representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone. The letter shall, in the form of an outline, list all interested parties and provide contact information and details describing interest and/or encumbrance types and order of subordination if applicable.

i. Subordination agreement, provided by each and all interested parties with rightful claims and/or beneficiaries of existing encumbrances, that clearly states that the interested party and/or beneficiary acknowledges and agrees to a subordinate position to the grantee of an irrevocable transfer of development right easement (ITDRE) and the enforcement of its terms. The letter shall also clearly state that the interested party and/or beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the ITDRE.

j. Proposed transfer of development right easement meeting the requirements of section 104-848.

k. Proposed transfer of development rights deed.

(3) *Certification.* The county planning division, after consideration of all relevant information, shall issue a certificate of transferable development rights, based on an official request and its conformance to the standards of this chapter. The certificate shall state the number of transferable development rights approved and available for transfer and shall be valid for a period of time not to exceed 60 days from the date of issuance.

(4) *Transfer.* Prior to the expiration of a certificate of transferable development rights and prior to or at the time of application for a specific land use (e.g., subdivision or site plan approval) within a destination and recreation resort zone, all transfer documents, including an approved transfer of development rights deed and an approved transfer of development right easement, shall be executed by appropriated signature and recordation in the office of the county recorder. Recording of the transfer of development rights deed and a transfer of development right easement shall constitute a complete transfer, therefore, enabling resort land use applications to be accepted and processed through the county planning division.

(Ord. of 1956, § 44-5)

Sec. 104-29-6. - Transferable development right easement.

Irrevocable transfer of development right conservation easement. To ensure consistency and the perpetual protection and preservation of a parcel's conservation values, a parcel that is the subject of a proposed development right transfer shall be encumbered by an irrevocable transfer of development right conservation easement that meets the requirements described in section 57-18-1 et seq. of Utah Code and consists of but is not be limited to the following content and/or requirements:

(1) *Title/form.*

a. The easement shall be entitled as an "Irrevocable Transfer of Development Rights (TDR) Conservation Easement."

b. The easement shall be in a form considered appropriate and acceptable to the office of the Weber County recorder.

(2) *Grantor/grantee.* The easement shall name Weber County and one other qualified conservation organization, which is authorized to hold interest in real property, as the grantees. The qualified conservation organization, named as grantee, shall meet the requirements described in section 57-18-3 of Utah Code and shall require the approval of the county.

(3) *Recital.* The easement shall recite and explain all matters of fact, including a parcel/boundary description, which are necessary to make the transaction intelligible.

(4) *Nature of easement.* The easement shall explain its perpetual, irrevocable, inheritable and assignable nature.

(5) *Purpose.*

a. The easement shall explain its purpose in terms of how it is intended to protect, preserve, enable the creation or continuation of an anticipated use and prevent certain conditions or uses upon the land that may diminish its open space qualities.

b. It shall be acknowledged, within this section, that the above "statements of purpose" are intended to be a substantive provision of the easement and that any ambiguity or uncertainty regarding the application of the terms of the easement will be resolved so as to further its purpose.

(6) *Permitted uses and activities.*

a. The easement shall list the property rights that have been retained by the grantor, including the right to allow or restrict public access, and shall acknowledge that these rights are consistent with the applicable zoning for the area in which the parcel is located.

b. In the event that a residential development right has been retained on the subject parcel (transferring parcel), a statement shall be made, within this section, which explains the remaining number and type of development rights associated with the parcel. An exhibit shall also be referenced, within this section, which restricts and graphically demonstrates the general location of any future development.

(7) *Prohibited uses and activities.* The easement shall list the property rights that have been voluntarily relinquished by the grantor and acknowledge that any exclusion does not constitute an approved use or imply that uses may be inconsistent with the applicable zoning for the area in which the parcel is located.

(8) *Water rights.*

a. Agricultural parcels, when the subject of an irrevocable transfer of development rights (TDR) conservation easement, shall maintain a sufficient right to water in order to preserve agricultural production, therefore, it shall be required that the easement state that the grantor is legally prohibited from conveying, transferring, encumbering, leasing or otherwise separating or changing any historic water use on the parcel.

b. In the event that an agricultural parcel requires flexibility in its use of water to protect historic water rights, the grantor may make such statement that will allow the temporary lease of water rights for a period of time not to exceed two years. Such statement shall

acknowledge that the temporary lease will conform to all state requirements and will not permanently separate any historic water right from the agricultural parcel. Such statement shall also acknowledge that the grantees of the easement shall be notified prior to entering into any short-term water lease.

(9) *Monitoring and enforcement.*

a. The easement shall state that the grantee will have the right to enforce the terms of the easement by entering the property, provided that an advance notice of 24 hours is provided to the grantor, for the purpose of inspecting the property for suspected/reported violations. Additionally, it shall state that the grantee shall have the right to enter the property at least once a year, at a mutually agreed time for the purpose of inspection and compliance monitoring regardless of whether grantee has reason to believe that a violation of the easement exists. In order to establish a monitoring baseline, an exhibit shall also be referenced, within this section, which inventories, graphically demonstrates and photo documents relevant features and the existing condition of the parcel.

b. For the purposes of correcting any violation, condition or circumstance that is not consistent with the terms of the easement, it shall be stated that the grantee or assigns may, at their discretion, use any available legal or equitable remedy to secure and restore compliance with the standards set forth in the easement. Legal and/or equitable remedies may include but not be limited to injunctive relief, entering the property to perform restorative activities and/or recorded lien.

(10) *Termination and extinguishment.* The easement shall state under which conditions and/or circumstances that the easement could be terminated. These conditions may include but not be limited to grantee consent, court action or eminent domain.

(11) *Subordination.* Prior to granting the easement the grantor shall submit a title report and certify, within this section, that the subject parcel of land (transferring parcel) has clear title and is not encumbered by a mortgage, deed of trust or other instrument securing the property and its unrestricted value as collateral. If the subject property (transferring parcel) has been encumbered by a mortgage, deed of trust or other instrument that has secured the property and its unrestricted value as collateral, the grantor shall declare all encumbrances, within this section, and reference an exhibit, provided by any and all beneficiaries, that acknowledges and agrees to their subordinate position as it relates to the easement and the enforcement of its terms. The agreement/exhibit shall also clearly state that the beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the easement.

(12) *Costs and liabilities.* The easement shall state that the grantor will continue to be responsible for and bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the subject property (transferring parcel).

