

In addition to the development standards of the applicable underlying zone, the following site development standards apply to the SOZ. For the purpose of this chapter, the term "site" shall mean an entire contiguous area described in the applicable development agreement.

(a) *Site area.* The minimum contiguous site area shall be 100 acres.

(b) *Site setbacks.*

(1) Minimum setback of open-air solar equipment shall be:

- a. Thirty feet from the perimeter of the site.
- b. Five hundred feet from adjacent property containing a residential use. This may be reduced to 30 feet if the entire use is completely obscured from view from the adjacent property containing the residential use by berms, vegetation, or opaque fence or wall.
- c. One thousand feet from any zone in which the overlay zone is not permitted by this chapter. This may be reduced to 200 feet if the entire use is completely obscured from view from the properties in the other zone(s) by berms, vegetation, or opaque fence or wall.

(2) Minimum setback of accessory use shall be 30 feet from any street right-of-way and ten feet from the perimeter of the site.

(c) *Height.*

(1) Maximum height of open-air main or accessory use shall be 15 feet.

(2) Maximum height of accessory building shall be 25 feet.

(d) *Site design requirements.* As applied to uses allowed by this overlay zone, the requirements of this chapter and any site design standard or requirement adopted in the development agreement constitute the entire design requirements for the site. No other design, architectural, landscaping, or screening requirements found elsewhere in this land use code shall apply.

(Ord. No. 2019-2, Exh. A, 2-5-2019)

[Title 105 \(Reserved\)](#)

[Title 106 Subdivisions](#)

[Chapter 106-1 General Provisions](#)

[Chapter 106-2 Subdivision Standards](#)

[Chapter 106-3 Condominium Projects](#)

[Chapter 106-4 Subdivision Improvements Required](#)

[Chapter 106-5 Enforcement And Permits](#)

[Chapter 106-6 Penalty, Validity And Repealer](#)

[Chapter 106-7 Owner's Dedication](#)

[Chapter 106-8 Signature Blocks](#)

State Law reference—County Land Use, Development, and Management Act subdivision ordinances, U.C.A. 1953, § 17-27a-601 et seq.

[Chapter 106-1 General Provisions](#)

[Sec 106-1-1 Purpose And Intent](#)

[Sec 106-1-2 \(Reserved\)](#)

[Sec 106-1-3 Applicability](#)[Sec 106-1-4 Subdivision Application Requirements](#)[Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure](#)[Sec 106-1-6 \(Reserved\)](#)[Sec 106-1-7 Subdivision Time Limitations](#)[Sec 106-1-8 Final Plat Requirements And Approval Procedure](#)**Sec 106-1-1 Purpose And Intent**

The purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the unincorporated planning areas of Weber County in subdivision of land and related matters. This title outlines the procedures for processing subdivisions and their approvals.

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

Sec 106-1-2 (Reserved)

(Ord. No. 2015-22, Exh. A, 12-22-2015)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-3 Applicability

- (a) No person shall subdivide any tract of land except in compliance with this title. No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created in accordance with the provisions of this Land Use Code.
- (b) No lot within an approved and recorded subdivision shall be further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be altered in any manner to create more lots than initially recorded without first obtaining the approval of the land use authority.

(Ord. of 1952, title 26, § 1-2; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, renumbered and amended former § 106-1-2, "Scope," as § 106-1-3, "Subdivision required."

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-4 Subdivision Application Requirements

- (a) **Pre-application meeting required.** Each person who proposes to subdivide land shall confer with the county planning staff before submitting any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, neighborhood circulation plan, landscape design, and water budget submittal.
- (b) **Subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:

- (1) **Application form.** A complete subdivision application form, signed by the property owners.
- (2) **Preliminary plan.** A preliminary plan meeting the requirements listed in this title. This includes a phasing plan if phasing is proposed.
- (3) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.
- (4) **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.
 - a. The statement of culinary water feasibility shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:
 1. The local health department for lots proposed to be served by a private well;
 2. An existing culinary water service provider; or
 3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
 - b. The statement of secondary water feasibility shall come from the secondary water service provider.
 - c. The statements from the culinary water authority and secondary water service provider shall contain:
 1. An acknowledgement of the number of lots proposed to be served;
 2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
 3. The method of water delivery to each proposed lot;
 4. The proposed source of the water rights or shares necessary to serve the lots; and
 5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.
- (5) **Statement of sanitary sewer or septic system feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.
 - a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-27a-603 as follows:

1. The local health department for lots proposed to be served by a septic system;
2. An existing sanitary sewer service provider; or
3. If the sanitary sewer authority is being newly formed, the statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.

b. The statement shall provide:

1. An acknowledgment of the number of lots proposed to be served;
2. The method of wastewater disposal for each applicable proposed lot;
3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.

(6) **Preliminary title report.** A preliminary title report for each tax parcel included within the preliminary subdivision boundary shall be included with the preliminary plat application. The preliminary title report(s) shall be no older than 30 calendar days prior to the submittal of the application. If the County Recorder's Office is backlogged more than 30 calendar days, then the preliminary title report(s) shall be no older than the current backlog date plus one day. The preliminary title report shall include a search of recorded documents back to patent and identify, at a minimum, the following items:

- a. All reference easements;
- b. Reference (the entry number and/or book and page number) to all deeds in chain of title;
- c. All boundary line agreements;
- d. All rights-of-way, whether the parcel is subject to or has reserve rights;
- e. All current owners;
- f. All outstanding liens, taxes, etc.

(7) **Street connectivity proposal.** If the proposed subdivision will create or extend a street, a street connectivity plan showing how the streets proposed in the subdivision might possibly connect to other streets existing or planned in the area. The plan shall show realistic connection opportunities that consider the actual lay of the land and environmental or physical constraints.

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

Sec 106-1-5 Preliminary Plan/Plat Requirements And Approval Procedure**Sec 106-1-5.10 Preliminary Plan/Plat Requirements****Sec 106-1-5.20 Agency Review****Sec 106-1-5.30 Approval Procedure**

(Ord. of 1952, title 26, § 1-5; Ord. No. 2015-22, Exh. A, 12-22-2015)

Editor's note—Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 106-1-5 from "Preliminary plan requirements and approval procedure" to read as herein set out.

HISTORY

Amended by Ord. 2021-23 on 7/6/2021

Sec 106-1-5.10 Preliminary Plan/Plat Requirements

The preliminary plan shall be prepared in conformance with the requirements of this chapter and all other county codes and regulations governing the subdivision of land. The preliminary plan shall be drawn to a scale not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and shall show:

- (a) A subdivision name, approved by the county recorder, and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
- (b) A north arrow, scale, and date.
- (c) The individual or company names and addresses of the applicant, engineer and land surveyor of the subdivision.
- (d) The surveyed boundary lines of the tract to be subdivided showing lot numbers, measured and/or recorded bearings, distances, and other controlling data with ties to section corners.
- (e) Contour map with, unless specified otherwise by the county engineer, two-foot contour intervals.
- (f) The existing location, widths and other dimensions of all existing or platted streets and other important features such as, but not limited to, railroad lines, sanitary sewers, storm drains, water supply mains, fire hydrants, water wells, land drains, culverts, watercourses, wetlands, stream corridor setbacks, floodplain, fence lines or other lines of occupation, exceptional topography, easements and buildings and structures within and immediately adjacent (within 30 feet) to the tract of land to be subdivided.
- (g) The location, widths and other dimensions of proposed public streets, private streets, or private access rights-of-way, alleys, utility easements, pathways, parks, other open spaces and lots with proper labeling of spaces to be dedicated to the public or designated as private streets or private access rights-of-way.
- (h) Road connectivity plan showing how future roads can connect to provide circulation to future neighborhoods.
- (i) Lots classified as a "restricted lot" as defined in Section 101-2-13 by placing the letter "R" immediately to the right of the lot number.
- (j) The location of percolation test holes on each lot.
- (k) Proposed plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers or other sewage disposal facilities, proposed water mains and hydrants and other proposed stormwater

drainage facilities and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. Improvement drawings as required by the county engineer may be required during preliminary approval in subdivisions where roads are proposed over ground that has an average slope of ten percent or greater.

- (l) Open space and common area improvements, including but not limited to landscaping, structures, signs, parking, and other amenities.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-5.20 Agency Review

Agency review. The Planning Division shall distribute copies of the preliminary plan to other county divisions or departments, or other non-county agencies or organizations, as authorized by State Law, that it deems necessary to ensure thorough review of the proposed plan. The reviewing agencies shall have 30 days to review the preliminary plans and return applicable information and recommendations to the planning division.

UDOT corridor review. A subdivision proposed within a designated UDOT corridor preservation area shall be sent to the UDOT regional office for review and comment.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-5.30 Approval Procedure

- (a) **Subdivision approval.** After the applicable staff and agency reviews, the preliminary plan/plat, including the phasing plan, shall be presented to the Land Use Authority. The Land Use Authority shall review the preliminary plan/plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority shall approve the preliminary plan/plat. When considering conditions of approval, the Land Use Authority shall follow the decision requirements found in [Section 108-4-4](#) of this Land Use Code, and the conditional use standards of [Section 108-4-5](#). A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (b) **Small subdivision review.** Preliminary plan/plat approval of a small subdivision, as defined in [Section 101-2-20](#) of this Land Use Code, is not required. The preliminary plan/plat required in this section shall be reviewed simultaneously with the final plat.
- (c) **Land Use Authority designated.** The Land Use Authority for preliminary plan/plat approval of a subdivision other than a small subdivision, as defined in [Section 101-2-20](#) of this Land Use Code, is the applicable planning area Planning Commission. The Land Use Authority for preliminary plan/plat approval of a small subdivision is the Planning Division Director.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-6 (Reserved)

(Ord. of 1952, title 26, § 1-6; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2017-15, Exh. A, 5-9-2017)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-7 Subdivision Time Limitations

- (a) **Time limitation for preliminary approval.** Subdivision applications that have not received preliminary approval within 18 months from the date of submittal shall be void.
- (b) **Time limitation for final approval.** Subdivisions that have received preliminary plan approval shall have 18 months from the date of the preliminary approval to receive final approval of the subdivision or the first phase if applicable. An extension of preliminary approval for an additional time of up to 18 months may be granted by the planning director upon repayment of the subdivision application fees and the plan being brought into compliance with county, state, and federal laws current at the time the extension is approved. The extension request shall be submitted and approved prior to the expiration of the original approval period. Only two time extensions for preliminary plan/plat extensions will be granted.
- (c) **Time limitation for plat recordation.** A subdivision plat shall be recorded in the Office of the County Recorder within one year of final approval by the Land Use Authority. After that, the plat shall have no validity. Subdivisions with multiple phases must record a new phase within one year from the date the previous phase being recorded until the subdivision is completed or the plat shall have no validity. The planning director may grant a one-time extension for final subdivision approval, for a maximum of one year. A multiple phase subdivision may receive only one time extension, not one time extension per phase. One additional time extension may be granted if the hardship is determined to be a county caused delay.
- (d) **Nonconforming.** Any subdivision that has received preliminary or final approval, including a subdivision with multiple phases in which all of the phases have received preliminary approval, but has become nonconforming in any manner due to changes in applicable ordinances shall be allowed to retain the density which it was approved, provided that the originally approved phasing plan is followed and the time limitations for preliminary and final approval are met.

(Ord. of 1952, title 26, § 1-7; Ord. No. 2015-22, Exh. A, 12-22-2015)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

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

[Sec 106-1-8.10 Final Plat Required](#)

[Sec 106-1-8.20 Final Plat Requirements](#)

[Sec 106-1-8.30 Final Plat Approval Process](#)

[Sec 106-1-8.40 Final Plat Recordation](#)

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

HISTORY

Amended by Ord. [2021-17](#) on 5/25/2021

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-8.10 Final Plat Required

- (a) After compliance with the preliminary plan/plat provisions of [Section 106-1-5](#), the applicant shall digitally submit a draft final plat and draft improvement plans, meeting the remaining requirements of this Title and any additional conditions set by the Land Use Authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code.

- (b) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled Land Use Authority meeting.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-8.20 Final Plat Requirements

The following are requirements for final plat consideration:

- (a) **Final plat preparation.** The final plat shall be prepared to be printed on a 24-inch by 36-inch sheet of mylar. The border line of the plat shall be drawn in heavy lines, and shall leave a minimum one-half of an inch and a maximum one-and-one-half of an inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards and created for long-term storage. The plat shall be made to a scale large enough to clearly show all details, but never smaller than 100 feet to the inch, unless specified otherwise by the County Surveyor. The workmanship on the finished drawing shall be legible having a text size of not less than three-thirty seconds of an inch. The plat shall contain the following information:
- (1) **Subdivision name.** A subdivision name, approved by the County Recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
 - a. Where a subdivision complies with the [cluster subdivision provisions of this Land Use Code](#), the final plat shall provide the following subtitle under the subdivision name: "A Cluster Subdivision."
 - b. Where a subdivision complies with the lot-averaging subdivision provisions specified in [Section 106-2-4 of this Land Use Code](#), the final plat shall provide the following subtitle under the subdivision name: "A Lot-Averaged Subdivision."
 - c. Where a subdivision complies with the connectivity-incentivized subdivision provisions specified in [Section 106-2-4 of this Land Use Code](#), the final plat shall provide the following subtitle under the subdivision name: "A Connectivity-Incentivized Subdivision."
 - (2) **North arrow and scale.** A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the County Surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
 - (3) **Legal description.** A legal description of land included in the subdivision, including the overall acreage within the legal description.
 - (4) **Linework.** Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well.
 - (5) **Basis of bearing.** The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a

- government agency. The Basis of Bearing sufficient for retracement shall be noted on the final plat, along with a measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place.
- (6) **Bearings and measurements.** The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with [U.C.A. 1953, Title 57, Chapter 10](#). All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set shall be provided.
 - (7) **Streets, alleys, easements, and lots.** The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys, and easements. All lots are to be numbered consecutively under a definite system approved by the County Surveyor. All proposed streets shall be numbered consecutively under a definite system approved by the County Surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The County Surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.
 - (8) **Public dedication.** The boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public.
 - (9) **Reservations.** The lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the County Recorder.
 - (10) **Address.** A house number indicating the street address for each lot in the subdivision shall be assigned by the County Surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
 - (11) **Signature block.** A signature block conforming to State Code and county ordinances shall be included on the plat for the following:
 - a. Private licensed land surveyor's "certificate of survey";
 - b. Owner's dedication certificate;
 - c. Notary public's acknowledgment;
 - d. County Land Use Authority's certificate of approval, to be signed by the planning director or designee;
 - e. County Engineer's certificate of approval;
 - f. County Attorney's certificate of approval;
 - g. Board of County Commissioners' certificate of acceptance;
 - h. County Clerk's certificate of attest;
 - i. County Surveyor's certificate of approval;
 - j. Local health department certificate of approval, if required by the local health department;

- k. Culinary water authority certificate of approval, if not the local health department; and
 - l. Sanitary sewer authority certificate of approval, if not the local health department.
 - m. In lieu of a signature block on the final plat for the culinary water authority or sanitary sewer authority, the applicant may furnish a final plat approval letter from either or both of these entities, if applicable. The final plat approval letter shall indicate the water or sewer authority's unconditioned approval of the final plat and the proposed improvements for their respective facilities, and shall include a copy of the final plat and final improvement drawings for which they are granting approval. A conditional letter of approval is not allowed.
- (12) **Recorder's block.** A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
- (13) **Subdivision boundary.** The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
- (14) **Map narrative.** A map narrative that complies with [U.C.A. 1953, § 17-23-17](#) and [Section 45-3-4](#) of the Weber County Code of Ordinances.
- (15) **Occupation lines.** All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the County Surveyor.
- (16) **Easements.** All easements observed, recorded in the Office of the County Recorder, or included in a preliminary title report unless legally vacated by all easement holders.
- (b) **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when applicable:
- (1) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
 - (2) **Hillside development plat note.** Pursuant to [Section 106-2-4](#), a lot that has an average percent of slope that is greater than 25-percent shall provide the following on the final plat:
 - a. **Buildable area.** If the lot provides a [buildable area](#), the buildable area shall be delineated on the final plat by short dashed lines. The area shall be labeled as "Buildable area. See note [enter note number here]." The note shall read as follows: "A lot with a delineated "buildable area" shall only allow buildings within the designated buildable area."
 - b. **Restricted lot.** If a lot is a [restricted lot](#), the letter "R" shall be placed immediately to the right of the lot number. The lot shall be labeled as "Restricted lot. See note [enter note number here]." The note shall read as follows: "A lot labeled with the letter "R" after the lot number is a restricted lot because it has an average percent of slope greater than 25-percent. Development thereon is subject to a hillside development review pursuant to the provisions of Title 108, Chapter 14."
 - (3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone shall have the following plat note: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."

- (4) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note: "For each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision amendment within any part of the overall subdivision boundary shall comply with [Section 106-2-4.2](#) of the Weber County Code."
 - (5) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall have the following plat note: "This subdivision was allowed flexible lot area and width in exchange for superior street connectivity. A subdivision amendment within any part of the overall subdivision boundary shall comply with [Section 106-2-4.3](#) of the Weber County Code."
 - (6) **Moderate income housing plat note.** Pursuant to [Section 104-27-6](#), a lot or unit set aside for moderate-income housing shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income affordability will be regulated.
 - (7) **Privately operated and maintained street plat note.** A parcel dedicated to the county but intended for a privately operated and maintained street, pursuant to [Section 106-2-2.1](#), shall be labeled as "Privately operated and maintained street. See note [enter note number here]." The note shall read as follows: "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining lot owners until and unless the governing body assumes public responsibility for the street."
 - (8) **Landscaping and watering restrictions plat note.** Pursuant to [Section 106-4-2.1](#), a lot that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.
 - (9) **Substitute monuments plat note.** Pursuant to [Section 106-4-2.11](#), substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.
 - (10) **Outdoor lighting in a cluster subdivision plat note.** Pursuant to [Section 108-3-8](#), a cluster subdivision plat shall contain a note stating that all lots in the subdivision are required to comply with the outdoor lighting requirements of [Title 108 Chapter 16](#).
 - (11) **Natural hazard report disclosure plat note.** If any lot in the subdivision is in a natural hazard study area, a note shall be placed on the subdivision plat as provided in [Section 108-22-4](#).
- (c) **Floodplain.** Floodplain and floodway boundaries shall be shown on the final plat. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain area. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any subdivision improvements constructed in the floodplain area will need to meet the requirements of [Title 22, Flood Damage Prevention Ordinance](#).
 - (d) **Setting boundary onsite prior to plat recording.** The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction.
 - (e) **Additional information.** The plat shall contain all other notes, covenants, data, tables, or other information required to be placed on the final plat, as specified elsewhere in this Land Use Code.