(13) *Conveyance or transfer of property.* The easement shall state that any document intended to transfer or convey the subject property (or any interest in the subject property) will specifically refer to the easement and disclose its perpetual nature and the fact that it runs with the land. It shall also state that any failure to comply with this requirement shall not adversely affect the grantee's right to enforce the terms of the easement in any way.

(14) *General provisions.* This section shall describe provisions for but not limited to easement amendments, controlling law and interpretation.

(Ord. of 1956, § 44-6)

Sec. 104-29-7. - Seasonal workforce housing.

(a) *Seasonal workforce housing.* A seasonal workforce housing plan shall be incorporated into the overall resort in order to provide a socially, economically and environmentally responsible development. To balance neighborhoods and promote a sense of community between visitors and

working residents, the resort shall locate a majority of seasonal workforce housing units within the resort or on property that is contiguous to the resort and offer a total number of units at a rate that meets or exceeds the following requirements based on the land use categories and calculations below:

(1) A specific development site that proposes a land use that requires the resort developer to project the full-time equivalent employee (FTEE) generation, shall divide the FTEE by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent to calculate the required number of seasonal workforce housing units. Fractional housing units shall be rounded up to the nearest whole unit.

(2) A specific development site that has an assigned employee generation value shall use that value to establish a FTEEs generated. The number of FTEEs shall then be divided by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.

(b) *Housing type.* Workforce housing may consist of structures such as; single-, two-, three- and four-family dwellings, multifamily dwellings and rental units. Rental units may be apartments, dormitories, boardinghouses and/or residence halls.

(c) *Housing affordability.* An annual report shall be generated and presented to the county planning staff that outlines a previous year's employment level, workforce housing need, housing type/availability and occupancy. The report shall also outline the methods guaranteeing perpetual affordability and the rental and/or mortgage payments as they relate to housing types. Housing payments, including utilities, shall not exceed 30 percent of the upper valley moderate income as defined in the county moderate income housing plan.

(d) *Density and affordable workforce housing.* Any increases in density caused by the development of workforce housing requirements shall be in addition to the allowable density approved at the time of the DRR-1 Zone application.

(Ord. of 1956, § 44-7)

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

Use	Permitted (P) Conditional (C)
Residential Uses	
Single-family dwelling	P
Two-family dwelling (aka Duplex)	P
Three-family dwelling	P

Four-family dwelling	P	
Multi-family dwelling	P	
	Recreation lodge	P
	Lock-out sleeping room~~; maximum of two per dwelling unit~~.	P
	Condominium rental apartment (Condo-Tel)	P
	Private residence club	P
	Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13	P	
Timeshare/fractional ownership unit	P	
~~Nightly rental of single-family dwellings~~	~~C~~	
Hotel	P	
Bed and breakfast dwelling/B&B inn/B&B hotel	~~C~~P	
Accessory apartments	~~C~~P	
Workforce housing/dormitory/residence hall	P	
Hostel	P	
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	~~C~~P	
Nightly Rentals of Single, Two, Three, Four, Multi-Family dwellings, recreation lodges, lock-out sleeping rooms, detached lockouts, condominiums, condominium rental apartments (Condo-Tel), private	P	

residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, bed and breakfast dwellings/B&B inns/B&B hotels, accessory apartments, workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling units, and all or any portion of any other residential use.	
Commercial Uses	
Bank/financial institution	P
Bakery	P
Drinking establishment	P
Grocer/neighborhood market	P
Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling station/gas station	P
Conference/education center	P
Wellness center (i.e., spa, fitness, etc.)	P
Art gallery and studios	P
Book store	P
Beauty/barber shop	P
Short-term vendor	P
Package liquor Store	P

Private club	P
Restaurant; excluding drive-thru window	P
Sporting goods/clothing store; including rental	P
Other Uses	
Arts theater and performance facility/auditorium/amphitheater	P
Agriculture	P
Childcare facilities	P
Church/place of worship	P
Clinic/medical facility	P
Community center	P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)	P
Dude ranch; including horse rental	P
Equestrian center	P
Gun club/skeet/sporting clay	C
Heliport, subject to the following standards:	~~C~~P
1.	A heliport must be located at an elevation of at least 6,200 feet above sea level.
2.	A heliport must be located at least 200 feet from any resort boundary, except where the Developer (as defined in the applicable Zoning Development Agreement) owns at

	least 200 feet of property extending from the resort boundary at the planned location of the heliport or where the Developer has received approval from the owner of any property within 200 feet of the resort boundary at the planned location of the heliport. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the resort boundary provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.
3.	The heliport landing surface must be dust-proof and free from obstructions.
4.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.
Home occupation; with no visiting clientele	P
Home occupation; with visiting clientele	C
Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses	P
Trails (nordic, hiking, biking, equestrian)	P
Laundromat	P
Museums	P
Nordic center	P
Office; professional and resort administrative	P

Office supply/shipping service	P
Parking areas and structures	P
Parks and playgrounds	P
Pharmacy	P
Public building	P
Public utility substation and structure	C
Real estate office	P
Recreation centers	P
Recreation vehicle storage	P
School; public or private school having a similar curriculum as a public school	P
Ski area and associated facilities, including lifts	P
Ski lodge and associated services	P
Small wind energy system; meeting the requirements of section 108-7-24	C
Solar energy installation; meeting the requirements of section 108-7-27	~~C~~P
Telecommunications tower	C
Yurt	P
Cluster subdivision excluding bonus density; meeting the requirements of title 108, chapter 3	P
PRUD excluding bonus density; meeting the requirements of title 108, chapter 5	Pursuant to Chapter 5.~~C~~

Welcome/information center	P
Wastewater treatment facility; meeting the requirements of the state division of water quality	~~C~~P
Water pumping plants and reservoirs	~~C~~P
Accessory Dwelling Unit	P
Greenhouse, nursery or farm	P
Transit Facility	P
Additional Kitchens	P
Corral, stable or building for keeping of animals or fowl.	P
Household Pets	P
Private stables	P
Educational facilities	P
Liquor, wine and beer manufacturing, bottling, blending, distilling, packaging, sales and related activities	P
Temporary building or use incidental to construction work. Such building removed upon the completion or abandonment of the construction work.	P
Grazing and pasturing of animals.	P
Detached Lockouts	P
Accessory building or use customarily incidental to a permitted use	P

Sec. 104-29-10. – Second Kitchen.

The Second Kitchen Covenant shall not be required for the construction of additional kitchens.

Sec. 104-29-11. – Miscellaneous Improvements.