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-8.30 Final Plat Approval Process

- (a) ***Final subdivision approval.*** After the applicable staff and agency reviews, the final plat shall be presented to the Land Use Authority. The Land Use Authority shall review the final plat to verify compliance with applicable ordinances. After determining compliance with applicable ordinances, or determining compliance after adding conditions of approval to ensure compliance with applicable laws, the Land Use Authority shall approve the final plat. If applicable, when considering conditions of approval, the Land Use Authority shall follow the decision requirements found in [Section 108-4-4](#) of this Land Use Code, and the conditional use standards found in [Section 108-4-5](#). A decision on a subdivision that includes conditions of approval shall not constitute a conditional use or require a conditional use permit.
- (b) ***Land Use Authority designated.*** The Land Use Authority for final plat approval of a subdivision other than a small subdivision, as defined in [Section 101-2-20](#) of this Land Use Code, is the County Commission, after recommendation from the applicable planning area Planning Commission. The Land Use Authority for final plat approval of a small subdivision is the County Planning Division Director.
- (c) ***Submittal of final plat and final improvement plans.*** After approval of the final plat, the applicant shall submit a final plat printed on a 24-inch by 36-inch mylar sheet that includes the required signatures of all non-county employees. With the mylar, the applicant shall submit final improvement plans to the County Engineer for final approval, pursuant to [Title 106, Chapter 4](#). After the final plat mylar has all required official approval signatures, and after the final improvement plans have received final approval by the County Engineer, the final plat may be recorded in the Office of the County Recorder, at the expense of the applicant.
- (d) ***Tax clearance.*** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (e) ***Record of survey.*** A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-1-8.40 Final Plat Recordation

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Chapter 106-2 Subdivision Standards

[Sec 106-2-1 Street Configuration](#)

[Sec 106-2-2 Street Standards](#)

[Sec 106-2-3 Blocks](#)

[Sec 106-2-4 Lot Standards](#)

[Sec 106-2-5 Parks, School Sites And Other Public Places](#)

[Sec 106-2-6 \(Reserved\)](#)

[Sec 106-2-7 \(Reserved\)](#)

[Sec 106-2-8 Large Scale Excavation](#)

[Sec 106-2-9 Power And Telephone Utilities](#)

Sec 106-2-1 Street Configuration

A subdivision shall be designed to follow the street configuration requirements herein and elsewhere in this Land Use Code. Where this code allows an applicant flexibility on street location or configuration, that flexibility shall not be construed to relieve the applicant from requirements of this section.

- (a) **General street configuration and alignment.** The configuration of streets in a new subdivision shall:
- (1) Ensure the continuation of existing streets that can logically and reasonably be connected along the same street alignment;
 - (2) Provide for the continuation of new streets into adjoining undeveloped land;
 - (3) Be designed to consider the block length specified in Section 106-2-3, as it relates to both the subject property and adjoining property;
 - (4) Not avoid the requirements of this section by shifting the responsibility of providing a street onto landowners of adjacent undeveloped or underdeveloped parcels; and
 - (5) Not create an unnecessary hardship to providing street connections on or to other parcels in the general area, as deemed appropriate by the Land Use Authority.
- (b) **Master planned street.** A street shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar adopted planning document, shall be installed by the applicant in the general location depicted in the planning document.
- (c) **Section line and quarter section line street.** A street shall be installed by the applicant along the general alignment of a section line and quarter section line, in compliance with the following:
- (1) **Minor deviations from section lines.** The alignment of a section line or quarter section line street may be adjusted up to 400 feet so the applicant may gain lots on both sides of the street, provided that the radii of the curves are appropriate for the type of street, as determined by the County Engineer. The street shall realign at some point downstreet with the same section line or quarter section line, or a previously created street or dedicated street right-of-way intended to be or become the same section line or quarter section line street.
 - (2) **Alternative street alignment.** The Land Use Authority may, but is not required to, allow a street's alignment to be rerouted or, if it does not violate the terminal street requirements of Section 106-2-2.4, terminated if strict compliance with this subsection is inappropriate for the following reasons:
 - a. It will result in unreasonable public costs for operations or maintenance of the street;
 - b. It will conflict with a railway, waterway, wetland, critical wildlife habitat, or other environmental concern that cannot be mitigated with reasonable effort;
 - c. It will result in a conflict with another section of this Land Use Code; or
 - d. It will advance a goal of a general plan, small area plan, or similar planning document applicable to the land.
- (d) **Angle of intersecting streets.** Any street approaching an arterial or collector street shall approach at an angle of not less than 80 degrees.
- (e) **Half-street.** A half-street shall be governed as follows:

- (1) **Within a subdivision.** A half-street is not allowed within a subdivision except as more specifically provided in this Land Use Code.
- (2) **On a subdivision boundary.** Where a subdivision's boundary shares a common line with undeveloped land, an approximate half-width street right-of-way is allowed as long as:
 - a. The required street improvements include half of what is otherwise typically required for the type of street plus at least a 20-foot wide vehicle travel surface, designed to specifications of the County Engineer; and
 - b. The street right-of-way within the bounds of the subdivision is wide enough to accommodate these street improvements.

HISTORY

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2 Street Standards

[Sec 106-2-2.1 Streets Generally](#)

[Sec 106-2-2.2 Arterial And Collector Streets](#)

[Sec 106-2-2.3 \(Reserved\)](#)

[Sec 106-2-2.4 Terminal Streets](#)

[Sec 106-2-2.5 \(Reserved\)](#)

[Sec 106-2-2.6 \(Reserved\)](#)

[Sec 106-2-2.7 \(Reserved\)](#)

[Sec 106-2-2.8 Street Cross Sections](#)

[Sec 106-2-2.9 Street Grades](#)

[Sec 106-2-2.10 Alleys](#)

[Sec 106-2-2.11 Protection Strips](#)

(Ord. of 1952, title 26, § 2-2)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Amended by Ord. [2021-18](#) on 5/25/2021

Sec 106-2-2.1 Streets Generally

- (a) **Public street requirement.** The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring public streets and public street connectivity at the time new development is proposed. As such, the default requirement for each subdivision lot is to provide lot frontage on a street dedicated to the County as a public right-of-way and thoroughfare.
 - (1) **Public street dedication.** Each street in a subdivision shall be dedicated to the county as a public street, except when a private street is allowed or required as provided in this section.
 - (2) **Standard street cross-sections.** All proposed public streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.
- (b) **Private street option.** In the Ogden Valley Planning Area, the County, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require or an applicant may volunteer a proposed street to be

privately owned or privately operated and maintained. Development of or along a private street shall comply with the following:

- (1) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority has full discretion, subject to the regulations herein, to allow or require a street to be private.
- (2) **Prohibition.** A private street shall not be allowed if:
 - a. It creates a hardship for other landowners in the area to access and develop their land, or
 - b. A public street is needed in the location of the private street, as determined by the Land Use Authority.
- (3) **Responsibility for construction.** The applicant shall pay for and construct the private street.
- (4) **Ownership.** The final plat shall dedicate the land under the private street to the County for the purpose of future conversion to a public street at a time the governing body determines a public street is necessary, if ever.
 - a. **Street-parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent lots or parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, as determined by the Land Use Authority.
 1. **No street-block waiver.** A street needed to satisfy the street-block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the street-block.
 2. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.
 3. **Waiver requires joint ownership.** If a waiver is granted, the street parcel shall be held in joint ownership of the owners of all lots that gain access from it.
 - b. **Street-parcel configuration.** The parcel being dedicated to the county shall be the length of the private street and extend to adjacent developable land or another street regardless of whether the private street infrastructure does. The parcel shall be the same width required for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.
 - c. **Transfer of street-parcel.** If adjacent parcels to which the private street could connect reach full build-out or otherwise change in a manner that renders a future public street connection extremely unlikely, or if future public access to those parcels offers very little public benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all lots that gain access from it.

- (5) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-parcel.
- (6) **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-parcel.
- (7) **Private street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a public street is not allowed in the following circumstances:
 - a. **Permanent terminal street.** A non-temporary terminal street;
 - b. **Geologic hazards.** A street that traverses a geologic hazards study area shall be a private street, unless the hazards study, as required by Chapter 108-22, provides compelling evidence that demonstrates the hazard risk to a public street is low.
- (8) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a private street shall be constructed to public street standards.
- (9) **Plat notes.** On the final plat, the county-owned street-parcel, where applicable, shall be labeled and noted as required by [Section 106-1-8.2](#).
- (10) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:
 - a. The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street.
 - b. If applicable, that by purchasing a lot that gains access from a private street, the owner acknowledges that the street-parcel is owned in fee by the governing body for possible future public street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 - c. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
 - d. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the private street to operational public street standards.

HISTORY

Amended by Ord. [2021-18](#) on 5/25/2021

Amended by Ord. [2021-18](#) on 5/25/2021

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-2-2.2 Arterial And Collector Streets

Unless specified otherwise in this Land Use Code, an arterial or collector street shall conform to the right-of-way width designated on the master street plan.

HISTORY

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.3 (Reserved)

(Reserved)

HISTORY

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.4 Terminal Streets

(a) ***Permanently terminal street.***

- (1) ***Maximum length and number of lots.*** A permanently terminal street (cul-de-sac or dead-end) or permanently terminal street-route shall:
 - a. Serve no more than 15 subdivision lots or lots of record as defined by Section 101-2;
 - b. Provide access to no more than 30 total dwelling units; and
 - c. Have a maximum length of 750 feet. This length shall be measured from the point at which the street or street-route becomes terminal to the furthest extent along the terminal street or terminal street-route. If the terminal street or terminal street-route loops back onto itself, the furthest extent shall be the midpoint of the loop.
- (2) ***Alternative allowance due to constraints.*** If approved by the local fire authority, a permanently terminal street or street-route may serve a maximum of 30 subdivision lots or lots of record, and the maximum length of the street may be waived by the Land Use Authority, as long as the topography or other constraints of the land in the vicinity will not reasonably allow for a street connection to make the street or street-route non-terminal.
- (3) ***Turn-around required.*** A terminal street shall be terminated by a turnaround of not less than 100 feet diameter, or as otherwise required by the local fire authority or the County Engineer. If stormwater drains into the turnaround, a stormwater catch basin and drainage easement shall be provided.