"Miscellaneous Improvements" means improvements with a height less than six (6) feet such as walkways, steps, patios, decks, exterior railings, and similar exterior Dwelling improvements; (b) exterior landscaping décor such as planter, landscaping curbs, or any other similar exterior landscaping décor or improvements; (c) hot-tubs, barbeque grills, firepits, firebowls, patio heaters, benches, picnic tables and hammocks. In addition, without reference to height, overhangs, eves, decks, stairs, access ramps and retaining walls that are connected or attached to the structure shall constitute "Miscellaneous Improvements." Miscellaneous Improvements are permitted outside of the building envelope.

(Ord. No. 2012-1, § 4, 1-3-2012)

CHAPTER 1. - DESIGN REVIEW

Sec. 108-1-1. - Purpose.

(a) The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

(b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

(Ord. of 1956, § 36-1; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-2. - Application and review.

(a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission with the exception that small buildings or additions with a total footprint of less than 10,000 square feet, and which impact an area of less than one acre may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, the buildings with a total footprint of less than 100,000 square feet may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances and/or the intent of the applicable master plan. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.

(b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-3. - Exceptions.

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.

Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.

CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

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

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing, promote the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

(Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

Sec. 108-8-2. - Parking spaces for dwellings.

In all zones there shall be provided in a private garage or in an area properly located for a future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

(1) If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

(Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

Sec. 108-8-11. - Regulations governing accessory vehicle off-street parking within required side yard areas.

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

(1) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by section 108-8-2

(2) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.

(3) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.

(4) Any slab constructed must remain open and unobstructed to the sky.

(5) No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.

(6) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than six feet in height along the length of the slab behind the front yard setback.

(7) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

(Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

Sec. 108-8-12. - Off-site improvements required.

(a) The applicant for a use permit for all residential, commercial or industrial structures, all other business and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and entrance ways to county public works standards and location, within public or private streets along the entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.

(b) The planning commission may defer or exempt the installation of high back curb and gutter and/or sidewalk where topographies, timing or other unusual or special conditions exist, provided that the public health, safety and welfare is preserved.

(Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

Sec. 108-8-12. – Ogden Valley Recreation and Resort Zone.

Within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Director may modify any provision of this Chapter by approving a Parking Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Director determines that the plan is consistent with the approved master plan.

CHAPTER 19. - ACCESSORY APARTMENTS

Sec. 108-19-1. - Purpose and intent.

The purpose of allowing accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.

(Ord. of 1956, § 42-1)

Sec. 108-19-2. - Conditional use.

Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:

(1) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.

(2) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.

(3) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.

(4) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.

(5) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

(6) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking.

(Ord. of 1956, § 42-2)

Sec. 108-19-3. - General provisions.

In addition to the section above, the following general provisions shall apply:

(1) Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.

(2) Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.

(3) There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.

(4) All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.

(5) The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.

(6) The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

(Ord. of 1956, § 42-3)

Sec. 108-19-4. - Application procedure.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment:

(1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the township planning commission in which jurisdiction the property lies.

(2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4)

Sec. 108-19-5. - Moderate income housing provision.

In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines.

(1) To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy.

(2) The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.

(Ord. of 1956, § 42-5)

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Accessory Apartments shall be a permitted use in the Ogden Valley Destination and Recreation Resort Zone and the specifications of such Accessory Apartments shall be up to the discretion of the Developer (as defined in the applicable Zoning Development Agreement). For clarity, the other provisions of this Section shall not apply to Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone.

CHAPTER 2. - OGDEN VALLEY SIGNS

Sec. 110-2-1. - Purpose and intent.

The purpose and intent of the sign standards is to provide for reasonable display of all signage in the Ogden Valley to identify and advertise products, services, institutions, events, and business establishments for the information and convenience of the general public. These standards and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. The standards are also designed to aid in the orderly development and promotion of business by providing regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of signs while protecting and enhancing community character in the unincorporated portion of the Ogden Valley in Weber County, as described in the Ogden Valley General Plan.

It is the county's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.

(Ord. of 1956, § 32B-1; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

Sec. 110-2-2. - Applicability.

(a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use permit, and meeting the standards set forth in this section. Signs conforming to the requirements of this section which identify seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new permit. All applications for land use permits shall be accompanied by plans, designs, specifications and drawings stating specifically all dimensions, lighting, colors and plan of installation stating clearances and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered pursuant to the permit.

(b) *Maintenance and repainting exempt.* The repainting, changing of parts, and general maintenance of signs located on the site shall not be deemed alterations requiring a permit, except for nonconforming signs as set forth in section 110-2-4, Nonconforming signs.

(Ord. of 1956, § 32B-2; Ord. No. 2009-30)

Sec. 110-2-3. - Master signage plan.

A master signage plan shall be required to ensure compliance with standards and requirements of this Land Use Code when multiple signs are allowed and/or multiple tenants, businesses or other entities occupy a single building or storefront.

(1) *Approval of the master signage plan.* The master signage plan is subject to site plan approval, and once approved, all individual land use permits shall comply therewith.

(2) *Requirements.* Each master signage plan shall clearly indicate the location, size, illumination details, type and all dimensions, including height, of each sign on the property, as well as the distribution or allowed signage among multiple tenants, businesses or entities within a building or complex.

(Ord. of 1956, § 32B-3; Ord. No. 2009-30)

Sec. 110-2-4. - Nonconforming signs.

A sign may be reinstalled which duplicates the original nonconforming sign in dimensions and location. Any changes in size or location shall require conformance to this chapter and the current lighting ordinance.

(Ord. of 1956, § 32B-4; Ord. No. 2001-32; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013)

Sec. 110-2-5. - Allowable signs by zoning district.

(a) *Valley Commercial CV-1, CV-2 and the Manufacturing MV-1 Zoning Districts.*

(1) *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.

(2) *Ground/monument sign.* Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one ground sign per frontage, not to exceed eight feet in height and 12 feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade. Each individual building within the project area may have a ground monument sign and shall meet the requirements of this chapter, with the signs being approved as part of the master signage plan.

(3) *Entrance ground sign.* One entrance ground sign on a multiple building/tenant project may have a maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the ground monument sign that is allowed for one of the buildings in a multiple building/tenant project. The entrance ground sign shall be approved as part of the master signage plan.

(4) *Conditional use.* As a conditional use, commercial or manufacturing developments of multiple lots that are developed on an interior section of ground with lots having no frontage along major roads (collector or arterial) will be allowed an entrance ground sign meeting the requirements of this chapter, at the location where the local roads intersect the major road, which lead directly to the development. The entrance ground sign will announce the businesses within the development. Hotels/motels will be allowed "Vacancy/No Vacancy" on this sign.

(b) *Valley Commercial Resort (CVR-1), Agricultural Valley (AV-3), Forest Valley (FV-3), FR-1, FR 3, F-5, F-10, and F-40.*

(1) *Nonresidential uses.*

a. *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.

b. *Ground/monument sign.* Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one ground sign per frontage, not to exceed eight feet in height and 12 feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.

c. *Entrance ground sign.* One entrance ground sign on a multiple building project may have a maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the ground monument sign that is allowed for one of the buildings in a multiple building/tenant project. The entrance ground sign shall be approved as part of the master signage plan.

(2) *Residential uses.*

a. Single-family and residential units of less than eight units. One wall sign identifying the name of the owner and/or property, not to exceed six square feet is permitted.

b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet in area is permitted.

c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.

(c) *Destination and recreation resort zone.*

(1) *Nonresidential uses.*

a. *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.

b. *Ground/monument sign.* Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one ground sign per frontage, not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from finished grade. The planning commission may approve up to two ground/monument signs at each main resort entrance/portal when presented as part of a master signage plan as described in section 110-2-3

c. *Portable signs.* A-frame or sandwich signs not exceeding nine square feet may be placed outside of a particular subdivision, project or event site; however, the sign must remain within the resort boundary.

d. *Banners not to exceed 21 square feet each.* Each sign shall be safely secured to a permanent fixture and extend no closer than eight feet to the ground.

e. *Changeable copy signs.* Manual signs only meeting the requirements as listed in section 110-2-10(b) (Special purpose signs—destination and recreation resort manual changeable copy signs).

(2) *Residential uses.*

a. Single-family and residential units of less than eight units. One wall sign identifying the name of the owner and/or property, not to exceed six square feet is permitted.

b. Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet in area is permitted.

c. Subdivision entry signs (monument sign). Each subdivision may be allowed one monument sign, not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.

(3) *Sign plan.*

Within any Ogden Valley Recreation and Resort Zone, at elevations of at least 6,200 feet above sea level, where a master plan has been approved by the Planning Commission, the Planning Director may modify any provision of this Chapter by approving a Sign Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Director determines that the plan is consistent with the approved master plan.

-(Ord. of 1956, § 32B-6; Ord. No. 2006-6; Ord. No. 2009-30)

Sec. 110-2-6. - Optional and alternative signs.

(a) *Canopy signs.* Canopy signs may be substituted for wall signs, subject to approval of the master signage plan. Any approved canopy sign shall have a minimum vertical clearance of eight feet from any walking surface.

(b) *Projecting signs.* Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval of the master signage plan. No sign face of a projecting sign may project

more than four feet from the wall to which it is mounted. Any projecting sign shall have a minimum vertical clearance of eight feet from any walking surface.

(c) *Entrance/exit signs.* Entrance/exit signs are limited to two signs for each approved driveway opening for commercial uses and multi-tenant dwellings, and shall be limited to a maximum of three square feet per side, and shall be no higher than five feet above the ground at the top of the sign. Setbacks shall be ten feet from right-of-way. Content is limited to "Entrance" and "Exit."

(Ord. of 1956, § 32B-7; Ord. No. 2009-30)

Sec. 110-2-7. - Window signs.

Signs displayed in windows of buildings or storefronts are permitted. A sign permit is not required for their display, provided the following standards are met:

(1) *Size limit.* Window signage shall occupy no more than 25 percent of the area of the window in which the signs are displayed. In no event shall window signage exceed 16 square feet in any one window that would reduce air and/or light.

(2) *Prohibited features of window signs.* No window sign, not any other sign within a building or structure shall flash, rotate or be mechanically or electronically animated in any way so as to be visible from outside of the building or structure for purposes of public safety.

(Ord. of 1956, § 32B-8; Ord. No. 2009-30)

Sec. 110-2-8. - Prohibited signs.

The following signs and types of signs are prohibited in all zoning districts in the Ogden Valley of Weber County:

(1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating or otherwise moving signs, pennants, tethered "party or weather-type" balloons, holograms, light beams, lasers or other like decorations.

(2) *Moving appurtenances.* Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.

(3) *Rotating beacon lights.*

(4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type hot air balloons being used for passenger flight.)

(5) *Portable signs.* Changeable copy trailer, a-frame, sandwich, or portable signs, except as permitted in section 110-2-10, Special purpose signs and section 110-2-5(c), Destination and recreation resort zone.