(b) ***Temporarily terminal street.***

- (1) ***Parameters.*** An applicant may extend a temporarily terminal street or street-route beyond the maximum length specified in Subsection (a) of this section if the extension:
 - a. Can be defined as a temporarily terminal street or temporarily terminal street-route, as defined in Section 101-2 of this Land Use Code;
 - b. Runs along the general alignment of a future street, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or

Similar legislatively adopted planning document;

- c. Reduces the distance between the terminal street and the greater interconnected public street network, as measured along the general alignment of the planning street; and
- d. Complies with the requirements of the local fire authority.

(2) **Number of lots.** A secondary emergency egress and fire access road, as approved by the local fire authority, shall connect the temporarily terminal street to the greater interconnected street network before more than 30 residential lots are allowed to gain sole-access from the street. Additionally, at no time shall more than 30 residential lots be allowed to gain sole-access from the street between the street's intersection with the nearest secondary emergency egress and the street's terminus.

(3) **Turn-around required.** A temporarily terminal street shall have a temporary turn-around at the end that complies with the minimum requirements of the local fire authority or the County Engineer. The temporary turn around shall remain available and usable by any users of the street so long as the dead-end condition exists.

(c) **Substandard terminal street.** A subdivision that is proposed along a terminal street or terminal street-route that does not meet County right-of-way or construction standards at any point along the terminal street or terminal street-route shall not be allowed unless the County Engineer and Planning Director can mutually make the following findings:

- (1) A traffic study, conducted by a certified professional traffic operations engineer (PTOE) and funded by the applicant, demonstrates that the existing single-access street or street route is adequate and safe, or can be made adequate and safe with improvements volunteered by the applicant, for the increased traffic demand of the new subdivision;
- (2) That due to topographic, environmental, or other unique characteristics of the area, it is unlikely that another street or street route will be established that provides the new subdivision a second connection to the greater interconnected public street network within the next 10 years;
- (3) That not providing the new subdivision with a standard single-access street or street-route does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document;
- (4) That not requiring a second connection to the greater interconnected public street network does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document; and
- (5) That compliance with Section 106-2-2.8 will be met.

HISTORY
Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.5 (Reserved)

(Reserved)

HISTORY
Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.6 (Reserved)

(Reserved)

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.7 (Reserved)

(Reserved)

HISTORY

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.8 Street Cross Sections

- (a) **Street cross section design.** A proposed new street or street extension shall comply with the standards and specifications provided in Section 106-4-5 of this Land Use Code, as shall half of an existing street adjacent to the lots in the subdivision, if applicable. The County Engineer is authorized to require the applicant to make offsite improvements on streets in the area if the impact of the subdivision on those streets necessitates the improvements.
- (b) **Development on a substandard street.** When an applicant is proposing a lot or lots that will gain access from a substandard street, or from a terminal street or terminal street-route that is substandard at any point leading to the lot or lots, the applicant can either choose to bring the street to the applicable standard or the following provisions shall apply:
- (1) **Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-36a-102, the applicant shall pay the cost of a proportionate share of street design, street improvements, and, if applicable, street right-of-way acquisition to bring that street into or closer to compliance with County standards. The cost of the proportionate share shall be determined as follows:
 - a. **Engineer's cost estimate.** Estimate the cost to improve the street to County standards from the point it becomes substandard to the furthest extent of the applicant's subdivision along the street, in compliance with the following:
 1. This shall be furnished by the applicant in the form of an engineer's cost estimate. The estimate shall use up-to-date market costs for engineering and design, surveying, construction material, labor, and any other expense necessary to improve the street to County standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant's subdivision shall be excluded from the calculation;
 2. The County Engineer may require the applicant to furnish engineered drawings of the street and an itemized cost-estimate in order to substantiate the estimated cost;
 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or market fluctuations during the duration of construction of the applicant's obligations; and
 4. A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.
 - b. **Determine street's buildout potential.** Find the sum of the estimated number of lots expected along the street at buildout, plus the applicant's proposed number of lots, as follows:

1. Measure the length of the substandard street or street-route from the point it becomes substandard to the furthest extent of the applicant's subdivision along the substandard street or street-route;
 2. Determine the estimated number of lots expected along the street at buildout by dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then
 3. Combine the estimated number of lots expected along the street at buildout, the results of Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.
- c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots expected along the street at buildout plus the applicant's proposed number of lots, the results of Subsection (b)(1)b.

(2) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:

- a. **Required improvements.** Require the applicant to make improvements to the substandard street or street-route in an amount up to but not exceeding the applicant's cost of the proportionate share, as determined herein. The County Engineer has full authority and discretion to determine what improvements are required of the applicant;
- b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's needed improvements into scheduled road maintenance and improvements; or
- c. **Deferral.** If the County Engineer determines that the funds that would be made available are insufficient to provide meaningful project improvements along the substandard street or street-route, he may allow a substandard road agreement in lieu of the project improvements required in this section. In this case, all owners having interest in the new subdivision shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:
 1. Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards adopted by the County;
 2. Require a deferral agreement that specifies that the owners or successors and heirs are responsible, at a time the governing authority deems it necessary, to pay for their proportionate share of improving the parts of the single-access street route that do not conform to County standards;
 3. Allow the governing authority, at its option, to withhold any written protest filed by the owners or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is used to improve access to the subdivision; and

4. Be recorded to the property at the time of subdivision recordation or sooner.

HISTORY

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-2-2.9 Street Grades

Street grades. Except where due to special circumstances, street grades over sustained length shall not exceed the following percentages: on major public streets, eight percent; on collector streets, ten percent; on minor streets, 12 percent; on private streets, 15 percent. All street grades shall be reviewed and approved by the county fire district and county engineer.

Sec 106-2-2.10 Alleys

Alleys shall have a minimum width of 20 feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.

Sec 106-2-2.11 Protection Strips

Where subdivision streets parallel contiguous property of other owners, the subdivider may establish a protection strip of not less than one foot in width located within the road right-of-way and lying next to the adjacent property. The said strip shall be deemed part of the dedicated right-of-way, provided that an agreement with the county and approved by the county attorney has been made by the subdivider. A land owner choosing to access property across the protection strip shall make payment to the original developer in an amount equal to the fair cost of the street improvements, plus the value of one-half the land in the street at the time of the agreement. This agreement shall expire ten years from the date the agreement was signed and shall become void.

Sec 106-2-3 Blocks

- (a) The maximum length of blocks generally shall be 1,300 feet and the minimum length of blocks shall be 500 feet. Blocks over 800 feet in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than six feet in width.
- (b) The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the planning commission because of design, terrain, or other unusual conditions.
- (c) Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

(Ord. of 1952, title 26, § 2-3)

Sec 106-2-4 Lot Standards

[Sec 106-2-4.10 Lot Standards Generally](#)

[Sec 106-2-4.20 Lot-Averaged Subdivision](#)

[Sec 106-2-4.30 Connectivity-Incentivized Subdivision](#)

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

Sec 106-2-4.10 Lot Standards Generally

- (a) **Lot configuration.** The lot arrangement and design shall provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions.
- (b) **Lot size and exceptions.** All lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, as provided in the applicable zone pursuant to Title 104 of the Land Use Code. However, the following are exceptions to this requirement:
- (1) **Variance.** When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code.
 - (2) **Cluster subdivision or master planned development.** When in accordance with the cluster subdivision or master planned development provisions of this Land Use Code.
 - (3) **Septic system and wellhead protection.** When required by the local health department as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements.
- (c) **Lot frontage.** Each lot shall have frontage on a street or shared private lane that meets County standards, unless specifically provided otherwise in this Land Use Code. A lot having double frontage is prohibited unless the rear of the lot is abutting a collector or arterial street, or a street planned to become a collector or arterial street, or extreme topography makes other design inappropriate, as determined by the County Engineer. If allowed, the rear lot line of a double frontage lot shall be labeled as "no access allowed."
- (d) **Side lot lines.** Side lines of lots shall be approximately at right angles, or radial to the street line.
- (e) **Remnant parcel.** A subdivision of land shall not exclude from its boundary any part or remainder of a parcel affected by the subdivision unless the remnant parcel is exempt from the definition of a subdivision under state and county code, or is exempt from platting requirements by state code.
- (1) **Remnant parcel size.** An allowed remnant parcel shall be no smaller than five acres, and be recorded with the agricultural notice specified in UCA § 17-27a-605.
 - (2) **Retroactive compliance.** Any parcel that was created as the result of being a remainder from a platted subdivision, including those that do not comply with the recorded notice provisions of UCA § 17-27a-605, that is later used for any use other than agriculture is no longer exempt from the requirements of this Title and shall retroactively be made to comply with this Title and applicable state code.
- (f) **Multiple ownership.** Where the land covered by a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more proposed lots, the land in each lot so divided shall be properly executed to correctly vest title to the owner or owners prior to recording the plat.
- (g) **Easements.**
- (1) **Lot frontage public utility easements.** Each lot shall have a ten-foot public utility easement abutting a street right-of-way and spanning the lot width. This ten-foot easement is not required in a zone that allows a zero front setback.