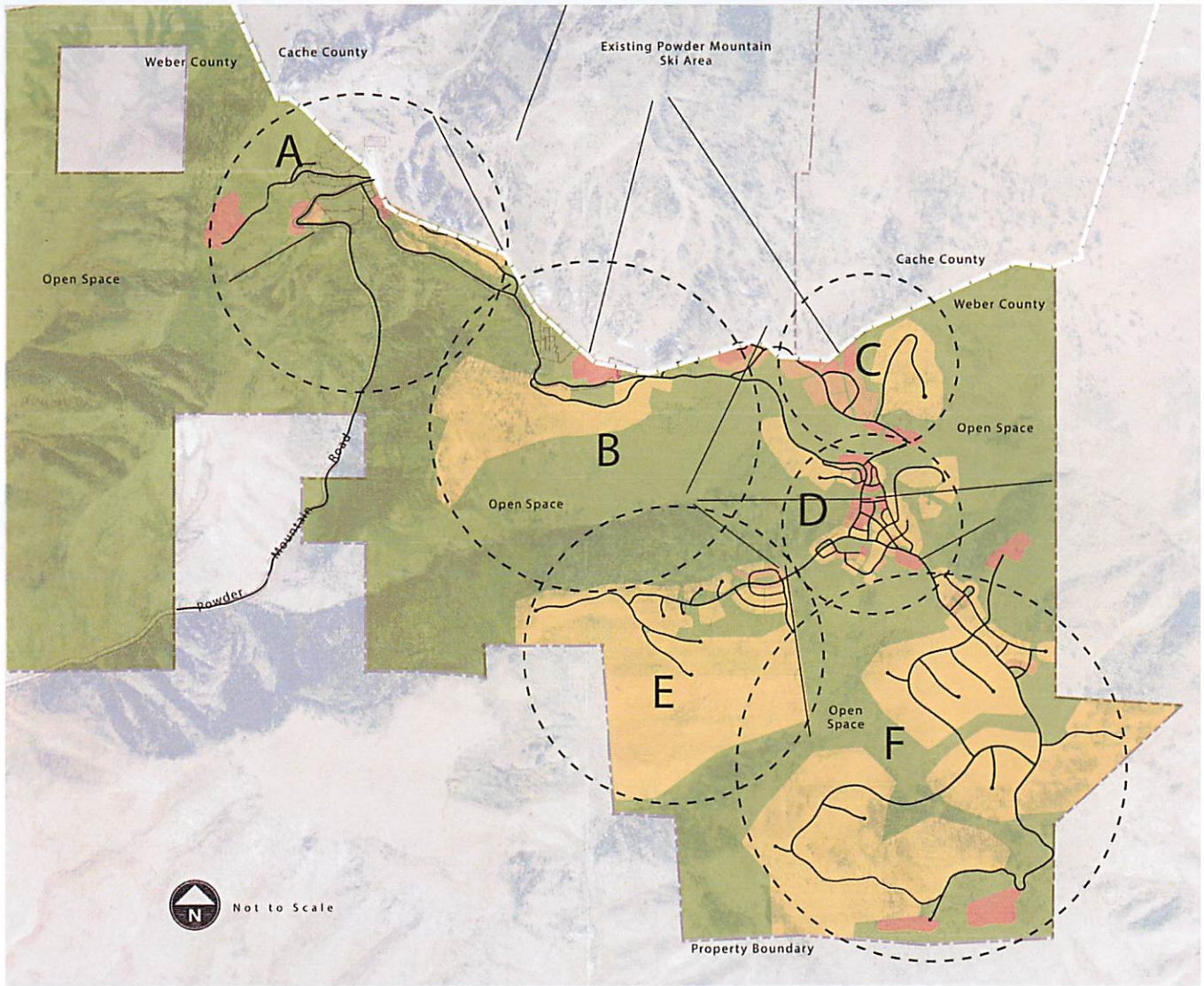
(6) *Banners.* Banners, except as permitted in section 110-2-11, temporary sign usage, section 110-2-9 (19), other signs, and section 110-2-5(c), destination and recreation resort zone.

(7) *Changeable copy signs.* Electronic changeable copy signs. Manual changeable copy signs except as permitted in section 110-2-10, Special purpose signs.

(8) *Off-site signs.* All off-site, off-premises and directional signs which advertise businesses, establishments, activities, facilities, goods, products, or services not made, produced, sold or present on the premises or site where the sign is installed and maintained are prohibited, except as exempted in section 110-2-9, Other signs. Notwithstanding the foregoing, where access to a parcel is via an adjacent parcel, signs may be located on such adjacent parcel.

(9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may be allowed on vehicles, but they may not be illuminated or parked on a long-term basis to be used as a sign for the purpose of advertising a product or directing people to a business activity as listed in section 110-2-9, Other signs.

Overall Land Use Plan



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

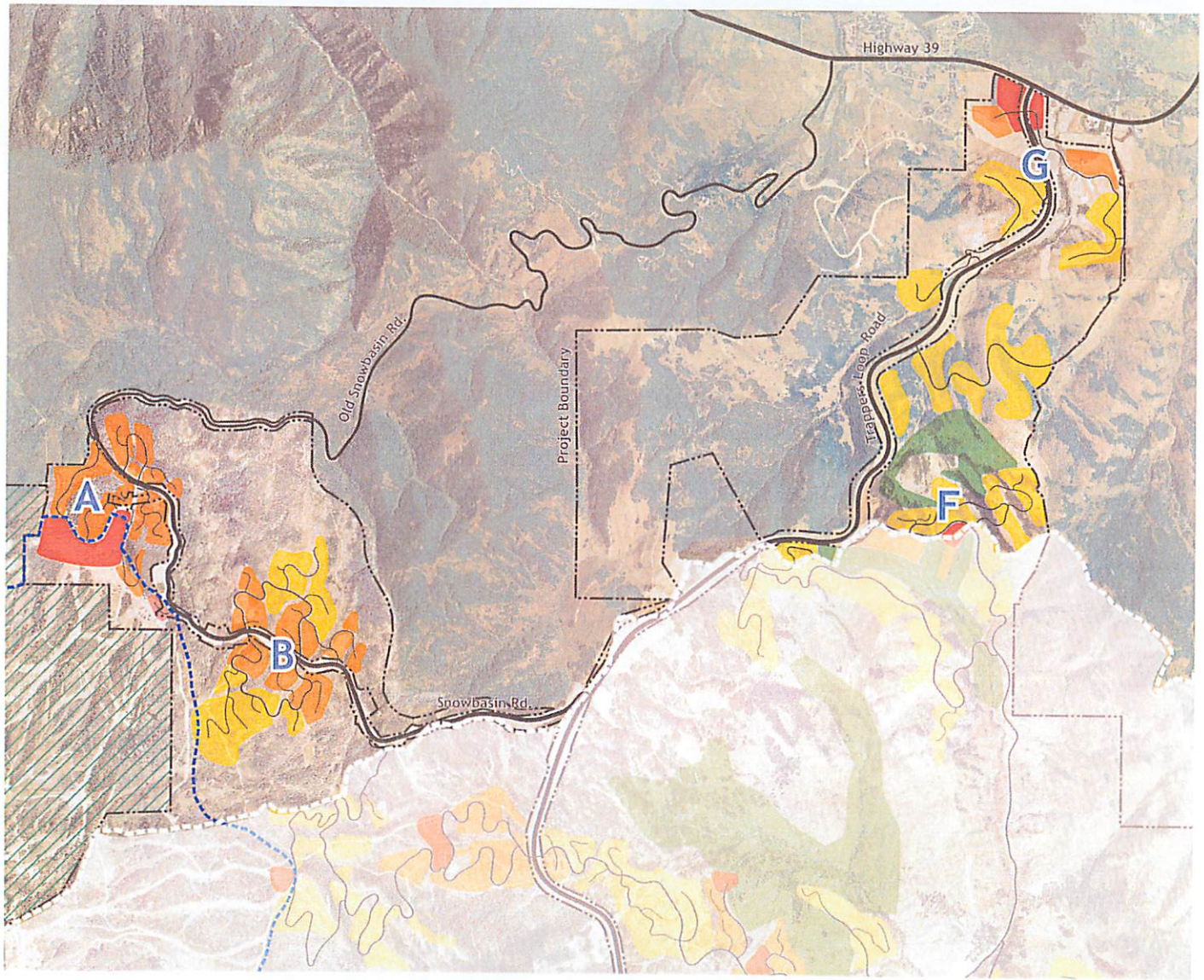
A - Mid-Mountain
B - The Ridge
C - Earl's Village
D - Summit Village
E - Gertsen
F - The Meadow

DEVELOPMENT LEGEND		DEVELOPMENT DATA
	MIXED USE	
	HOTELS	1,218 ROOMS*
	COMMERCIAL/SKIER SERVICES/CONF. CENTER	159,000 SF
	RETREATS	180 ROOMS*
	MULTI FAMILY	1,256 UNITS
	SINGLE FAMILY	
	SINGLE FAMILY LOTS	738 UNITS
	NESTS	340 NESTS
	TOTAL UNITS	2,800 UNITS

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

Exhibit C

WEBER COUNTY LAND USE PLAN



WEBER COUNTY				
Development Area	Acres	Total Units	Hotel Units	Commercial Sq Ft
Weber County Total Land Area	3,808			
Area A - Earls Village	142	1,529	150	75,000
Area B - The Forest	216	502		
Area F - The Meadows	76	22		
Area G - The Ranch	252	297		140,000
Right-of-way (10% of proposed development areas)	69	N/A		
Weber County Total Development	755	2,350	150	215,000
Weber County Total Open Space	3,053			
Weber Co % of Land to be Developed	19.8%			
Weber Co % of Land to be Open Space	80.2%			

- Snowbasin Project Boundary
- Snowbasin Ski Area Boundary
- USFS Special Use Permit Area
- Roads
- Single Family residential
- Multi-family residential
- Condominiums
- Mixed-use development
- Golf and Golf Infrastructure

NORTH

0 625' 1250' 2500'
1" = 2500'

CHAPTER 42

ACCESSORY APARTMENTS

2007-17

42-1. Purpose and Intent

The purpose of allowing Accessory Apartments within existing dwellings or by addition thereto, subject to conditions by Conditional Use Permit, is to provide for affordable housing for the citizens of Weber County.

42-2. Conditional Uses in any zone that permits residential dwellings

Accessory Apartments may be permitted, by Conditional Use Permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications;

1. Relationship to principal use; appearance. An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common wall(s) roof, and/or floor(s) with the principal dwelling. The minimum width shall be 20 ft. with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet the requirement with the common floor. The stairs that leads upstairs and opens up into the common living space of the main home, can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.

2. Floor area. Living area of an accessory apartment shall contain a minimum of four hundred (400) square feet and shall not exceed a maximum of eight hundred (800) square feet; there shall be no more than two bedrooms in such apartment. In no case shall the floor area exceed twenty-five (25) percent of the gross livable floor area of the total structure.

3. Location. An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing, (by location), nonconforming dwelling, shall not be subject to such requirement. No apartment shall be located in a basement or cellar unless such basement or cellar constitutes a walkout basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.

4. Access. An accessory apartment shall have a minimum of one (1) separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling
5. Amenities. An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.

6. Parking. In addition to the two (2) parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking.

42-3. General Provisions

In addition to the section above, the following general provisions shall apply:

1. Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.

2. Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.

3. There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.

4. All provisions of the State of Utah Building Code, as amended from time to time, including the securing of requisite building Land Use Permits, Building Permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.

5. The Fire Marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.

6. The Morgan-Weber Environmental Health Department or Sewer Service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

42-4. Application Procedure

The application for a Conditional Use Permit for an accessory apartment shall follow the guidelines in Chapter 22C. The following provisions shall also apply to the establishment of an accessory apartment:

1. A person seeking to establish an accessory apartment shall file an application for Conditional Use Permit, and pay the associated filling fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale; including alterations to be made to the existing dwelling exterior; photographs of the exterior of the existing dwelling. The application shall be reviewed and either approved or denied by the Township Planning Commission in which jurisdiction the property lies.

2. Upon receipt of a Conditional Use Permit and Building Permit, and prior to issuance of a Certificate of Occupancy by the Chief Building Official, the Weber County Zoning Enforcement Officer shall inspect the premises. The Conditional Use Permit shall be reviewed for renewal every two (2) years.

42-5. Moderate Income Housing Provision

In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartment be established meeting the affordability guidelines established by the Weber County Moderate Income Housing Plan. Owners are encouraged to establish units in consideration of such guidelines.

1. To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the Certificate of Occupancy.

2. The Planning Department Staff, pursuant to its established administrative requirements, shall review rental agreements every two (2) years as part of the Conditional Use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.

42-6. Non-conforming Accessory Apartment units

Any accessory apartment type unit remaining without a Conditional Use Permit after the date of May 6, 2006 shall be deemed to be illegal and in violation of the zoning regulations and subject to such enforcement action and penalties which the law may prescribe.

42-7. Applicability to existing units

Recognizing that there currently exists illegally established units of accessory apartments, provision is made under this subsection to allow such units to apply for and receive Conditional Use Permits for a period of one (1) year from the effective date of this ordinance. Upon expiration of this provision on May 6, 2007, this subsection shall become invalid and be removed from the zoning regulations. Existing units shall be reviewed subject to the following:

1. The request shall meet the provisions set forth in this ordinance.

2. The provisions of this ordinance for the establishment of an approved accessory apartment shall be waived only if found to create no violation of any local, state, or federal ordinance, law or regulation.

Weber County

June 23, 2015

To: Ogden Valley Planning Commission

From: Weber County Planning Division

Re: Weber County Land Use Code - Title 108, Chapter 15 (Standards for Single Family Dwellings) and Title 108, Chapter 7 (Supplementary and Qualifying Regulations).

Dear Commissioners,

Attached you will find a proposal for an amendment to Title 108, Chapter 15 (Standards for Single Family Dwellings) of the Weber County Land Use Code. One copy shows the customary strikethroughs so that you can relate proposed language to that in the existing code. The other copy is a cleaner, easier to read version that shows the proposed language only.

Also, you will find an amendment for Title 108, Chapter 7 (Supplementary and Qualifying Regulations). This amendment, if adopted, would not apply to western Weber County until a time that the western Weber area adopted a change to allow a zero front yard setback in any zone.

We ask that you review the drafts and come prepared to discuss them in their entirety. Our goal will be to discuss the current drafts and prepare for a future public meeting.

We look forward to seeing you at the work-session.