- (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if, authorized or required by the County Engineer or Land Use Authority, who shall specify the easement's location and width, with a minimum width no less than five feet.
 - (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff onto other property will not exceed historic runoff rates, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects other properties in the area and public infrastructure. The land drain shall be installed as part of the subdivision improvements.
 - (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which irrigation water runoff has historically and lawfully drained from other property, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects the new lots, public infrastructure, and historic irrigation flows from and to other property. The land drain shall be installed as part of the subdivision improvements.
- (h) **Taxing district annexation.** Parcels that are split by a taxing district shall have the entire parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.
- (i) **Hillside development.** A lot that has an average percent of slope, as defined in Section 101-2 of this Land Use Code, that is greater than 25-percent shall provide for the following:
- (1) **Buildable area.** If a lot has a buildable area, as defined in Section 101-2, a hillside development review is not required. The buildable area shall be delineated on the final plat by short dashed lines.
 - (2) **Restricted lot.** A lot that cannot contain a buildable area is a restricted lot and is subject to a hillside development review pursuant to the requirements of Title 108, Chapter 14. The letter "R" shall be placed immediately to the right of the lot number. All development conditions and restrictions resulting from the hillside development review shall be noted or referenced on the final plat.
- (j) **Sensitive lands restrictions.** A lot subject to development restrictions found in Title 104, Chapter 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

(Ord. of 1952, title 26, § 2-4; Ord. No. 2018-11, Exh. A, 8-21-2018; Ord. No. 2019-4, Exh. A, 3-12-2019)

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-2-4.20 Lot-Averaged Subdivision

In the A-1, A-2, A-3, and AV-3 zones, a lot's area and width standards may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum lot width as specified in the applicable zone or zones found in [Title 104](#). A lot-averaged subdivision shall comply with the following:

- (a) **The averaged area and width of all lots to comply with zone standards.** The averaged lot area and averaged lot width of all lots located within a lot-averaged subdivision shall be no less than the minimum lot area and minimum lot width found in the applicable zone or zones. A pre-existing nonconforming lot of record that is smaller in lot area or lot width shall be excluded from

the calculation, and may continue with the smaller dimensions as long as it is not made more nonconforming.

- (b) **Lot standards.** The lot area and lot width of an individual lot located within a lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all lots in the subdivision maintains compliance with Subsection (a) of this section.

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- (c) **Subdivision plat table.** A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision boundary. If platted in phases, the "overall subdivision boundary" shall mean the exterior boundary of all phases in the approved preliminary plat.
- (d) **Plat subtitle.** Pursuant to [Section 106-1-8.20](#), a subtitle and note referencing this provision shall be placed on the final plat.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-2-4.30 Connectivity-Incentivized Subdivision

In the zones listed herein, when an applicant voluntarily designs a subdivision's public street layout in accordance with the preferred layout of the County Planning Division Director and County Engineer, the applicant may use the base density calculation, as defined in [Chapter 101-2-3](#), to determine the number of lots allowed in the subdivision. The following provisions also apply:

- (a) **No entitlement.** An applicant is not entitled to the provisions of this section and the County is not obligated to apply the provisions of this section to any application.
- (b) **Base density incentive.** When calculating the base density, the area proposed to be encumbered by a public street right-of-way, up to ten percent of the gross developable acreage, is not required to be omitted from the net developable acreage of the subdivision. Base density shall be calculated using the minimum lot area and minimum lot width of the applicable zone, pursuant to the provisions in [Title 104](#).
- (c) **Flexible lot standards.** The following table provides the zones in which the County may choose to allow this incentive.

- (1) Unless excepted in Subsection (c)(2) of this section, at no time shall the lot area and lot width of any residential lot be less than provided in this table:

	S-1	F-5	AV-3	FV-3	A-3	A-2	A-1	RE-20	RE-15	R-1-12	R-1-10	R-2	R-3	FR-3	CV R-1
Reduced minimum lot area:	50-percent of the zone's min.							80-percent of the zone's min.							No min.
Reduced minimum lot width:	50-percent of the zone's min.							80-percent of the zone's min.							No min.

- (2) The following are exceptions to the lot area and lot width provisions of Subsection (c)(1) of this section:
- a. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.
 - b. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.
- (d) **Preferred public street layout.** In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to using industry best practices regarding:
- (1) Street and neighborhood connectivity for both motorized and nonmotorized street-users;
 - (2) Efficiency of street-routes in terms of distance traveled;
 - (3) Reducing block length;
 - (4) Enhancing pedestrian circulation and safety;
 - (5) Supporting four-way intersections over three-way intersections where appropriate; and
 - (6) Superior street alignment that will create best community outcomes.
- (e) Pursuant to [Section 106-1-8.20](#), a subtitle and note referencing this provision shall be placed on the final plat.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Sec 106-2-5 Parks, School Sites And Other Public Places

- (a) In all subdivisions other than summer home subdivisions and subdivisions where there are no public streets, the planning commission may require the dedication to the county of not more than three percent of the gross area of the subdivision for parks, open spaces or other public uses in such location as approved by the planning commission as indicated on the approved preliminary plan, unless the subdivision is approved as part of a cluster subdivision.
- (b) Where it is determined that a greater amount of land is required for parks and open spaces to meet the general plan requirements for that area of the county, or a school site is required, the planning commission after so apprising the appropriate agency, shall so indicate the open space or school site requirements to the subdivider on the approved preliminary plan.
- (c) The subdivider, at the time of filing the final plat with the planning commission, must offer to sell at a fair market price to the county or other appropriate public agency, within one year immediately following the recording of the final plat, any land so designated for school sites or any land designated for park or open space in excess of the three percent of land area required to be dedicated in accordance with subsection (a) of this section.
- (d) If any such proposed public areas or school sites have not been purchased by the appropriate public agency within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this chapter.

(Ord. of 1952, title 26, § 2-5)

Sec 106-2-6 (Reserved)

Editor's note—Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014, repealed former § 106-2-6 and renumbered subsequent sections 106-2-7—106-2-10 as 106-2-6—106-2-9. Prior to Ord. No. 2014-20, § 106-2-6 pertained to cluster subdivisions; special provisions, and derived from Ord. of 1952, title 26, § 2-6. After Ord. No. 2014-20, § 106-2-6 pertained to mountain subdivisions, special provisions. Later, Ord. No. 2021-23, adopted July 6, 2021, repealed mountain subdivisions, special provisions, and reserved § 106-2-6 for future provisions.

Sec 106-2-7 (Reserved)

(Reserved)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-2-8 Large Scale Excavation

No large scale excavation (more than 5,000 square feet), grading, or regrading shall take place on any land for which a preliminary subdivision plan has been submitted, until the such plan has been given preliminary approval by the Land Use Authority and County Engineer.

Editor's note—Ord. No. 2019-15, Exh. A, adopted Aug. 6, 2019, repealed § 106-2-8, which pertained to general land development and derived from Ord. of 1952, title 26, § 2-9 and Ord. No. 2014-20, pt. 2, adopted Dec. 23, 2014. Ord. 2021-23, adopted July 6, 2021, moved large scale excavation from § 106-1-5 to this section, and modified the language.

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-2-9 Power And Telephone Utilities

All electric power, television cable and telephone utility extensions to and in new subdivisions shall be installed underground to utility company specifications, except in those locations where the utility companies determine, and the planning commission concurs that it is impractical due to steep terrain, inaccessible location, or other physical deficiency with the land.

(Ord. of 1952, title 26, § 2-10; Ord. No. 2014-20, pt. 2, 12-23-2014)

Editor's note— See editor's note following § 106-2-6 regarding renumbering of sections.

Chapter 106-3 Condominium Projects**[Sec 106-3-1 \(Reserved\)](#)****[Sec 106-3-2 Condominium Projects; Subdivision](#)****[Sec 106-3-3 Condominium Projects To Comply With Local Ordinances](#)****[Sec 106-3-4 Approval Of Condominium Declaration](#)****[Sec 106-3-5 Installation Of Improvements](#)**

State Law reference—Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq.

Sec 106-3-1 (Reserved)**Sec 106-3-2 Condominium Projects; Subdivision**

A condominium project shall be considered to be a subdivision, and a record of survey map or supplement thereto prepared pursuant to the Condominium Ownership Act, U.C.A. 1953, § 57-8, as amended, shall be considered to be a subdivision map or plat with respect to such real property or improvements that are to be dedicated to the use of the public, and to those units which are not contained existing or proposed buildings.

(Ord. of 1952, title 26, § 3-2)

Sec 106-3-3 Condominium Projects To Comply With Local Ordinances

- (a) Condominium projects shall comply with all the provision of the Weber County Land Use Code, the building, health and similar development regulations and ordinances of the county, and with Weber County subdivision regulations and shall follow the procedure outlined in such regulations for processing subdivisions.
- (b) The standards and criteria for geographical layout of a condominium project, the facilities of utility lines and roads, the percentage of the project to be devoted to common or recreational use shall comply with the provisions of the ordinances and regulations in the subsections of this chapter.

(Ord. of 1952, title 26, § 3-3)

Sec 106-3-4 Approval Of Condominium Declaration

A copy of the preliminary condominium declaration prepared pursuant to U.C.A. 1953, § 57-8 as amended, shall be submitted to the planning commission along with the preliminary record of survey, for review and approval with respect to the standards for the maintenance, upkeep and operations of roads, the facilities of utility lines and roads, recreational areas, and open spaces in the project.

(Ord. of 1952, title 26, § 3-4)

Sec 106-3-5 Installation Of Improvements

The developer of a condominium project shall at his own expense install the improvements listed in the "Subdivision Improvements Required" chapter of this Code. In addition, proposed recreation facilities, clubhouses, recreation vehicle parking areas and landscaping materials in accordance with an approved plan shall be included in the guarantee of improvements provided by the developer to Weber County prior to final approval by Weber County or except as provided in the "Subdivision Improvements Required" chapter of this chapter, in accordance with the plans and specifications of approved by the county.