Sincerely,

Scott Mendoza
Weber County Planning Division

CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

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

~~Any dwelling or other structure which is designed or intended for human habitation, which is to be located in the county outside of a mobile home park, mobile home subdivision or manufactured home subdivision or PRUD, must meet the standards of the uniform building and other codes as adopted by the county, or if it is a manufactured home, it must meet the standards of, and be certified under the National Manufactured Housing and Standards Act of 1974 and must prominently display an insignia approved by the United States Department of Housing and Urban Development and must not have been altered in violation of such codes.~~

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

(Ord. of 1956, § 37-1)

Sec. 108-15-2. - ~~Additional~~ Other standards and requirements.

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

(1) ~~The~~ Single-family dwellings ~~must~~ shall be ~~permanently connected and~~ attached to a site-built permanent foundation which meets all applicable codes. ~~ICC Guidelines for Manufactured Housing Installations if a manufactured home.~~

(2) Installation or transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches, shall be removed or hidden from view. ~~Any running gear shall be removed and stored out of sight.~~

(3) ~~The~~ Single-family dwellings shall have an exterior ~~siding~~ finish ~~consisting~~ made of wood, engineered wood, masonry, concrete, fiber cement, stucco, masonite, metal, or vinyl. ~~lap~~

(4) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area, shall have those walls ~~Any enclosure must be~~ anchored ~~secured~~ to the perimeter of the dwelling. The walls shall ~~and~~ be constructed of or faced with the following:

a. Concrete or masonry materials; or

b. ~~that are~~ Weather resistant materials that ~~and~~ aesthetically imitate ~~consistent with~~ concrete ~~and~~ or masonry foundation materials; or

c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling

~~(2)~~(5)~~The~~ Single-family dwellings ~~must~~ shall be permanently connected to ~~and approved for~~ all required utilities.

~~(3)~~(6)~~The~~ Single-family dwellings ~~must~~ shall be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, ~~an affidavit~~ the owner

Comment [s1]: Added because "standards" are referred to above.

Comment [s2]: Simply stated, this will apply to all dwellings including manufactured if their standards if different.

Comment [s3]: Broke this standard into separate number. Moved this from original #1 because it is not related.

Comment [s4]: Moved this up from original #7 because it is not related to others in #7 and better groups like-standards.

This prohibits "earth-ships" constructed of rubber tires. It also prohibits one-story buried dwellings.

Comment [s5]: This exception allows design flexibility. An example of a home that fits this exception is a "nest unit" at Powder Mountain's DRR-1 Zone.

Comment [s6]: Broke this standard into separate number. Moved this from original #1 because it is not related to others in #1.

Comment [s7]: Provided the opportunity to extend exterior wall materials toward finished grade.

must shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property. be filed with the state tax commission pursuant to U.C.A. 1953, § 59-2-602 and qualified therefor as an improvement to real estate.

(4) The dwelling must provide a minimum of 72 square feet of enclosed storage with the minimum height of six feet located in a basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.

(5) Porches and landings for ingress and egress to the dwelling must be built in accordance with chapter 3 of the International Residential Code as adopted by the State of Utah.

(6) At least 60 percent of the roof must be pitched at least 2:12 pitch and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel materials or other materials approved by the International Residential Code.

(7) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a roof pitch of not less than a 2:12 ratio.

(7) The dwelling shall have exterior siding consisting of wood, masonry, concrete, stucco, masonite or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot, measured from the vertical side of the building, but not including bay windows, nooks, morning rooms, etc.

(8) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers.

(8) The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a depth of at least 20 feet exclusive of any garage area. The width shall be considered the lessor of two primary dimensions. If the width of the dwelling faces a street and is less than one-half of the length, the required off-street parking shall be in a two-car garage attached to the length of the dwelling.

(9) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by indentifying the lesser of two dimensions when comparing a front elevation to a side elevation.

(9) Required off-street parking spaces shall be side-by-side. (See section 108-8-2.)

(10) The county building inspector, as the zoning enforcement officer in concert with the county planning commission, may approve deviations from one or more of the development or architectural standards provided herein on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. Together, they may also require other deviations to achieve the overall goals and purposes of this chapter. These requirements may be appealed to the board of adjustment.

Sec. 108-15-3. - Exceptions.

Comment [s8]: Eliminated the specific State Code citation and rewrote to be more consistent with State Code.

Comment [s9]: There doesn't seem to be a need for this?

Comment [s10]: Outdated and addressed in the building code.

Comment [s11]: Where this standard allows "other materials" that are permitted by the building code, there is no need provide a list here.

The pitch standard could be eliminated if the Planning Commission chose to do so.

As proposed, this paragraph has been re-written to provide roof pitch flexibility in some circumstances.

Also below, the Planning Director can waive standards for added flexibility.

Comment [s12]: The exterior materials standard has been moved to the new #3. This move groups this standard next to another exterior wall material standard.

Comment [s13]: This standard is a part of the original #7. It is broken out into its own standard because it did not related to the exterior material standard that it was a part of in the original #7.

It prohibits standard shipping containers and "Earth-ships" constructed of exposed rubber tires.

The building code does not require eaves but does require a certain amount of ventilation which is usually provided through an eave.

Comment [s14]: Rewritten to provide design flexibility.

Comment [s15]: This standard is already provided in the County's parking chapter.

Comment [s16]: Rewritten and moved to the new section below. This is not a standard or requirement so it was pulled from the standards list and moved to the new section below.

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

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

(Ord. of 1956, § 37-2; Ord. No. 2008-6)

Comment [s17]: Created new section to address exceptions.

Added requirements. Moved from subjective standard to more clear requirements.

CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

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

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

(Ord. of 1956, § 37-1)

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

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

(1) Single-family dwellings shall be attached to a site-built permanent foundation which meets all applicable codes.

(2) Installation or transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches, shall be removed or hidden from view.

(3) Single-family dwellings shall have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, masonite, metal, or vinyl.

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

   a. Concrete or masonry materials; or

   b. Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or

   c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.

(5) Single-family dwellings shall be permanently connected to all required utilities.

(6) Single-family dwellings shall be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.

(7) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a roof pitch of not less than a 2:12 ratio.

(8) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have eaves that project a distance of not less than one foot as measured

from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers.

(9) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by indentifying the lesser of two dimensions when comparing a front elevation to a side elevation.

Sec. 108-15-3. - Exceptions.