(Ord. of 1952, title 26, § 3-5)

Chapter 106-4 Subdivision Improvements Required

[Sec 106-4-1 General Requirements](#)

[Sec 106-4-2 Specific Requirements](#)

[Sec 106-4-3 Guarantee Of Improvements](#)

[Sec 106-4-4 Inspection Of Improvements](#)

[Sec 106-4-5 Public Works Standards And Technical Specifications](#)

Sec 106-4-1 General Requirements

- (a) ***Improvement plans, submittal and approval process.*** Pursuant to [Section 106-1-8.30](#), with the final subdivision plat submittal, the applicant shall submit a complete set of draft improvement plans. The County Engineer is authorized to approve the improvement plans after determining the plan's compliance with all applicable standards and specifications, and after receiving

approval of the improvement plans from the culinary water, secondary water, and sanitary sewer service providers, if applicable. The approvals from those service providers shall include a copy of the version of improvement plans for which they are offering approval. The applicant shall submit a copy of the final approved improvement plans with the final subdivision plat mylar. The final approved improvement plans shall be signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision.

- (b) **Approval of final improvement plans prior to final plat approval, if allowed.** The applicant may submit improvement plans prior to final plat approval, but not before preliminary plan/plat approval by the Land Use Authority. The County Engineer, in his sole discretion, may approve final improvement plans prior to final plat approval. No subdivision improvements or utilities shall be installed until after approval of the final improvement plans by the County Engineer. The County Engineer's approval of final improvement plans prior to final plat approval, or the County Engineer's authorization to commence construction of the improvements, shall not constitute entitlement or vesting of any particular final plat design. The applicant bears all risk associated with pursuing approval of final improvement plans and commencement of construction of improvements prior to final plat approval.
- (c) **Improvements to comply with standards and specifications.** All improvements shall comply with the standards and specifications referenced in [Section 106-4-5](#), and the standards and specifications of relevant utility service providers.
- (d) **Improvements to be installed prior to issuance of permits.** All required subdivision improvements shall be installed and pass inspection, pursuant to [Section 106-4-3](#), prior to issuance of any land use permit in a subdivision. This shall not apply to the asphalt, chip and seal, landscaping, street monuments, or curb, gutter, and sidewalk as long as a sufficient financial guarantee of improvements exists or is provided as required by [Section 106-4-3](#) for the incomplete improvements. A certificate of occupancy shall not be issued until the missing improvements are installed and pass inspection.
- (e) **Improvements under street asphalt.** All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road will require a special permit and include requirements for special backfill and asphalt replacement.
- (f) **Monumentation improvement agreement.** The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the County Surveyor signing the final subdivision plat mylar.
- (g) **As-built plans required.** Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the County Engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible mylars prior to county acceptance for maintenance of roads.
- (h) **Phased subdivisions.** Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available to the buyers of the lots. The applicant shall be responsible for coordinating the installation of utilities, streets, water lines, fire hydrants, and all other required improvements with the buyers of lots.

(Ord. of 1952, title 26, § 4-1; Ord. No. 3-82, 1-26-1982; Ord. No. 2012-2, § 1(26-4-1), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

Editor's note—Ord. No. 2017-27, Exh. B, adopted July 25, 2017, amended the catchline of § 106-4-1 from "Owner of subdivision responsible for costs" to read as herein set out.

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-4-2 Specific Requirements

[Sec 106-4-2.1 Water Supply](#)

[Sec 106-4-2.2 Sewage Disposal](#)

[Sec 106-4-2.3 Stormwater](#)

[Sec 106-4-2.4 Street Grading And Surfacing](#)

[Sec 106-4-2.5 Curbs And Gutters](#)

[Sec 106-4-2.6 Sidewalks](#)

[Sec 106-4-2.7 Street Monuments](#)

[Sec 106-4-2.8 Street Trees](#)

[Sec 106-4-2.9 Street Signs](#)

[Sec 106-4-2.10 Ditch Or Canal Improvements](#)

[Sec 106-4-2.11 Staking Subdivision Corners](#)

[Sec 106-4-2.12 Peripheral Fencing](#)

[Sec 106-4-2.13 Fire Protection](#)

(Ord. of 1952, title 26, § 4-2; Ord. No. 6-73, 4-17-1973; Ord. No. 3-82, 1-26-1982; Ord. No. 4-86, 3-10-1986; Ord. No. 22-87 12-14-1987; Ord. No. 19-90, 10-24-1990; Ord. No. 17-91, 8-27-1991; Ord. No. 2002-11, 6-18-02; Ord. No. 11-2005, 8-16-05; Ord. No. 2012-2, § 1(26-4-2), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

HISTORY

Amended by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.1 Water Supply

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

(1) ***Water service provider connection.***

a. ***Connection to existing water supply and delivery system, requirement qualifiers.***

1. ***Connection requirements and qualifiers.*** If any lot within the subdivision is located within a distance of 50 feet multiplied by the number of proposed lots from a public culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards, each lot within the subdivision shall be connected to the service provider's water delivery system;
2. ***Multiple local systems.*** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the

final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.

b. **Connection to new water supply and delivery system.**

1. **Creation of and connection to new system.** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.
2. **Ownership, operation, and management of new system.** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.
3. **New system in existing water service provider's planned expansion area.** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary water service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:
 - i. **Existing service provider's ownership of new system.** At the existing service provider's sole option, upon written request, the applicant shall transfer ownership of the new system, including but not limited to, the piping, conveyances, easements, sources, any other infrastructure, and the related water rights, contracts and shares, to the existing service provider at no cost, unless negotiated by the entities otherwise.
 - ii. **New system to conform to existing system.** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.
 - iii. **New system's future consolidation into existing system.** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.
 - iv. **Contract.** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise:
 - (a) The contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing; and
 - (b) The infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall remain the responsibility of the users of the system for which the debt was incurred.

- v. **Service provider maps required.** An existing service provider intending to use this provision for future expansion shall submit documentation to the County showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.
 - vi. **Multiple local systems.** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the County of each provider's intent to eventually serve the development. The existing system that will yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the County Engineer.
- (2) **Private well connection.** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1. The applicant shall simultaneously submit all wells proposed in the subdivision, including all phases if applicable, for well approval to the Utah Division of Water Rights.
- (b) **Required water quantity.** Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.
- (1) **Culinary water quantity and quality.** The quantity and quality of culinary water shall meet the minimum standards required by the culinary water authority, applicable agency, or applicable service provider.
 - (2) **Secondary water quantity.** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.
 - a. **Secondary water by service provider.** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
 - b. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
 - 1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;

2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
3. A note is placed on the final recorded plat as required in [Section 106-1-8.20](#); and
4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.

c. **Secondary water exemption.** A subdivision lot that is completely covered by pre-existing native wildland vegetation, and will remain so, is exempt from the secondary water requirements of this section as long as the pre-existing native wildland vegetation remains undisturbed in perpetuity, and is well-established in a manner that makes it relatively unlikely for noxious weed propagation. Clearing minimal area needed for buildings, driveways, accessory uses, wildfire defensible space, and similar uses is allowed under this exemption as long as it does not result in the need for outdoor watering. The following shall be provided with the final plat:

1. A restricted-landscape covenant is recorded to the lot. The covenant shall restrict the removal or addition of living vegetation from the lot unless the owner acquires the secondary water required by this section; and
2. A note shall be placed on the final recorded plat as required in [Section 106-1-8.20](#).

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

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

- a. Written verification from the water service provider. The assessment shall verify:
 1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
 2. For a culinary water provider, that adequate culinary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;
 3. For a secondary water provider, that adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and

4. The specific details regarding the requirements or conditions for the water service of which the county should be aware during the approval or construction process.

b. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.

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

a. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.

b. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:

1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;

2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and

c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.

(d) **Water supply and delivery system improvements required.**

(1) **Improvements required for water service provider.** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.

a. **Main delivery line extents.** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.

b. **Infrastructure capacity.** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the County Engineer.

c. **Metering.** All culinary and secondary water connections shall be metered.

d. **Improvements operational before permit.** Water lines and fire hydrants shall be operational before building permits are issued for any structures.

e. **New source.** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.

f. **Conflicting requirements.** The County Engineer has discretion to waive or modify any of the foregoing requirements in Subsection (d)(1) of this Section 106-4-2.1 if in conflict with the service provider's requirements.

g. **Prior to County's final acceptance.** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water

infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the County.

- h. **No obligation to County.** Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.

(2) **Improvements required for private well.**

- a. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow and quality exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
- b. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.

- (e) **Culinary water conditioned on secondary water.** If a culinary water service provider has conditioned its service on adequate access to a secondary water service, the following apply:

- (1) **Verification.** A culinary water service provider bears full responsibility for verifying a secondary water system's capability to satisfy the culinary water service provider's conditions and requirements before it will offer culinary water service to the subdivision.
- (2) **Culinary water restrictions.** Unless expressly authorized by the culinary water provider, no culinary water is authorized for watering vegetation using sprinklers or other irrigation methods. A culinary water provider has the authority to take appropriate action if unauthorized use of culinary water for an outdoor application is found.
- (3) **Exactions and denials of water service provider.** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accordance with industry best practices.

- (f) **Irrigation water exemption in small subdivisions.** In the Ogden Valley, a [small subdivision](#), as defined in [Section 101-2-20](#), may use existing irrigation water to meet the secondary water requirements of this Section if irrigation water has been consistently used on the land prior to the subdivision, and is being proposed to be used to irrigate the same general area. Each resulting lot shall be given sufficient water rights, shares, or stock to irrigate the area specified in Subsection (b)(2) of this Section 106-4-2.1.

- (g) **Transfer of rights or shares and penalty for removal.** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. The culinary water service provider, or when the subdivision is located in a secondary water service provider's expansion area, the secondary water service provider, is authorized to require sufficient secondary water rights or shares to be transferred to them to be held in trust until the secondary water service provider's system has been extended to the subdivision. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all

associated enforcement measures being at the County's disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or County Engineer.