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

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

(Ord. of 1956, § 37-2; Ord. No. 2008-6)

CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

Sec. 108-7-1. - Purpose and intent.

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this title.

(Ord. of 1956, § 23-1; Ord. No. 2009-14)

Sec. 108-7-2. - Projections permitted into required yard setbacks.

Every part of a required yard setback shall be open to the sky, unobstructed except for accessory buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all buildings are measured from the property line to the outermost surface of a building's foundation wall. However, the following projections into the required yard setbacks are permitted for single-family dwellings (including attached garages) only:

(1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard setbacks.

(2) Cornices, eaves and gutters may project three feet into a required front yard setback, five feet into a required rear yard setback, and two feet into a required side yard setback.

(3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet measured along the wall of a building, may project not more than five feet into a required front yard setback, ten feet into a required rear yard setback, and three feet into a required side yard setback.

(4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet into a required front yard setback. Where the required rear yard setback is 30 feet or greater, a projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback is less than 30 feet, a five-foot projection into the rear yard setback is allowed.

(5) Cantilevers may project no more than two feet into the required front and rear yard setback. Cantilevers are not allowed in the required side yard setback.

(Ord. of 1956, § 23-2; Ord. No. 1-2008; Ord. No. 2009-14)

Sec. 108-7-3. - Projections permitted into private rights-of-way.

When a two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is proposed to be built, and where the County's development standards allow a zero front yard setback, projections into private rights-of-way may be permitted when the following standards and requirements are met:

(1) As determined by the Weber County Building Official, the appropriate building code shall be applied and all projections shall be demonstrated as compliant.

(2) A letter approving the projection(s), whether above grade or below, shall be provided by all utility service providers that have located utilities on the related side of the right-of

way or have plans, within two years, to locate utilities on the related side of the right-of-way.

(3) A letter of approving the projection(s), whether above grade or below, shall be provided by the owner of the right-of-way.

(4) Street improvements shall include high-back curb that separates pedestrian areas or sidewalks from street travel lanes.

(5) Pedestrian areas or sidewalks shall not be less than 4.5 feet in width.

Sec. 108-7-~~3~~4. - Fencing requirements.

(a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height may be located anywhere on an interior lot except within the area comprising the required front yard setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner lot except within the areas comprising the required front yard setback and the required side yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the requirements of section 108-7-7

(b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project. In addition, a permanent means of landscaping and maintaining the parking strip between the fence and the street curb shall be provided.

(c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided that in any event a protective fence or wall not more than four feet in height may be erected at the top of the retaining wall. These provisions shall comply with the requirements of section 108-7-7

(d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence meets all of the required setbacks for an accessory building in the zone in which it is located and a land use and building permit are obtained.

(e) The provisions of this section shall not apply to fences required by state law to surround and enclose public utility subdivisions and public schools.

(Ord. of 1956, § 23-3; Ord. No. 18-90; Ord. No. 2009-14)

Sec. 108-7-4. - Area of accessory building.

No accessory building or group of accessory buildings in any residential estates zone, cluster subdivision, or PRUD shall cover more than 25 percent of the rear yard.

(Ord. of 1956, § 23-4; Ord. No. 2009-14)

Sec. 108-7-~~5~~6. - Exceptions to height limitations.

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and if in proximity to an airport, no heights exceptions are permitted above the maximum allowed under airport height regulations.

(b) All exceptions to height shall be subject to design review and all mechanical equipment shall be screened by materials consistent with those used on the exterior of the building.

(Ord. of 1956, § 23-5; Ord. No. 2009-14)

Sec. 108-7-~~6~~7. - Minimum height of dwelling.

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

(Ord. of 1956, § 23-6; Ord. No. 2009-14)

Sec. 108-7-~~7~~8. - Clear view of intersecting streets.

In all zones which require a front yard setback, no obstruction to view in excess of three feet in height shall be placed on any corner lot within the area designated as the clear view triangle, except those noted below. The clear view triangle is a triangular area formed by the front and side (street facing) property lines and a line connecting them at points 40 feet from their intersection.

(Ord. of 1956, § 23-7; Ord. No. 2009-14)

Sec. 108-7-~~8~~9. - Setbacks for animals and fowl.

No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet from a property line adjacent to a street and not less than 25 feet from any lot line.

(Ord. of 1956, § 23-8; Ord. No. 2009-14)

Sec. 108-7-~~9~~10. - Water and sewage requirements.

(a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public sewer is not available, and in all cases where a proposed supply of piped culinary water is not available, the sewage disposal and the domestic culinary water supply shall comply with requirements of the county board of health and/or state board of health and the application for a building and land use permit shall be accompanied by a certificate of approval from the board of health.

(b) Building permits shall not be issued by the building inspector or county official unless private water supply and private sewage disposal is approved in accordance with the requirements of subsection (a) of this section.

(Ord. of 1956, § 23-9; Ord. No. 4-83; Ord. No. 2009-14)

Sec. 108-7-~~10~~11. - Required building setback from designated collector or arterial streets.

Where a street is designated on the master street plan of the county as a collector or arterial (major) street and where the existing street right-of-way requires widening to meet the right-of-way standards of such collector or arterial (major) street, the minimum front and side yard setback for all buildings shall be based upon the future designated right-of-way width as shown on the county master plan and shall be measured from the future lot line of the collector or arterial (major) street designated right-of-way instead of the existing lot line of the present street right-of-way.

(Ord. of 1956, § 23-10; Ord. No. 15-72; Ord. No. 2-89; Ord. No. 2009-14)

Sec. 108-7-~~11~~12. - Group dwellings.

(a) Yard regulations. Group dwellings shall be considered as one building for the purpose of front, side, and rear yard requirements, the entire group as a unit requiring one front, one rear, and two side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet for single-story buildings, 15 feet for two-story buildings and 20 feet for three- or more story buildings.

(b) Group dwelling PRUD. A group dwelling complex shall be developed as a PRUD if the area of the complex is equal to or exceeds the minimum number of units or area required for a PRUD for the zone in which the complex is located. (See section 108-5-5(a))

(Ord. of 1956, § 23-11; Ord. No. 7-78; Ord. No. 2009-14)

Sec. 108-7-~~12~~13. - Towers.

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

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

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

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

(Ord. of 1956, § 23-12; Ord. No. 2008-8; Ord. No. 2009-14)

Sec. 108-7-~~13~~14. - Residential facility for persons with a disability facility requirements.

(a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.

(b) The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

(c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).

(d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member other than the resident manager or house parents shall be provided.