HISTORY

Adopted by Ord. [2021-17](#) on 5/25/2021

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-4-2.2 Sewage Disposal

- (a) Where any part of a building situated within the unincorporated areas of the county is within 300 feet of an area in which a public sewer or sewer owned or operated by any special improvement sanitary district is located, the building is close enough in the determination of the county health officer to require a connection to the public sewer and provide adequate lateral lines to the property line of each lot. Sewer systems shall be designed and connections shall comply with the public work standards of the county. Where the construction of a sewer subdivision, the applicant shall be required to construct the trunk line in accordance with plans approved by the county engineer. The new trunk line shall be designed with sufficient capacity for the service area for a period of ten years from the date of acceptance by the county.
- (b) Where a public sanitary sewer is not accessible, the applicant shall obtain approval from the county health officer for the disposal for each of the lots. Written approval from the county health officer shall be submitted with the subdivision application is submitted. Septic tanks shall be installed according to the specifications of the county health officer. Where a sewer treatment facility is being approved by the State of Utah Department of Environmental Quality, a letter of feasibility is required for preliminary approval and a construct permit from the state is required by the planning commission.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.3 Stormwater

- (a) The county engineer shall require the applicant to dispose of stormwater, if such provision is deemed necessary, so that runoff from the subdivision does not exceed the runoff under undeveloped or natural conditions on the abutting property to permit drainage of the subdivision, it shall be the responsibility of the applicant to provide for such disposal.
- (b) When drainage structures such as storm water detention and/or retention facilities are required by the county engineer, the applicant may require the facility to be dedicated or otherwise transferred to Weber County or its designee. Written approval from the county engineer shall be required for the subdivision which the detention and/or retention facility serves, to form a homeowners association, and articles of incorporation and by-laws filed with the department of commerce. Provision shall be made for the county engineer to do periodic inspections and maintain the drainage facilities. The purpose of the detention and/or retention facility is to maintain the facility in satisfactory condition as specified by the county engineer. A permanent easement over the detention/retention facilities to guarantee such facilities will remain and be used for their intended purposes.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.4 Street Grading And Surfacing

All public and private streets and private access rights-of-way shall be graded and surfaced in accordance with the public work standards.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.5 Curbs And Gutters

Curbs and gutters shall be installed on existing and proposed streets by the applicant. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the applicant in subdivisions along abutting Utah State Highways, if required by Utah State Department of Transportation.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.6 Sidewalks

Five foot wide sidewalks are required on both sides of the street, unless specified otherwise in this Land Use Code or other adopted street right-of-way standard. Where no sidewalk currently exists in the area, or where a subdivision's required sidewalk is premature given existing conditions, the required sidewalk may be deferred to a later time by recording a deferral agreement to each lot in a form as approved by the County Attorney, County Engineer, and County Planning Director. A pathway, either paved or concrete as determined by the County Engineer given site conditions, may shall be substituted for a sidewalks along routes that are delineated on an adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material as determined by the County Engineer.

HISTORY

Amended by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.7 Street Monuments

Permanent street monuments shall be accurately set at points necessary to establish all lines of the street. Street monuments shall be of a type specified by the county surveyor.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.8 Street Trees

Street trees shall be planted by the applicant when so required by the planning commission and of a variety and location as approved by the planning commission.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.9 Street Signs

Street signs shall be installed by the applicant at locations designated by the county engineer. Signs shall be a type and material prescribed by the county engineer. The county commissioners shall have the option to install signs and charge the costs to the applicant.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.10 Ditch Or Canal Improvements

- (a) All canals, ditches, or other irrigation conveyance infrastructure on the land or within an adjoining street right-of-way shall be piped as part of the subdivision improvements, unless the owner of the infrastructure notifies the County in writing that they will not allow the piping of the infrastructure, or unless the County Engineer requires otherwise. The piping of the infrastructure shall not restrict the flow of water greater than the existing infrastructure unless otherwise allowed by the owner of the infrastructure.
- (b) A solid board, chain link, or other non-climbable fence not less than six feet in height shall be installed on both sides of existing irrigation ditches or canals which carry five second feet or more of water, or bordering open reservoirs, railroad rights-of-way or non-access streets, and which are located within or adjacent to the subdivision. The Planning Commission may determine that park areas, including streams or bodies of water, shall remain unfenced. Fencing or piping of canals, etc., shall not be required on subdivisions of four or fewer lots, or where canals are located 600 feet from the homes.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Amended by Ord. [2022-21](#) on 8/16/2022

Sec 106-4-2.11 Staking Subdivision Corners

Survey markers shall be placed at all subdivision corners and lot corners to completely identify the boundaries on the ground. This shall be performed and confirmed by the surveyor's office before the subdivision is recorded.

- (a) The minimum standard for a boundary or lot corner monument shall be a number five rebar 24 in with the registered business name or the letters P.L.S. (Professional Land Surveyor) followed by charge. Where ground conditions do not permit such monumentation, substitute monuments shall durably and visibly marked or tagged with the registered business name or the letters "P.L.S." follow in charge.
- (b) If the monument is set by a public officer, it shall be marked with the official title of the office.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.12 Peripheral Fencing

The planning commission may require fencing along the periphery of a subdivision in an agricultural zone to provide protection to adjacent farming lands from the adverse effects of residential living and vice versa.

HISTORY

Renumbered by Ord. [2021-17](#) on 5/25/2021

Sec 106-4-2.13 Fire Protection

- (a) A letter from the Weber Fire District approving the fire protection method shall be provided prior to the planning commission. Before a land use permit is issued, the fire protection method shall be operated from the Weber Fire District.
- (b) Subdivisions located in the Forest and Forest Valley Zones shall have requirements in the Subdivision Wildfire Mitigation as outlined by the Weber County Fire District.

Sec 106-4-3 Guarantee Of Improvements

- (a) *Financial guarantee for the completion of improvements.* An applicant who desires to record any subdivision plat prior to the completion of subdivision improvements shall provide a financial guarantee for the completion of the improvements. The applicant shall furnish and file with the county an escrow agreement or a letter of credit in an amount equal to 110 percent of the future cost of the installation of the improvements at the termination of the two-year improvement completion period, as estimated by the county engineer, to assure the installation of improvements within two years.
- (1) *Escrow agreement.* An escrow agreement, and the associated funds, requires the approval of the County Engineer and County Attorney. Escrow funds shall be deposited with the County Treasurer at the time the escrow agreement is executed.
 - (2) *Letter of credit.* An applicant may only use a letter of credit if the following conditions are met:
 - a. The engineer's cost estimate for installation of the improvements exceeds \$1,000,000.00;
 - b. The applicant and, if applicable, the applicant's subsidiaries and the applicant's members or shareholders has a history of positive performance, with no incidences of negative performance, in its development related contractual obligations in the State of Utah, and has a history of positive performance, with no incidences of negative performance, in completing developments in the State of Utah. The Planning Director or County Engineer may require the applicant to provide a performance history from other jurisdictions;
 - c. The applicant's financial institution has a history of positive performance in fulfilling its financial obligations, as determined by the county treasurer and based on typical conventions of the financial industry;
 - d. The applicant's financial institution provides the letter of credit on a standard letter of credit form supplied by Weber County or in a form that provides equal or greater financial protection to the county, as determined by the County Attorney;
 - e. The County Attorney, County Treasurer, and County Engineer approve the letter of credit, which they shall do if all of the conditions above are met unless they have reasonable, objective indications of a substantial risk that either the applicant or the applicant's financial institution will not fulfill its obligations related to the completion of improvements or the financial guarantee; and
 - f. A cash escrow is deposited with the county treasurer at the time the letter of credit is executed equal to the full cost to revegetate any removed vegetation in the event the applicant, his successors or heirs, or his financial institution fails to perform.
 - (3) *Acceptance of financial guarantee.* A financial guarantee under this section is accepted when the County Engineer signs a standard subdivision improvement agreement and an escrow agreement or letter of credit. After the subdivision improvement agreement is approved and executed, the applicant may record the subdivision, as long as all other recording requirements have been met. The recording of the subdivision will allow the developer to sell the lots, but not allow building and/or land use permits to be issued until all improvements are installed, except as listed in this Title.

- (b) *Partial release of financial guarantee.* Unless otherwise specified by the terms of the subdivision improvement agreement, the county is only obligated to offer a partial release of the financial guarantee for an independent improvement system, including but not limited to those specified in section 106-4-2, that is completed to the satisfaction of the County Engineer.
- (c) *Warranty, and conditional acceptance of improvements.* Upon satisfactory completion of all improvements, as determined by the County Engineer, the improvements shall enter a conditional acceptance period. Ten percent of the approved financial guarantee shall be retained by the county for an improvement warranty period as defined by U.C.A. 1953, § 17-27a-103. At the discretion of the county engineer, the warranty period may restart for any individual improvement needing replacement or repairs prior to the end of the conditional acceptance period.
- (d) *Final acceptance of improvements.* After the warranty period has expired, if the improvements have performed to the County Engineer's satisfaction, the County Engineer shall release the remainder of the financial guarantee. At this time the County Engineer may also offer final acceptance of the improvements. Final acceptance may be withheld if circumstances unforeseen at the time of conditional acceptance become known that expose the county or the public to unreasonable financial or safety risk. The county is not responsible for operations or maintenance of public improvements that have not received final acceptance.

(Ord. of 1952, title 26, § 4-3; Ord. No. 3-85, 4-17-1985; Ord. No. 13-91, 6-26-1991; Ord. No. 2002-11, 6-18-2002; Ord. No. 11-2005, 8-16-2005; Ord. No. 2009-32, 12-22-2009; Ord. No. 2012-2, § 1(26-4-3), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

Sec 106-4-4 Inspection Of Improvements

The county engineer, building inspector, county surveyor, and county health officer shall inspect all buildings, structures, streets, street monuments, fire hydrants, water supply, and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains, and laterals shall not be covered over or back-filled until such installations have been approved by the county engineer, or utility owner's representative. If any installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the county engineer.

(Ord. of 1952, title 26, § 4-4; Ord. No. 3-82, 6-26-1982; Ord. No. 2002-11, 6-18-2002; Ord. No. 11-2005, 8-16-2005; Ord. No. 2012-2, § 1(26-4-4), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

Sec 106-4-5 Public Works Standards And Technical Specifications

The County hereby adopts the requirements of the APWA 2012 Manual of Standard Plans and Manual of Standard Specifications, along with the "Public Works Standards and Technical Specifications" prepared in August 1982 by James M. Montgomery Consulting Engineers. The County Engineer shall have the authority to approve alternative designs and standards when there is compelling evidence that an alternative design or standard would be best under the circumstances. From time to time, the County may adopt or replace these documents, in whole or in part, by resolution.

HISTORY

Adopted by Ord. [2021-23](#) on 7/6/2021

Chapter 106-5 Enforcement And Permits

[Sec 106-5-1 Subdivision Approval Required For Permit](#)
[Sec 106-5-2 Subdivision Processing Fee; Definitions](#)

Sec 106-5-1 Subdivision Approval Required For Permit

The county building inspector and planning director shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title. No county officer shall issue any permit or license for the use of any building, structure, or land when such land is a part of a subdivision as defined herein until such subdivision has been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void.

(Ord. of 1952, title 26, § 5-1)

Sec 106-5-2 Subdivision Processing Fee; Definitions

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

Planning processing means the procedure followed by the staff of the Weber County planning commission in accordance with this title in checking and reviewing proposed subdivisions leading to final approval by the county.

Engineering checking and improvement inspection means the work performed by the county engineer in checking the plans for road construction and utility installation as proposed by the subdivider and the on-site inspection of the actual construction to ensure conformance with county standards.

Rural subdivisions means subdivisions in a primarily agricultural, rural, or mountain area and in which the requirements of curb, gutter, and sidewalk have been waived by the county in accordance with sections section 106-4-2(f) and (h).

Urban subdivisions means subdivisions with lots of less than 40,000 square feet and 150 foot frontage which are required by the county to have installed curb, gutter and/or sidewalk in accordance with section 106-4-2(f) and (h).

(Ord. of 1952, title 26, § 5-2)

Chapter 106-6 Penalty, Validity And Repealer

[Sec 106-6-1 Penalty](#)

Sec 106-6-1 Penalty

Any person who shall violate any of the provisions of this title shall, upon conviction thereof, be punished by a fine not exceeding \$750.00 or imprisonment in the county jail for a period not exceeding 90 days or by both fine and imprisonment.

(Ord. of 1952, title 26, § 6-1)

Chapter 106-7 Owner's Dedication

[Sec 106-7-1 Subdivision Dedication](#)

Sec 106-7-1 Subdivision Dedication

Each subdivision plat shall provide dedication language that clearly explains what the dedication is, to what public entity it is being dedicated, and for what purpose the dedication is intended. The actual dedication language may vary for each plat based on the circumstances of the subject property, but the

following ample language, or language substantially similar, shall be used, to the extent applicable. The terms in brackets indicate a verbiage choice that shall reflect the actual circumstances of the subject property.

"We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown hereon and name said tract [name of subdivision]."

"We hereby dedicate, grant and convey to the governing body all those parts or portions of said tract of land designated as"

For public streets. "[public streets, the same to be used as public thoroughfares],"

Parcel for future public street. "[privately operated and maintained streets, the same to be held in fee by the governing body and reserved for future conversion to a public street at a time of the governing body's choosing],"

For public trails. "[public trails, the same to be used by the public for nonmotorized transportation and recreation],"

For public parks. "[parks, the same to be used as public open space],"

and do further dedicate, grant, and convey to Weber County, Utah, a perpetual right and easement over, upon, and under the lands designated herein as"

For public utility easements. "[public utility easements, the same to be used for the installation, maintenance, and operation of public utility service lines, storm drainage facilities, irrigation canals, or any other utility or street-related facility as authorized by the County],"

For public drainage easement. "[drainage easement, the same to be used for the perpetual preservation of water channels in their natural state],"

For perpetual open space easement. "[a perpetual open space right and easement on and over the common areas and open space areas to guarantee to Weber County that the common areas and open space areas remain open and undeveloped except for approved recreational, parking, and open space purposes]."

If applicable for private reservations. "Further, we reserve unto the subdivision [[lot] [unit] owners association, whose membership consists of the owners, their grantees, successors, or assigns of said tract of land] [lot owners individually, their grantees, successors, or assigns], all those parts or portions of said tract of land designated as,"

For private streets, rights of way, or common area. "[[private streets] [private rights-of-way] to provide access to the individual lots and to be maintained by the [lot owners] [[lot] [unit] owners association], [common areas to be used for recreational and open space purposes] for the benefit of each [lot] [unit] owners association member in common with all others in the subdivision,]"

For private land drain easement. "[reserve unto all owners of lots upon which private land drains are constructed or which are otherwise dependent upon such land drains, an easement over such land drains for the purpose of perpetual maintenance and operation.]"

(Ord. of 1956)

Chapter 106-8 Signature Blocks

Sec 106-8-1 Signature Blocks For Various Certifications And Examinations

Sec 106-8-1 Signature Blocks For Various Certifications And Examinations

The following signature blocks are for various forms required by this title:

(a) 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 _____, 20__.

Signature

(b) Weber County Surveyor:

I hereby certify that the Weber County Surveyor's 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 _____, 20__.

Signature

(c) 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 _____, 20__.

Signature

(d) 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 _____, 20__.

Chairman, Weber County Planning Commission

(e) 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 _____, 20__.

Chairman, Weber County Commission

Attest: _____

Title: _____

(f) Condominium:

(Corporation) Owner's Certificate of Consent to Record

Know all men by these presents: _____, President of _____ Inc., a Utah Corporation, which is the owner of the tract of land described hereon and the _____, a condominium 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 ___ sheets 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 _____, 20__.

(g) (Individual) owner's certificate of consent to record:

Know all men by these presents: _____ being the owners of the tract of land described hereon and the _____, a condominium project located on said tract of land, do hereby make this certificate that said owners have caused a survey to be made, and this record of survey map, consisting of ___ sheets to be prepared; that said owners have consented to and do hereby consent to the recordation of this Record of Survey Map in accordance with the Utah Condominium Ownership Act.

Signed this ___ day of _____, 20__.

Signature

(Ord. of 1956)

Title 107 (Reserved)

Title 108 Standards

[Chapter 108-1 Design Review](#)

[Chapter 108-2 Architectural, Landscape, And Screening Design Standards](#)

[Chapter 108-3 Cluster Subdivisions](#)

[Chapter 108-4 Conditional Uses](#)

[Chapter 108-5 \(Reserved\)](#)

[Chapter 108-6 Time Share](#)

[Chapter 108-7 Supplementary And Qualifying Regulations](#)

[Chapter 108-8 Parking And Loading Space, Vehicle Traffic And Access Regulations](#)

[Chapter 108-9 Motor Vehicle Access](#)

[Chapter 108-10 Public Buildings And Public Utility Substations](#)

[Chapter 108-11 \(Reserved\)](#)

[Chapter 108-12 Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots](#)

[Chapter 108-13 Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer's Markets](#)

[Chapter 108-14 Hillside Development Review Procedures And Standards](#)

[Chapter 108-15 Standards For Single-Family Dwellings](#)

[Chapter 108-16 Outdoor Lighting](#)

[Chapter 108-17 Ogden Valley Pathways](#)

[Chapter 108-18 Drinking Water Source Protection](#)

[Chapter 108-19 Accessory Dwelling Units](#)

[Chapter 108-20 Forest Campgrounds](#)

[Chapter 108-21 Agri-Tourism](#)

[Chapter 108-22 Natural Hazard Areas](#)

Chapter 108-1 Design Review

[Sec 108-1-1 Purpose](#)

[Sec 108-1-2 Application And Review](#)

[Sec 108-1-3 Exceptions](#)

[Sec 108-1-4 Considerations In Review Of Applications](#)

[Sec 108-1-5 Conditions](#)

[Sec 108-1-6 Planning Commission Approval](#)

[Sec 108-1-7 Agreement For Improvements](#)

[Sec 108-1-8 Time Limitations On Approval](#)

[Sec 108-1-9 Transfer Of Approval Upon Change In Use](#)

[Sec 108-1-10 Conformance To Approval](#)

[Sec 108-1-11 Modification](#)

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 75,000 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.
- (c) The applicability of the provisions of this chapter may be waived or modified by the County Commission by means of an executed and recorded development agreement. The specific waiver or modification shall be explicitly stated in the development agreement. The specific waiver or modification is subject to a public hearing with, and recommendation from, the Planning Commission prior to County Commission final decision.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014; Ord. No. 2016-4, Exh. C2, 5-24-2016)

HISTORY

Amended by Ord. [2022-09](#) on 3/29/2022

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.

(Ord. of 1956, § 36-3; Ord. No. 2012-19, pt. 12(§ 36-3), 12-18-2012; Ord. No. 2014-6, § 1, 4-1-2014)

Sec 108-1-4 Considerations In Review Of Applications

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

(a) *Considerations relating to traffic safety and traffic congestion.*

- (1) The effect of the development on traffic conditions on abutting streets.
- (2) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
- (3) The arrangement and adequacy of off street parking facilities to prevent traffic congestion.
- (4) The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.
- (5) The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee