



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: File #ZMA2023-17, an application to rezone approximately 134 acres of land located at approximately 500 North, 3600 West, from the A-2 zone to the R1-15 zone.

Agenda Date: January 9, 2023

Applicant: Heritage Land Holdings LLC. Agent: Marshae Stokes

File Number: ZMA2023-17

Frontier Project Link: <https://frontier.co.weber.ut.us/p/Project/Index/18945>

Property Information

Approximate Address: 500 North, 3600 West, Unincorporated West Weber

Current Zone(s): A-2 Zone

Proposed Zone(s): R1-15 Zone

Adjacent Land Use

North: Weber River/Marriott-Slaterville	South: Agricultural and Large Lot Residential
East: Weber River/Marriott-Slaterville	West: Agricultural

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

§Title 102, Chapter 5 Rezone Procedures.
 §Title 104, Chapter 2 Agricultural Zones.
 §Title 104, Chapter 12 Residential Zones.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary and Background

This is an application for a rezone from the A-2 Zone to the R1-15 Zone. The planning commission informally reviewed this request and the associated concept development plan in a work session at the end of the December 2023 planning commission meeting. At the time, the planning commission and staff offered the applicant feedback and recommended adjustments for the proposal. A complete staff review of the proposal was conducted a few days later in which staff offered the applicant formal written comments and recommendations that might help garner a favorable recommendation from the planning commission for the rezone.

The applicant has been attentive at resolving concerns expressed by the planning commission and staff regarding the proposal. The attached revised concept plan substantially addresses review comments and recommendations. With a few minor adjustments and reconsiderations, staff feels the concept plan is ready for a final decision.

The only outstanding concern that poses a possible threat to the viability of the development plan is the code's limitations on development on a terminal street. 3600 West is currently a terminal street. There is provision in the code for allowing additional development on a terminal street as long as there is sufficient secondary emergency

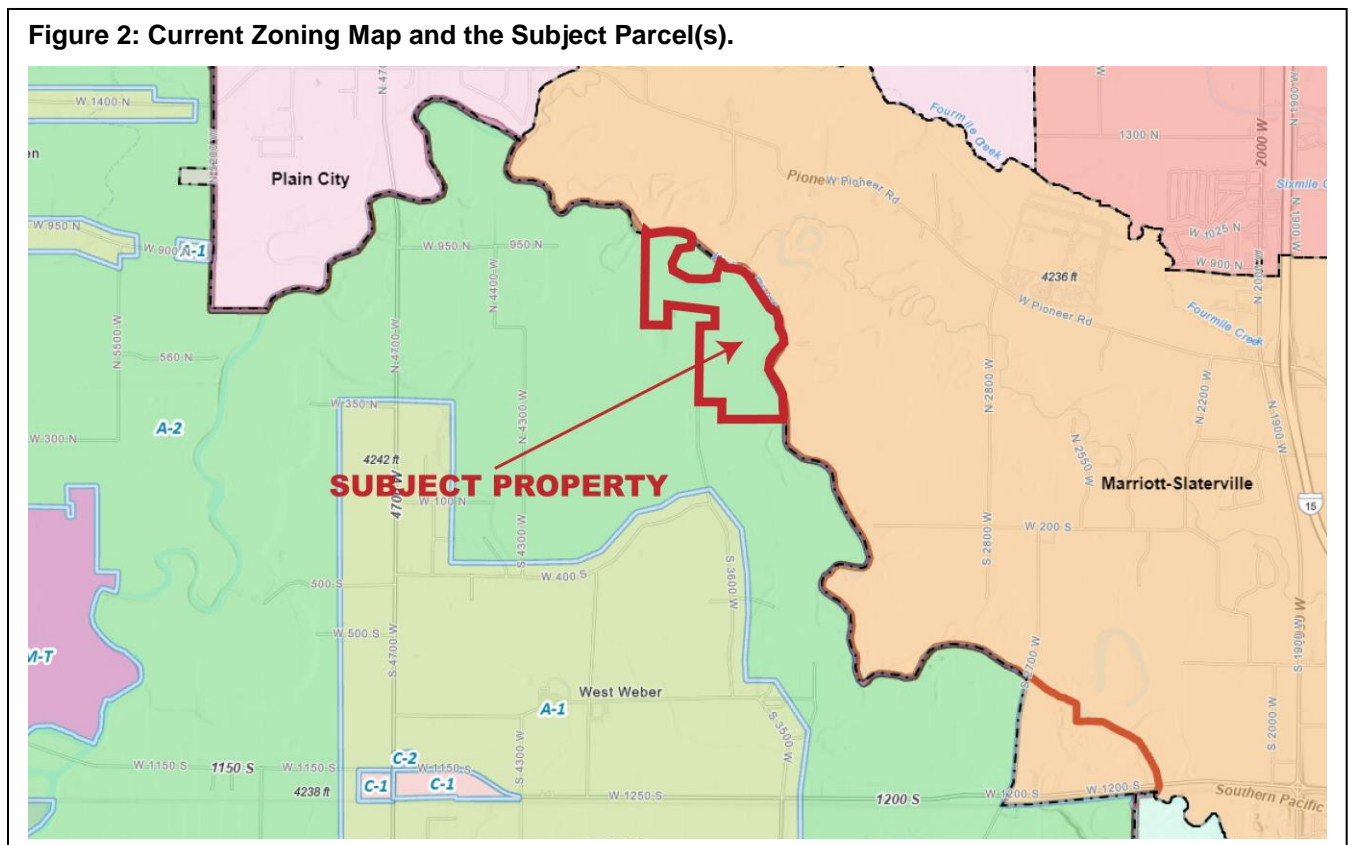
The applicant's concept plan suggests that the subject property contains 156.5 acres. However, this review is only for the 147.56 acres aforementioned. If the subject parcels are found to be a different size after all appropriate surveying is complete, then the zoning acreage and/or density calculations herein will need to be adjusted accordingly.

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning Analysis

The current zone of the subject property is A-2. **Figure 2¹** displays current zoning for the area of the subject property. It also shows the configuration of the property within the larger context of the West Weber area. The purpose and intent of the A-2 zone is:

"The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible."²



The proposed zone for the subject property is the R1-15 Zone. The purpose of the R1-15 Zone is:

"... to provide regulated areas for Single-Family Dwelling uses at three different low-density levels. The R1 zone includes the R1-15, R1-12, and R1-10 zones. [...]"³

The proposed rezone can be observed in **Figure 3⁴**, with the yellow polygon depicting the proposed R1-15 zone.

¹ See also Exhibit B.

² Weber County Code Section 104-2-1.

³ Weber County Code Section 104-12-1.

⁴ See also Exhibit C.

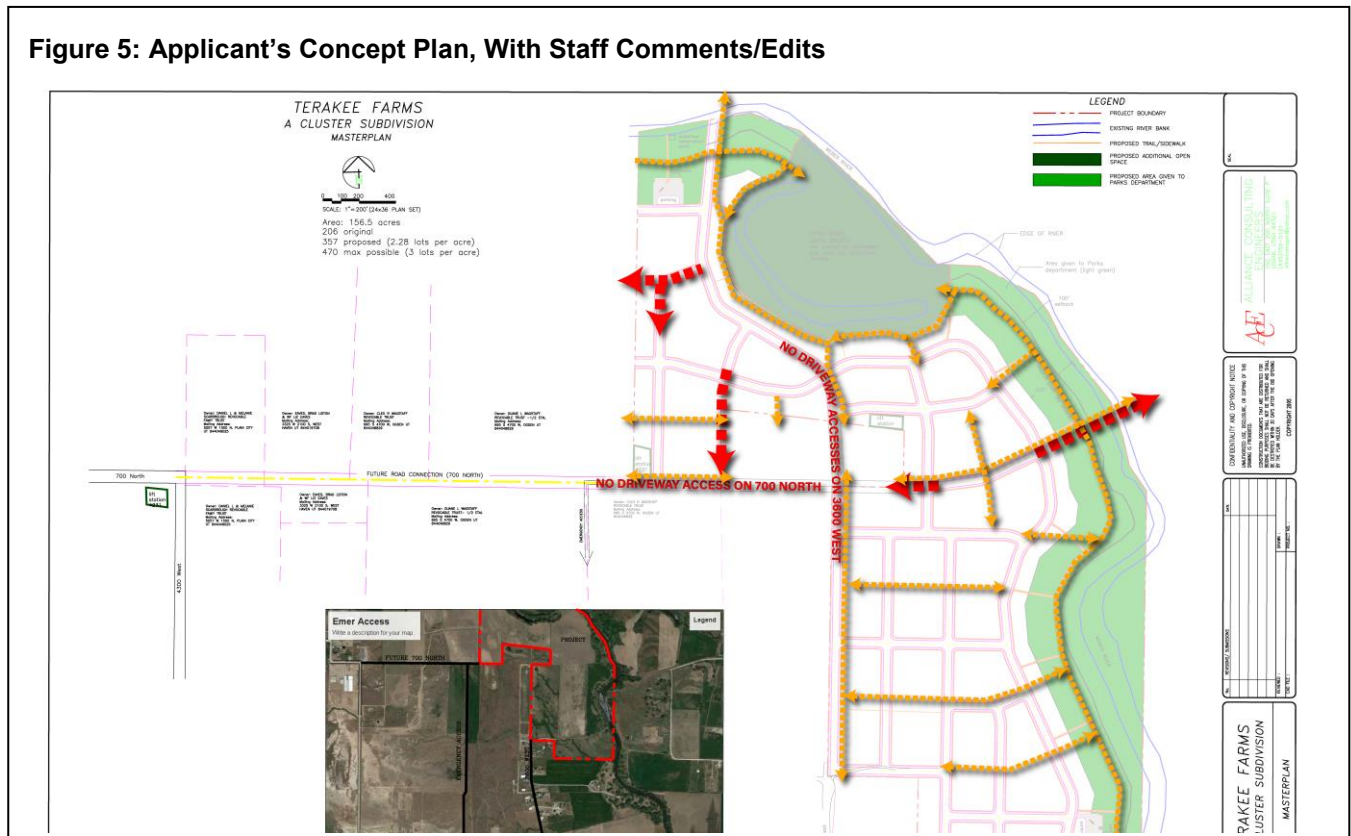
Exhibit D illustrates the proposed concept plan for the property. **Figure 4** is omitted. **Figure 5⁵** illustrates additional staff-suggested details and/or amendments to the proposed concept plan that are anticipated to bring it into full compliance with connectivity standards. Alternatively, the applicant is encouraged to find and propose other satisfactory solutions.

As can be seen, with minimal adjustments, the plan should be sufficient to provide for the conceptual nature of the proposal. In **Figure 5**, the redlines represent street connections that are needed to satisfy the 660-foot street block standard. The gold lines represent the pathway connections that may be needed to satisfy the 400-foot pathway block standard. Most of the pathways staff have outlined are already depicted on the concept plan. Staff outlined them with the intent to specify that these should be 10-foot wide pathways, and not typical sidewalks. Otherwise, the applicant is proposing typical sidewalks along all other streets. The notes written on the concept plan could be clarified on this point.

Weber County Code has six general decision criteria for determining whether a rezone is merited. They are as follows:

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

The following is an analysis of the proposal in the context of these criteria.



⁵ See also Exhibit E

(a) Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.

As a legislative decision, a rezone should advance the goals of the general plan, or at the very least, not be detrimental to them without good cause. The general plan is only a guiding document and not mandatory to follow, however, because it sets the desired future community outcome, deviation from it should be done with caution.

The community character vision is the filter through which all interpretation and understanding of the plan should be run. This is the vision to which all other visions and goals within the plan are oriented. It reads as follows:

“While the pressure to grow and develop will persist, there is a clear desire for growth to be carefully and deliberately designed in a manner that preserves, complements, and honors the agrarian roots of the community. To do this, Weber County will promote and encourage the community’s character through public space and street design standards, open space preservation, and diversity of lot sizes and property uses that address the need for places for living, working, and playing in a growing community.”⁶

The plan prioritizes the implementation of smart growth principles as development occurs. It encourages the county to utilize the rezone process as an opportunity to help developers and land owners gain the benefits of the rezone while implementing for the public the benefits of these principles. Because the general plan is *general* in nature, no one principle is absolutely mandatory except when adopted into the development code. Similarly, allowing a property to be rezoned is also not mandatory. Both the developer and the County have the ability to substantially gain if a rezone is negotiated well enough.

General Plan Smart Growth Principles

The general plan lists both basic and exemplary smart growth principles. The seven basic smart growth standards are:

1. Street connectivity.
2. Pathway and trail connectivity.
3. Open space and recreation facilities.
4. Dark sky considerations.
5. Culinary and secondary water conservation planning.
6. Emission and air quality.

The proposal’s compliance with each of these standards are further provided in this report.

The following nine bullet points is a list of the general plan’s exemplary smart growth principles (in italics). A staff analysis regarding how they may relate to this potential project follows each bullet point. Some of these principles are similar to the basic smart growth principles aforementioned, but are designed to provide optimal community benefits.

- *Provision for a wide variety of housing options.*
 - While this proposal is anticipated to be exclusively single-family residential, the flexible lot standards of the R1-15 zone and connectivity incentivized subdivision will help the developer create a wide variety of lot sizes. Smaller lots will be more affordable than the larger lots, which in turn will allow the developer to market to prospective single-family homeowners that are at different stages of life.
- *Use of lot-averaging to create smaller lots/housing that responds to the needed moderate income housing.*
 - The applicant has not proposed any moderate income housing for the development. It should be noted that the variety of lot sizes will result in smaller lots, as small as 6,000 square feet. This will help provide the market with a larger supply of smaller lots, which in turn will help curb the inflating housing costs the area has been experiencing. If the planning commission desires the developer to specifically provide deed-restricted moderate income housing within the development, the requirement can be inserted into the proposed development agreement.

⁶ Western Weber General Plan (p. 21)

- *Strong trail network with excellent trail connectivity that prioritizes bicycling and pedestrians over vehicles.*
 - The concept plan has strong pathway and sidewalk connectivity throughout, especially if staff's additional suggestions are provided. In a number of instances, pathways will run between lots instead of adjacent to streets, giving users a greater sense of safety away from vehicle traffic.
 - Of great significance to the implementation of the general plan, the applicant is volunteering to reserve approximately 33 acres of land along the Weber River for a linear nature park. The Weber River parkway can be installed within this park, and provide pedestrian and cycling options that run through preserved natural areas.
- *Strong street connectivity and neighborhood connections that avoid the use of cul-de-sacs or deadends.*
 - As can be reviewed on the concept plan, the applicant has done well to not use cul-de-sacs and permanent dead-end streets. More on this later in this report.
- *Large and meaningful open space areas with improved parks, recreation, etc.*
 - As previously mentioned, the applicant is proposing a 33 acre nature park along the Weber River. This park preserves the 300-foot buffer from the river's high water mark. The 300-foot Weber River development buffer has been adopted into the development code, but donation of the buffer from private hands into public hands is not, and should be noted as a significant public contribution. The park is proposed to be donated to the Taylor West Weber Park District. The park district has expressed their satisfaction with this proposal. As a rule of thumb, the general plan suggests that the county follow the best practice standard of providing approximately 10 acres of open public park land for every 1,000 residents.
 - The Weber River Parkway should be located within this linear park. This will provide about one mile of what the general plan dubs the "emerald necklace," and will provide critical public access to the river and to natural open space and recreational opportunities. There is a note on the concept plan that indicates that the Weber River Parkway is to be completed "by others." If the rezone is approved Staff recommends that the development agreement be written in a manner to obligate this applicant to construct it as the development is being constructed.
- *Homes that have higher efficiency ratings than required by local building codes.*
 - Buildings are required to be constructed to an efficiency standard based on the climate of the area. Usually, buildings located in higher (colder) elevations need to meet greater efficiency standards. However, given the wide degree of temperature swings in the Western Weber area over a one year period, requiring buildings to be constructed to better efficiency ratings will help alleviate the area's future demand on power and gas. This will also help provide better air-quality related to building emissions. Staff suggests buildings be built to an efficiency rating that is compliant with one climate zone greater than currently prescribed for the area.
- *Homes that have solar-paneled rooftops and watt-smart compliant batteries.*
 - Similar to building efficiencies, providing energy independence when possible is integral in a smart-growth community. Staff recommends requiring rooftop solar panels, as well as power storage capabilities such as a solar-charged battery. To assist with affordability, perhaps this requirement can be waived for residences less than 1800 square feet or those deed restricted for moderate income housing.
- *Provisions that create attractive communities for the long term and that create a distinctive sense of place.*
 - The planning commission may determine that the street and pathway connectivity and the Weber River Parkway and linear park dedication accomplishes this principle.
 - One additional item for the planning commission to consider on this point: When a limited access collector or arterial street serves a single-family residential area, these types of streets are likely to be lined with rear and/or side yards. As a result they can trend toward a less attractive aesthetic. The general plan suggests landscaping, fencing, and street art be located along limited access collector and arterial streets to enhance a greater sense of community character and aesthetic. The county does not currently have the organizational or financial structure to operate and maintain such street improvements, so if the planning commission desires to require these improvements in this development then it would be advisable to require a professionally managed homeowners

association to care for the operations and maintenance. This is not included in staff's recommendation herein, but can easily be added by the planning commission if so desired.

- *Use of transferable development rights from agricultural lands identified for protection.*
 - In a manner, by utilizing the flexible lot standards of connectivity-incentivized development this proposal moves potential development and private ownership away from the 300-foot river corridor/riparian area. While this corridor is not land identified for agricultural protection, its public ownership is highly advisable for the benefit of the growing community.
 - The applicant does not desire to transfer more development to this project, but is considering transferring some of the density the zone would otherwise entitle to other property in the unincorporated area. For that to occur, the applicant will first need to own a property in the Form-Based Zone, then transfer any remaining/unneeded rights utilizing the adopted TDR transfer process from this property to the other. It is advisable that this occur prior to the sales or transfer of any lots or parcels within this project.

(b) Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.

It would be challenging to argue that the proposal matches the character of existing development in the area. However, "compatibility" and matching are not necessarily the same thing. There are currently a number of large lot residential properties along 3600 West Street. Regardless of lot size, residential uses are traditionally compatible with, and most similar to, other residential uses than they are other types of land uses.

The general plan identifies that heavy agricultural uses may not be very compatible with residential development/neighborhoods. It is worth evaluating how surrounding agricultural uses may affect this project, and vice versa.

The general plan suggests and acknowledges some incompatibilities will occur as the area develops over time. If the plan is followed, in time, the surrounding area is likely to be more similar to the character of this development than it is the character of the existing area.

(c) The extent to which the proposed amendment may adversely affect adjacent property.

When considering how this rezone might adversely affect adjacent property, there are a wide array of factors at play. These include impacts on private property rights and nuisances, as well as other factors such as impacts on a landowner's desires for their neighborhood and the intrinsic values they've imbued into that neighborhood.

First and foremost, the Planning Commission should prioritize fact-based adverse impacts. Then consider the perception-based impacts.

If rezoned, the development is likely to significantly change the immediate area. Existing streets will need to be upgraded and new streets will be constructed. Small, medium, and medium-large-lot residential uses should be expected. The smaller and relatively denser development will change the visual nature of the area, traffic volumes and patterns, and noise potential. The proposed uses are not expected to be greater than that found in a typical residential neighborhood. When developing, the applicant will be responsible for correcting any material degradation in services that the development might create for the area. Thus, other than potential increases to noise, most of the fact-based effects will be required to be mitigated by the applicant.

From an intrinsic perspective, current neighbors who have grown accustomed to the quiet rural nature of the immediate area may find the increase in development intensity unpleasant and contrary to the current reasons they reside in the area. Even though residents in the area do not own a property right that ensures their neighbor's property will not change, they may find dismay in the perception that changes beyond their control could upend their desired future for the area. This could lead to their eventual self-determined displacement from the neighborhood.

(d) The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, and refuse collection.

The County's currently adopted development regulations are designed to specifically require the developer to address their impact on local levels of service. As aforementioned, the applicant will be responsible for mitigating any material degradation of levels of service.

Roadways/Traffic.

Figure 6 shows the planned streets for the area, pursuant to the general plan. As it relates to the subject property and surrounding area, the plan recommends securing 3600 West Street as a future major collector street, and 700 North Street as a future minor collector street. Other streets planned for the area, represented by thin dashed white lines, are intended to, in part, represent important smaller section line and quarter section line streets to serve residential neighborhoods. The specific configuration of these dashed lines within subject property's boundary is generally inconsequential. They follow the street alignment previously proposed (and now expired) by a past development approval on the property. As long as residential street connections are being made in a manner that meet expected connectivity standards, the applicant should be given the latitude to arrange the streets as may be desirable for their development.

One important consideration observed by staff is that the applicant's concept plan appears to arrange streets and potential adjacent development lots in a manner as if lot access will be allowed from 3600 West and 700 North. The applicant may be unaware (at the time of this writing) that access to these two streets will not be permitted. However, with a little inconsequential reconfiguration there are ways to amend the concept plan to ensure no lot is given direct access to these streets. It might involve flipping the orientation of some of the street blocks. For the purpose of displaying how it could be done, staff illustrated a potential compliant street layout in **Figure 7**. Please note that this figure is a representation designed by staff. The applicant can choose to reconfigure accordingly or in any other manner that still complies with connectivity standards.

A big challenge for this development is its location at the end what is currently a dead-end street. The applicant is proposing to design and construct 700 North Street at a time the affected landowners are willing to convey the right-of-way (at reasonable market value). Until that time, the applicant is proposing to deposit an escrow with the county for the entire cost to acquire and construct the street and right-of-way. The applicant hopes this gesture and security demonstrates their willingness to ensure reasonable access can be provided to the proposed development.

Figure 6: Planned Streets – Western Weber General Plan

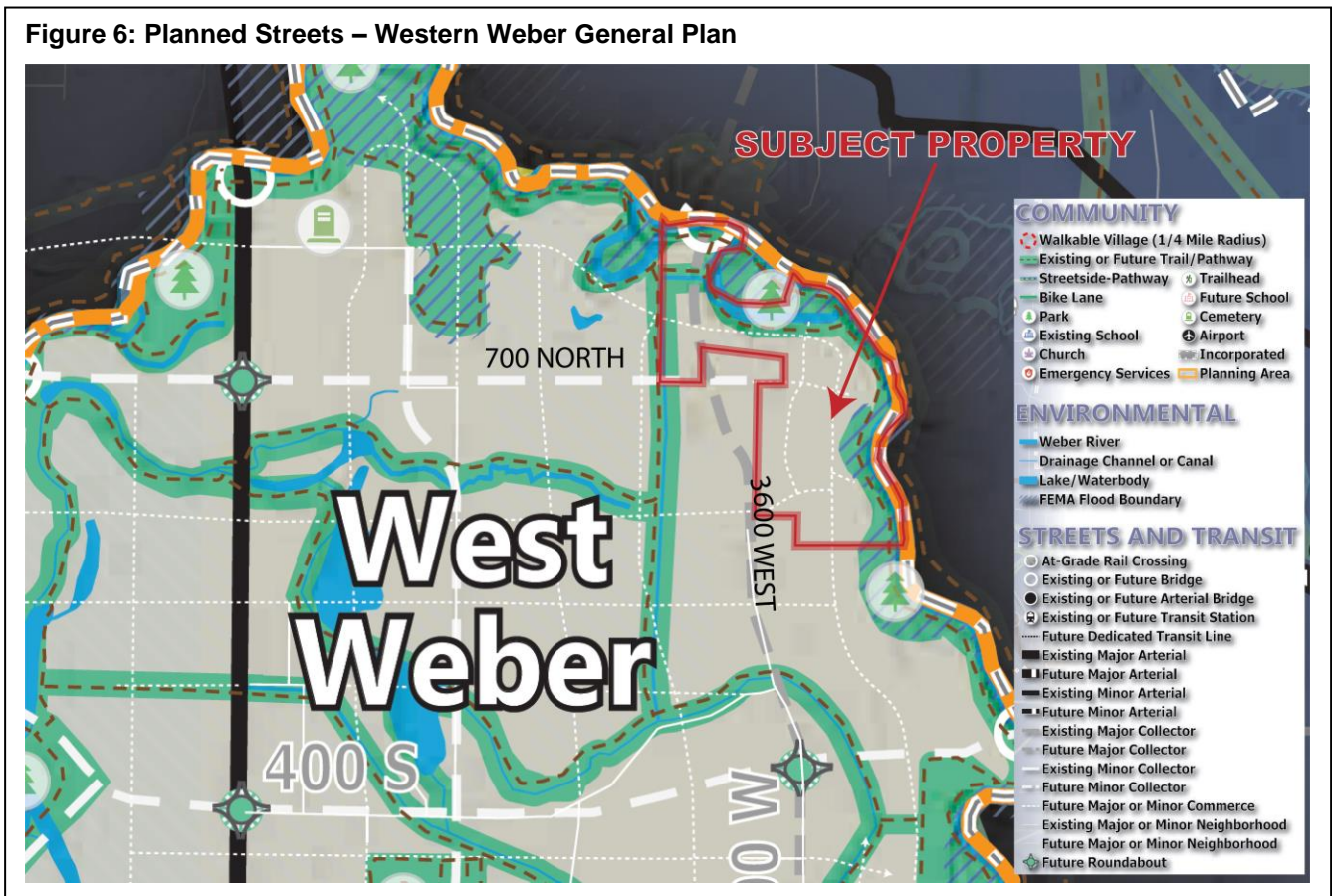
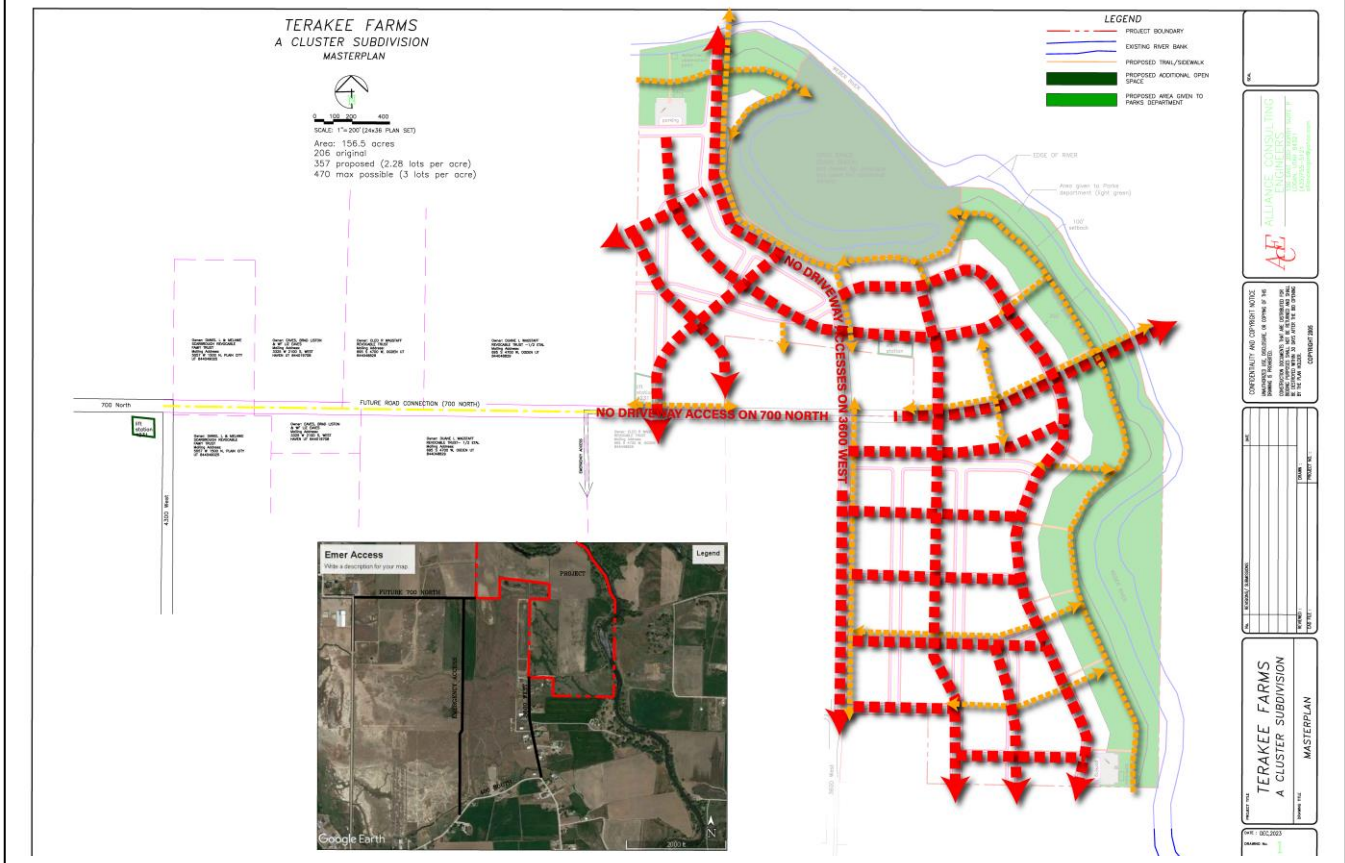


Figure 7: Concept Plan Alternative (Staff Generated) Excluding Lot Frontage from 3600 W and 700 N.



County code does not contemplate a situation involving the applicant's escrow proposal. Strictly applied, the code allows no more than 30 homes to be constructed along a temporarily dead-end street before requiring a separate temporary emergency egress. There appears to be 12 residences already located along the dead-end portion of 3600 West, with what appear to be two additional lots that are currently vacant, and another two lots mostly through the subdivision approval process. This would allow the developer to construct no more than 14 additional lots before being required to construct an emergency egress road. The applicant has proposed an emergency egress road through an adjoining property, as illustrated on their concept plan. If in strict compliance with the Land Use Code, this would allow the applicant to construct another 30 lots, for a total of 44 lots, before being required to construct a second emergency egress that does not double-back on either the first emergency egress or the temporarily terminal dead-end street. This second emergency egress can serve an additional 30 lots, before a third egress would be required, and so on.

The code requires an emergency egress to be constructed of a 20-foot wide all-weather surface capable of supporting a 75,000 lb. fire apparatus. It also requires this egress to be located within a minimum 24-foot easement specifically for the egress. The currently identified emergency egress will need to be improved to this width. The applicant may not be able to secure the minimum 24-foot easement, as they believe they only have a 20-foot easement and the property owner doesn't seem likely to grant any more at this time.

It is also staff's understanding that the current property owner does not agree that this easement can be used for this development, but the applicant is asserting that they have adequate rights to at least the 20-foot easement on record. The County cannot make a determination that the applicant has the legal right to use this easement, as that is a private matter for the courts to decide if the parties choose to obtain a judicial ruling. However, it should be noted that if an eventual judicial ruling does not fall in favor of the applicant, more than the 14 approved lots within the development would violate the code until another egress can be secured and constructed.

These challenges notwithstanding, using the applicants proposed resolution and some carefully considered conditions, it's possible for the development agreement to be crafted in a manner that gives the county adequate egress assurances, and still provides a path forward for the developer's entire project.

To start, staff recommends that only up to 14 lots are allowed to be platted until the following have occurred:

1. The proposed emergency egress is fully constructed to the minimum 20-foot surface width;
2. A 10-percent warrantee guarantee bond is provided to the county to assure performance for at least one year;
3. The egress remains ungated for the entire time it is being constructed plus one month after the County Engineer inspects and approves it;
4. The egress is fully operational and accessible for emergency egress use by any member of the public; and
5. No lawsuits are filed prior to platting more than 14 lots; or

Alternatively, the more than 14 lots may be platted if some other egress is secured and constructed.

If each of the five forgoing criteria can be satisfied or another emergency egress can be secured, then based on the applicant's willingness to escrow for 700 North Street, staff is comfortable with the applicant platting the entire development with only one emergency egress. The agreement should stipulate that the escrow be reevaluated and updated annually to compensate for market fluctuations and inflation.

Police and Fire Protection

It is not anticipated that this development will generate a greater per capita demand for police and fire protection than typical single-family residential development.

Stormwater Drainage Systems

This is not usually a requirement of rezoning, and is better handled at the time specific construction drawings are submitted. This occurs during subdivision application review.

Water Supply

The property is within the Taylor West Weber Water Improvement District boundaries. The applicant has provided a letter from the district that acknowledges the rezone application and the potential for them to serve. The letter, attached within Exhibit A, provides a general list of infrastructure improvements that will be needed and conditions and requirements that will be expected of the developer in order to gain access to this service. One important expectation of the district is for the property to be served with secondary water by Hooper Irrigation Company or another similarly qualified irrigation company. The property is within Hooper Irrigation Company's declared expansion area. Hooper Irrigation Company is the only irrigation company on record that has provided the county a mapped expansion area. Current county code states:

*"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."*⁷

50 times the number of lots proposed in the development equals roughly 3.5 miles. The closest known functioning and well established secondary water system is Hooper Irrigation Company's water system, which is about one mile away.

There may be more than one secondary water system in the area. Current code anticipates this. It states:

*"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."*⁸

Unless there is a secondary water service provider with existing and functional service lines closer to the project than Hooper Irrigation Company's lines, and considering Hooper Irrigation's proven service track record, it is likely indisputable that Hooper Irrigation Company can provide the best organization of secondary water infrastructure to this project should they be willing and able to serve it. Like stormwater, that is likely unnecessary to nail down during the rezone, as it will be required during subdivision review.

⁷ Weber County Code, Section 106-4-2.010.

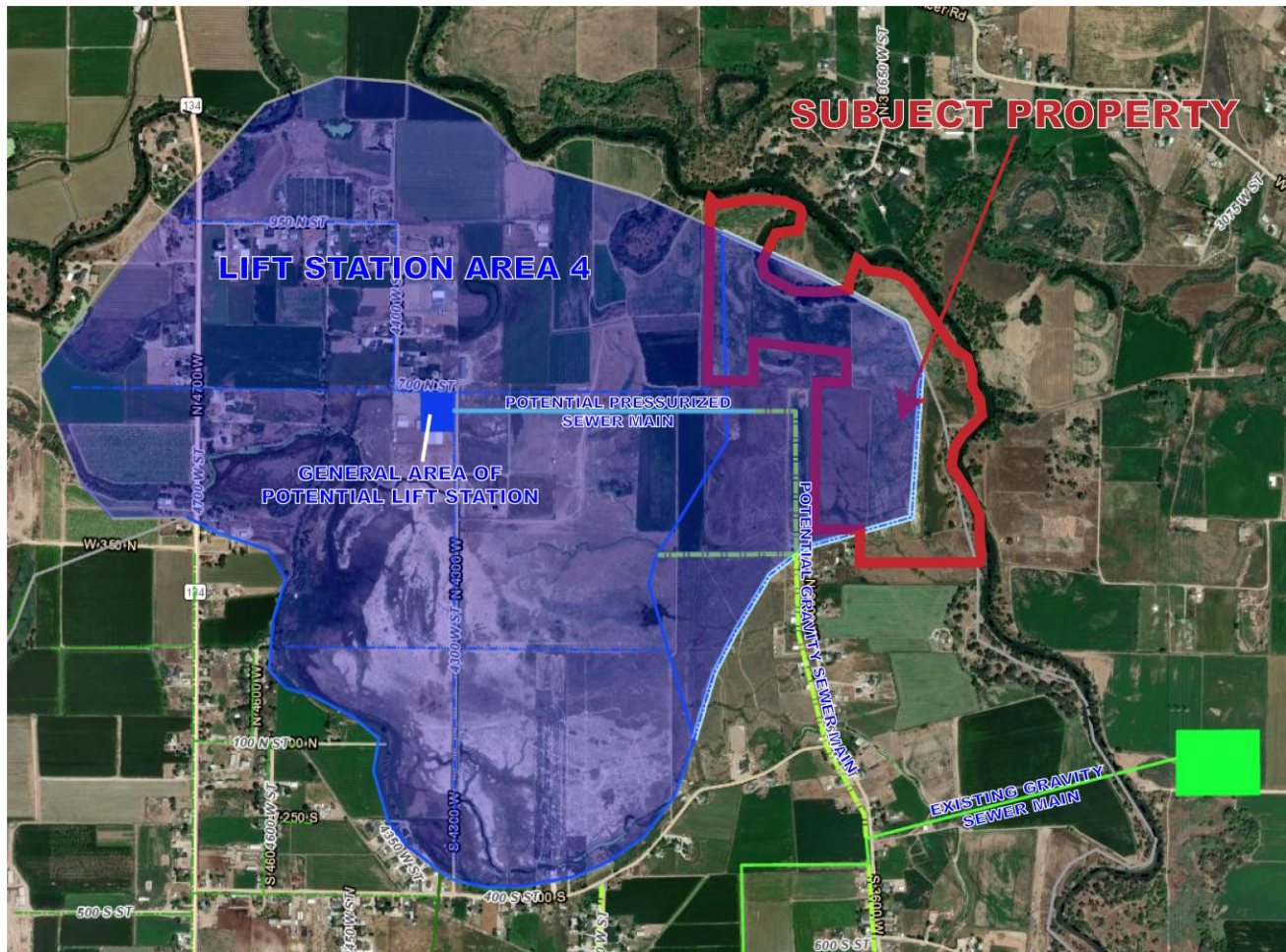
⁸ Weber County Code, See Section 106-4-2.010.

Wastewater

The project is proposed to be served by sewer that will be collected by Central Weber Sewer Improvement District. The project is located in Lift Station Area 4 on the county's sewer master plan, as illustrated in **Figure 8**. The plan anticipates the need for a lift station to serve the area. In an ideal situation, a lift station would be more centrally located within the lift station service area, however, as long as the proposed lift station is deep enough for properties at the outer edges of the lift station service area to still gravity flow to this station, then placing it within this development is satisfactory to the County Engineering division. The applicant's concept plan shows two potential locations on the subject property for the lift station.

From the lift station, the applicant will need to install a gravity sewer main about half a mile southward to connect Central Weber's existing gravity main.

Figure 8: West Weber Sewer Master Plan



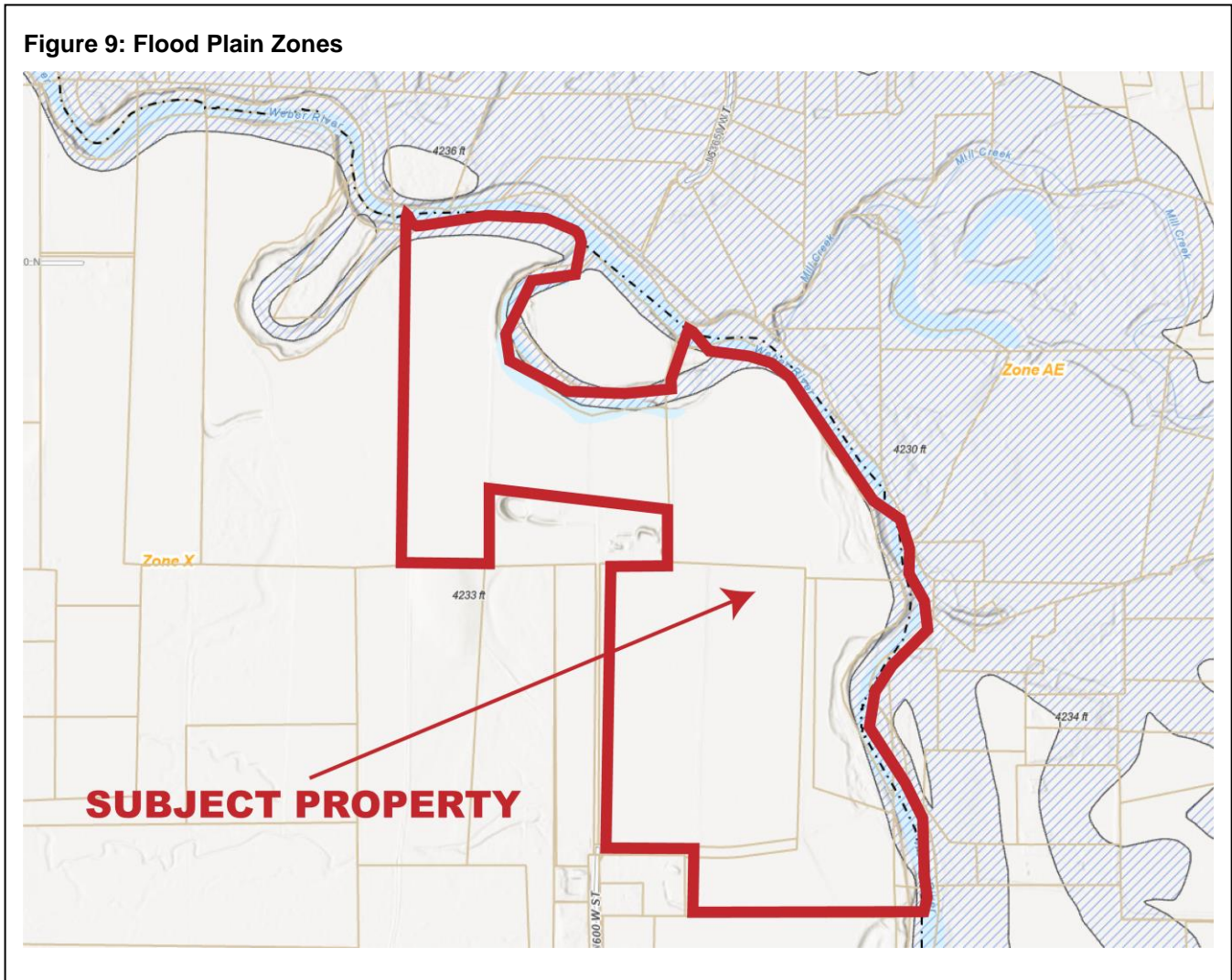
Refuse Collection

It is expected at this time that this development will be served by the county's typical contracted garbage collection service. If different, this can be better fleshed out during subdivision review.

(e) Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.

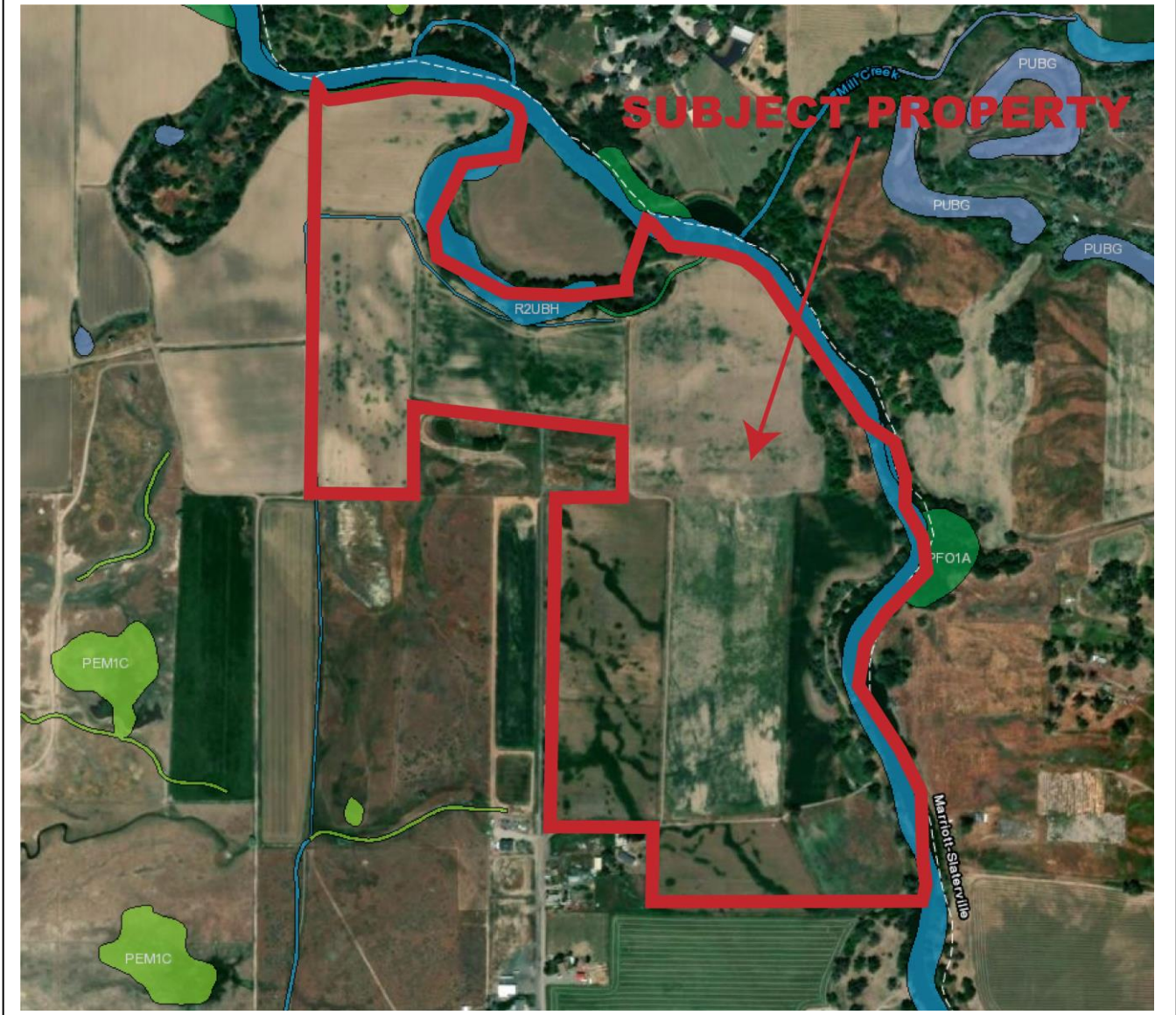
Being adjacent to the Weber River, parts of the property could be affected by large flood events. **Figure 9** illustrates the flood zones in the area. It appears that the only area of the property affected by potential flooding is minimal,

and contained with the proposed nature park to be dedicated to the park district. Zone “AE” means that the base flood elevation has been studied and determined for the area.



The US Fish and Wildlife Service provides an inventory of suspected wetlands across the nation. **Figure 10** illustrates suspected wetlands and how they relate to the subject property. The map shows that there are no suspected wetlands on the property except that affected by the Weber River channel and the adjacent oxbow. The applicant’s development proposal avoids these areas.

Figure 10: National Wetland Inventory Map of Area



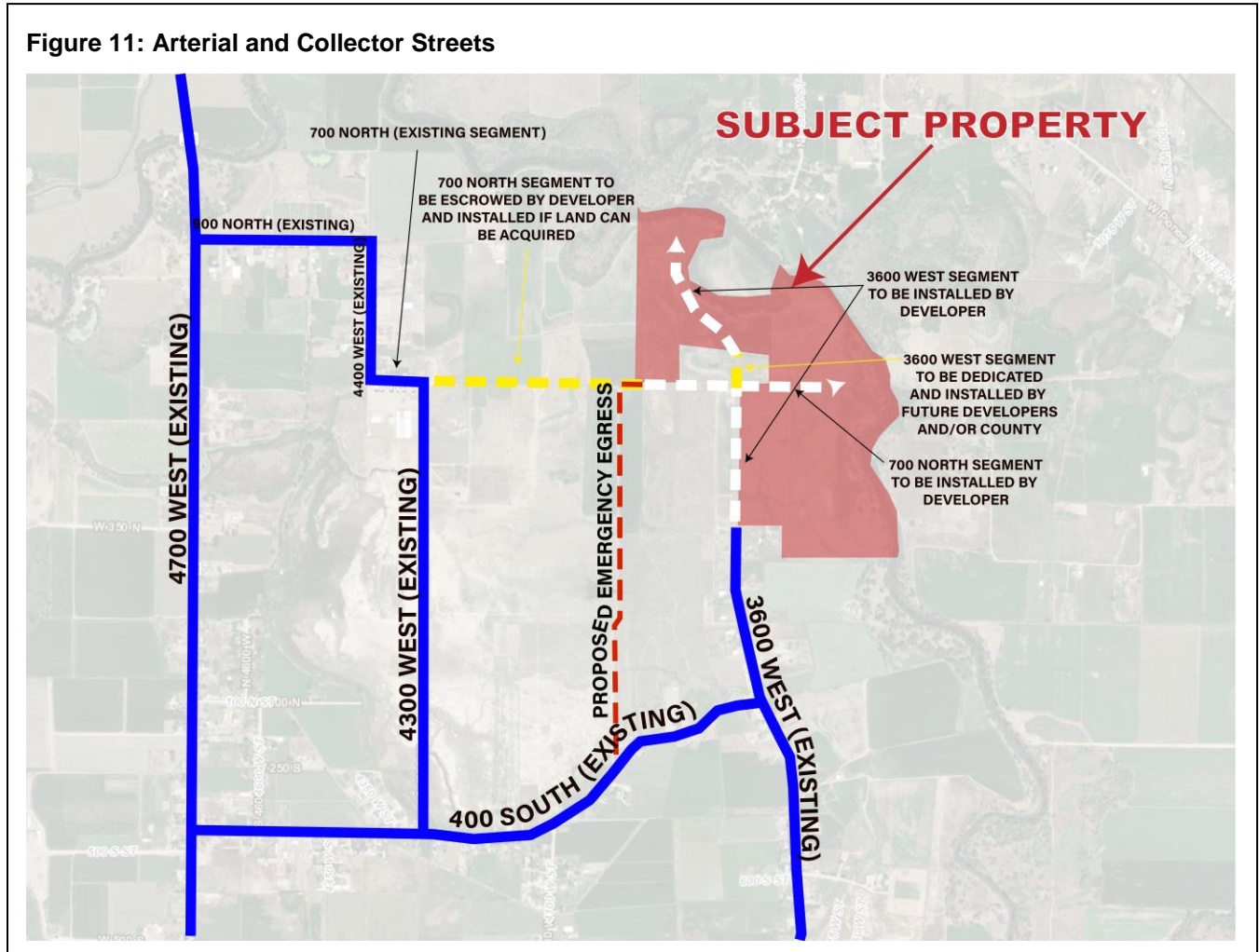
(f) Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Based on the details already provided regarding street accessibility and street connectivity, the planning commission should be able to make a finding that the applicant is proposing sufficient compensation for their impact on both existing and proposed transportation corridors. **Exhibit 11** illustrates the proposed and potential street collector and arterial street corridors serving the property.

It should be noted that this proposed rezone and development surrounds a five acre parcel, through which 3600 West is planned but not yet fully acquired. This parcel, which is oddly configured as can be viewed in **Figure 1**, recently received final plat approval for two large lots. Once recorded, that subdivision will have dedicated to the county their proportionate width of the 700 North street corridor for the entire east/west length of the parcel, in which this rezone's applicant should be required to install the street. It also dedicates a 30-foot stretch of the 3600 West right-of-way, the street therein this developer is proposing to also install after dedicating the remaining 70-foot right-of-way on their property, for a total 100-foot right of way. However, due to an imbalanced proportionate share

analysis, the subdivision of this oddly shaped parcel was not required to secure the planned north/south 100-foot right-of-way across the main body of the parcel, an approximate 350-foot stretch. As a large-lot subdivision, these two lots are likely to be further resubdivided in the future, at which time the county can secure the remaining segment of the 3600 West right-of-way. For the foreseeable future, it should be expected that the developer will install two 3600 West Street stubs to the main body of this parcel, one from the south and one from the north, with a missing link between the bounds of this subdivision. The applicant's concept plan provides other streets that adequately compensate for the missing link in the interim.

Figure 11: Arterial and Collector Streets



Staff Recommendation

After reviewing the proposal within the intended context of the Western Weber General Plan, it is staff's opinion that this rezone will help advance the vision and goals of the plan. Staff is recommending approval of the rezone. This recommendation is offered with the following considerations, which are intended to be incorporated into a zoning development agreement:

1. Concept plan update:
 - a. Provide concept plan amendments for compliance with connectivity standards.
 - b. Remove "by others" from the concept plan's Weber River Parkway proposal.
 - c. Provide a non-street adjacent pathway on the western edge of the property, as generally depicted on the general plan's future land use map.
 - d. To give the property owner the entire benefit of the rezone, instead of listing the proposed number of lots in the development, the concept plan and development agreement should rely on the county's adopted maximum density calculations to govern density. If the developer may choose to plat less than the maximum at its option.
2. Parks, open space, and trails:
 - a. The development's first subdivision plat should include the dedication of the entire linear park to the Taylor West Weber Park District.
 - b. Obligate applicant to install all pathways including the Weber River Parkway and pathway appurtenances as development occurs. If phased, ensure a proportionate amount of pathway and appurtenances is installed both within the phase and, if different, along the Weber River. Follow the adopted 10-foot paved or concrete pathway standards in the Land Use Code.
 - c. Provide a five foot wide equestrian pathway that generally parallels the paved parkway.
 - d. Unless negotiated otherwise with the parks district, pathway/nature park appurtenances should include:
 - i. At least one bench every 500 feet
 - ii. One shade tree per bench.
 - iii. ADA accessible parking, restrooms, ramps, and benches.
 - iv. Two trailheads, as generally located on the concept plan.
 1. A restroom per trailhead.
 2. A parking area per trailhead with sufficient parking for at least 15 typical passenger vehicles and six spaces for large vehicles or vehicles towing trailers.
 3. One bicycle fix-it stand per trailhead.
 4. One drinking fountain or water bottle filling station per trailhead.
 - v. For the northern trailhead, provide a waterfowl viewing area.
 - e. Each pathway and sidewalk within the development should be lined with shade trees in intervals and of species such that the crown of one tree, on average at maturity, will touch the crown of the next tree. Use at least three different tree varieties dispersed in a manner to avoid transmission of pests/disease.
 - f. Maintain existing tree canopy along the Weber River. Replace any tree that needs to be removed for park improvements with another of similar size (at maturity).
 - g. If allowed by the owner of the parcel within the oxbow (shaded dark green on the concept plan), and as long as that parcel owner is willing to allow unrestricted public access along the parkway, construct the Weber River Parkway and associated equestrian trail through the parcel in a manner that is generally paralleling the river. If not allowed by the landowner, stub (construct) the Weber River Parkway to the parcel's property line for potential future connectivity.
 - h. Construct an oxbow pathway, also 10-foot wide paved or concrete, around the outside edge of the oxbow.
 - i. Wherever a pathway intersects with a street, install or cause to be installed a battery powered and solar charged user-activated rapid flashing beacon and associated crosswalk signage, and paint a zebra-style crosswalk on the street. Repaint after sealing the street.
3. Streets:
 - a. The applicant will escrow the total value to acquire and construct 700 North Street to county standards and in a manner that connects this development to the existing portion 700 North Street to the west. This escrow will be reevaluated and updated annually to compensate for market fluctuations and inflation.

- b. Until a second street connection that is compliant with minimum county standards is constructed and accepted by the county, the developer shall provide for the following related to the proposed emergency egress in order to plat more than 14 lots:
 - i. The emergency egress is fully constructed to the minimum 20-foot surface width;
 - ii. A 10-percent warrantee guarantee bond is provided to the county to assure performance for at least one year;
 - iii. The egress remains ungated for the entire time it is being constructed plus one month after the County Engineer inspects and approves it;
 - iv. The egress is fully operational and accessible for emergency use by any member of the public at any time; **and**
 - v. No lawsuits are filed challenging the easement prior to platting more than 14 lots; **or**
 - vi. A different emergency egress can be secured and constructed in compliance with adopted standards.
- c. 3600 West Street should be improved offsite to minimum asphalt width standards from 400 South Street to the development.
- d. Driveway access to 3600 West and 700 North streets should be prohibited.
- e. At least 100 feet of street right-of-way width should be dedicated for 3600 West, and 80 feet for 700 North. The street paralleling the river should have at least a 66-foot dedicated street right-of-way, as should any street with an adjacent 10' pathway. Unless specified otherwise by the county engineer at the time of subdivision platting, other streets may be 60 feet wide.
- f. Stub the street right-of-way (not improvements) for 3600 West to the northern-most part of the property to provide opportunity for potential future road connection over the river northward.
- g. Stub the street right-of-way (not improvements) for 700 North to the eastern-most part of the property to provide opportunity for potential future road connection over the river eastward.
4. Air quality: Require each residence greater than 1800 square feet or not otherwise deed restricted for moderate income housing to:
 - a. Have solar panels and backup batteries installed prior to certificate of occupancy.
 - b. Be constructed to an energy efficiency rating that is one climate zone colder than the area.
5. Weber County's outdoor lighting code should be applied to all lighting in the project.

Staff's recommendation is offered with the following findings:

1. After the considerations listed in this recommendation are applied through a development agreement, the proposal generally supports and is anticipated by the vision, goals, and objectives of the Western Weber General Plan.
2. The project is beneficial to the overall health, safety, and welfare of the community, as provided in detail in the Western Weber General Plan.
3. A negotiated development agreement is the most reliable way for both the county and the applicant to realize mutual benefit.

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

Motion for positive recommendation **as-is**:

I move we forward a positive recommendation to the County Commission for File #ZMA2023-17, an application to rezone approximately 134 acres of land located at approximately 500 North, 3600 West, from the A-2 zone to the R1-15 zone, as illustrated in Exhibit C.

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health and welfare of Western Weber residents.*

4. [_____ *add any other desired findings here* _____].

Motion for positive recommendation with changes:

I move we forward a positive recommendation to the County Commission for File #ZMA2023-17, an application to rezone approximately 134 acres of land located at approximately 500 North, 3600 West, from the A-2 zone to the R1-15 zone, as illustrated in Exhibit C., **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: Add a requirement for roadside beautification, water wise vegetation, and street art/décor to the development agreement for the two collector streets in the development. Include decorative night sky friendly street lighting at reasonable intervals. Require the creation of a homeowner's association to operate and maintain.*
2. *Example: Amend staff's consideration item # []. It should instead read: [desired edits here].*
3. *Etc.*

I do so with the following findings:

Example findings:

1. *The proposed changes are supported by the General Plan. [Add specifics explaining how.]*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the General Plan*
3. *The changes will enhance the general health, safety, and welfare of residents.*
4. *[Example: allowing short-term rentals runs contrary to providing affordable long-term rental opportunities]*
5. *Etc.*

Motion to recommend denial:

I move we forward a recommendation for **denial** to the County Commission for File #ZMA2023-17, an application to rezone approximately 134 acres of land located at approximately 500 North, 3600 West, from the A-2 zone to the R1-15 zone, as illustrated in Exhibit C. **I do so with the following findings:**

Examples findings for denial:

- *Example: The proposal is not adequately supported by the General Plan.*
- *Example: The proposal is not supported by the general public.*
- *Example: The proposal runs contrary to the health, safety, and welfare of the general public.*
- *Example: The area is not yet ready for the proposed changes to be implemented.*
- [_____ *add any other desired findings here* _____].

Exhibits

- Exhibit A: Application.
- Exhibit B: Current Zone Map.
- Exhibit C: Proposed Zone Map.
- Exhibit D: Amended Concept Plan.
- Exhibit E: Amended Concept Plan with Staff-Suggested Edits.

EXHIBIT A: APPLICATION FILES

TARAKEE THE FARM REZONE NARRATIVE

With the new General Plan in place Heritage Land Development would like to respectfully request a rezone of the project Tarakee the Farm (being renamed to Tarakee the River) from current zone of A-2 to R-3. If rezoned the project could better and more proactively work towards assisting the Weber County Staff and Officials in facilitating the growth and well being of Weber County as a whole.

The newly proposed development, as can be seen in the conceptual plans submitted, will embody the Smart Growth Principles that have been set forth by the new General Plan. The development will show road connectivity, pathways, new sewer infrastructure with a regional lift station and include preserving land that will be used by the Park Department to better the community.



General Plan, Rezoning & Text Amendments

The Weber County General Plan's sets the direction for land use in unincorporated Weber County. This is done through the adoption of goals and policies. State law requires that a variety of County actions be consistent with the general plan. The General Plan is implemented by various means including zoning and subdivision ordinances. The General Plan may necessitate rezoning of property. It is County Policy that rezoning of property be consistent with the County's General Plans. The purpose of zoning regulations is to promote the general welfare, safety, health, convenience, and economic prosperity of the County.

General Plans: This application describes the legislative process by which applications to amend or add new language to the General Plan are considered. If a land use application is not in conformance with the General Plan, an amendment to the General Plan may be required.

Rezoning of property (Zoning Map Amendments): This application describes the legislative process by which applicants can petition to change zoning on a property.

Text Amendments: This application describes the legislative means by which applicants can petition to add, change, or delete language in the Weber County Zoning or Subdivision Ordinance.

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: _____ Time: _____

- **Staff member assigned to process application:** Charles Ewert

APPLICATION DEADLINE: Thirty (30) days prior to the applicable Planning Commission meeting

The Western Weber County Township Planning Commission holds their meetings on the 2nd Tuesday of the month.

The Ogden Valley Township Planning Commission holds their meetings on the 4th Tuesday of the month.

Application Submittal Checklist

The Planning Division will only accept complete applications with supporting documents as outlined below. Submitting an application does not guarantee that your application will be placed on the next Planning Commission agenda.

The following is required as part of the application form submittal:

- Complete Application Form
- A non-refundable fee made payable to Weber County (See *Fee Schedule*)
- Obtain signature of the owner(s) on the application and any authorized representatives
- 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.



The application shall also be accompanied with the following information:

- A. A Concept Development Plan meeting the requirements listed in the Weber County Zoning Ordinance Chapter 35-5.
- B. Feasibility letters from the appropriate state or county agencies for water and wastewater.
- C. Narrative from the project engineer explaining the feasibility for mitigation of storm water run-off.
- D. The applicant shall provide a narrative addressing the following information:
 - 1. How is the change in compliance with the General Plan?
 - 2. Why should the present zoning be changed to allow this proposal?
 - 3. How is the change in the public interest?
 - 4. What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?
 - 5. How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?
 - 6. A narrative describing the project vision.

Destination and Recreation Resort Zones have additional approval criteria as listed in the Weber County Zoning Ordinance Chapter 44:

- A. Due to the anticipated scale and potential impact of a Destination and Recreation Resort on Weber County and other surrounding areas, additional information, shall be required to accompany any application submitted for consideration of a Destination and Recreation Resort Zone approval. The additional information shall consist of the following:
 - 1. Concept Development Plan showing sensitive land areas as described/mapped in the Weber County Zoning Ordinance Chapter 43, Ogden Valley Sensitive Lands Overlay Districts
 - 2. Traffic Impact Analysis
 - 3. Cost Benefit Analysis
 - 4. Recreation Facilities Plan
 - 5. Seasonal Workforce Housing Plan
 - 6. Emergency Services Plan including a Letter of Feasibility from the Weber Fire District and Weber County Sheriff's Office
 - 7. Letter of Feasibility from the electrical power provider
 - 8. Density calculation table showing proposed density calculations
 - 9. Thematic renderings demonstrating the general vision and character of the proposed development

Other Weber County Zoning Ordinance chapter requirements may apply as determined in the pre application meeting.

Fee Schedule

- **Rezone Fee**
 - \$600.00
 - Plus \$5.00 per acre; or plus \$10.00 per acre with a development agreement.
 - Plus \$30.00 per hour, if applicable from the Surveyor's Office.
- **Zoning Ordinance or General Plan Amendment Fee**
 - \$1,000.00
 - Plus \$52.00 per page.
 - Plus \$30.00 per hour, if applicable from the Surveyor's Office.



Weber County

Weber County Planning Division
www.co.weber.ut.us/planning
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
Voice: (801) 399-8791
Fax: (801) 399-8862

Approval Criteria

Staff will review your application using the requirements of the Weber County Zoning Ordinance 35-3 as follows:

To promote compatibility and stability in zoning and appropriate development of property within Weber County, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety, and welfare of Weber County and the purposes of this Ordinance.

The Planning Commission and the County Commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the General Plan, surrounding land uses, and impacts on the surrounding area. The Commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The County Commission may require changes in the Concept Plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

Destination and Recreation Resort Zone have additional approval criteria:

- A. The proposed Resort can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands as identified in Chapter 43, Ogden Valley Sensitive Lands Overlay District, of the Weber County Zoning Ordinance.
- B. A professional and empirical study has provided substantial evidence determining that the proposed Resort is viable and contributes to the surrounding community's economic well being.
- C. A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the Resort, from diminishing below an acceptable Level of Service.
- D. The natural and developed recreational amenities, provided by the Resort, shall constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.
- E. The proposed Resort's Seasonal Workforce Housing Plan will provide a socially, economically, and environmentally responsible development.
- F. The proposed Resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the County Commission.

For Your Information

An application for a rezoning expires eighteen (18) months after submittal, if not acted upon, provided however, that the Director may extend the application for six (6) months for just cause.

This application can be filled out online at the following Planning Division web site: www.co.weber.ut.us/planning
Copies of the applicable Weber County Zoning Ordinances and other helpful information are also available at this web site.

Weber County Zoning Map Amendment Application

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

Date Submitted 09/21/2023	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Heritage Land Development LLC		Mailing Address of Property Owner(s) 470 North 2450 West Tremonton, UT 84337
Phone 801-920-552	Fax	
Email Address marshes@heritagedevelopment.land		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Marshae Stokes		Mailing Address of Authorized Person 470 North 2450 West Tremonton, UT 84337
Phone 801-920-0552	Fax	
Email Address marshaes@heritagedevelopment.land		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name Terakee The River	Current Zoning A-2	Proposed Zoning R-3
Approximate Address 700 N 3600 W Marriott-Slaterville, 84404	Land Serial Number(s) 150280049 & 150280001	
Total Acreage 156.5	Current Use Agriculture	Proposed Use Single Family Residential

Project Narrative

Describing the project vision.

The overall vision of the project is to reconcile the previously approved plan to better align with the Weber County Masterplan. It would provide a regional lift station, donating land to used by the Parks Department for public use while creating road connectivity and pathways.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

The newly redesigned concept is in compliance with the General Plan based around the allowed R-3 zone, focused on fulfilling the Smart Growth Practices which allowed for responsible addition of lots, plans to fulfill the need of a regional lift station, and allow the creation of lots to be transferred to a TDR eligible property.

Why should the present zoning be changed to allow this proposal?

The present zoning should be allowed to be changed based on the new concept of the community can more appropriately address the needs for new and additional sewer infrastructure, road connectivity and the demand of public open spaces and parks. This would better align with the current general plan than the previously approved MPC zone. With out the zone change we will be forced to break road connectivity, keep open space for private use, and eliminate much needed park space for the parks department.

Project Narrative (continued...)

How is the change in the public interest?

Making the zone change would be in the public interest for multiple reasons. The development will be providing the physical infrastructure for a regional lift station, as well as financing for that, creating a variety of park space for the public, preserving and building master planned roads that facilitate connectivity currently being sought after by the General Plan. It is our intent to donate roughly 39 acres to the Park Department while building a walking trail, providing parking, bathrooms and trail head for the public to utilize and enjoy all that nature has to offer along the river. This not only creates river access but sets an example of how to maximize the use of the river to other property owners.

What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

We currently have a development plan that is approved, however, that doesn't fit within the updated General Plan. As we strive to continue to be a responsible developer in Weber County would like to be allowed to remedy that by being awarded the rezone and create a development that better addresses the needs presented in the General Plan.

Project Narrative (continued...)

How does this proposal promote the health, safety and welfare of the inhabitants of Weber County?

The new concept for this project can better the welfare, health, and safety of the Weber County inhabitants. In this area of Weber County there is a need for public use of land which we can provide by donating not only land to the Parks department but creating and financing the access to land, pathways, trail-head and restrooms. We would be able to provide safe access to the river pathway but also having areas of public land families and everyone can enjoy what nature has to offer in the own backyards which promotes healthier living. Also, improving the sewer infrastructure in the area with the regional lift station supplies a safer and more manageable system as the area continues to grow.

Property Owner Affidavit

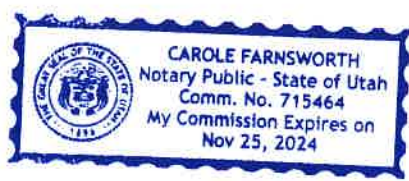
I (We), Heritage Land Development, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 21 day of Sep, 2023

(Notary)



Authorized Representative Affidavit

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



(Property Owner)

(Property Owner)

Dated this 21 day of Sep, 20 23, personally appeared before me Carole Farnsworth, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



(Notary)





**2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668
10/2/2023**

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

Taylor West Weber Water Improvement District ("The District"). Has received a notice of intent to request rezone for an area known as Terakee Farms the River in West Weber, Utah. Attached is a map of the area, it is approx. 156.5 acres. The District has the capacity to support this area to be rezoned to approx. 1/3 acre lots. The area needs to have pressurized secondary water supported by either Hooper Irrigation or a qualified Irrigation Company making this application supportive. There is also inadequate water pressure and volume for the area. A previously signed development agreement will need to be activated. So that proper culinary water pressure and volume can be provided to the area. This is in no way a letter of feasibility for a subdivision or will serve of any kind, this is only a letter of acknowledgment supporting the application to rezone the area. If you have any questions, feel free to contact me.

Best Regards,

Ryan Rogers
Manager
Taylor West Weber Water Imp.



Taylor West Weber Park District

October 9, 2023

To Whom it May Concern,

Heritage Land Holdings LLC (the “Developer”), proposed to the Board of Trustees of the Taylor West Weber Park District (the “District”) a donation to the District as part of its proposed rezone of the development of **Terakee the River**, located within the District boundaries (the “Subdivision”). The District Board discussed and voted on the proposed donation in an open and public meeting.

The District will accept from the Developer a 39.49 acre nature trail park within the Subdivision as depicted in the **attached Master Plan**. The donated nature park will be developed with a parking lot, a trailhead, restrooms, a waterfowl observation/education point, and a riverside trail that can accommodate hiking, biking, and horseback riding. This donation will help the District provide a public park for the benefit of the new residents of the Subdivision and surrounding communities.

In exchange for the donation, the District hereby declares its support of the proposed rezone of the Subdivision to R1-15. This declaration is only valid to the extent that it satisfies Weber County’s conditions for the rezone and the County’s associated development agreement. If the Developer does not provide the donation to the District, then the District withdraws its support of the proposed Subdivision and rezone.

This letter does not contractually bind the Developer to provide the Donation to the District. Rather, it is a commitment from the District that, if the Developer provides the donation to the District, the District will support the Developer’s proposed Subdivision and associated rezone.

Sincerely,

Roger Heslop, Chair
Taylor West Weber Park District



W3248234

ANNEXATION

E# 3248234 PG 1 OF 11

LEANN H KILTS, WEBER CTY. RECORDER
01-AUG-22 1013 AM FEE \$00 DC
REC FOR: CENTRAL WEBER SEWER

ANNEXATION TO: CENTRAL WEBER SEWER IMPROVEMENT
DISTRICT

ORDINANCE NO. 2022-13

RECORDED FOR: CENTRAL WEBER SEWER IMPROVEMENT DIST.

RECORDING FEE: NONE

SEC. 29 TOWNSHIP 6N RANGE 2W

BOOK 93 PAGE 76

15-079-0120, 0121, 0122

STATE OF UTAH



OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of annexation for the CENTRAL WEBER SEWER IMPROVEMENT DISTRICT - TERAKEE FARMS PHASE 1, located in WEBER COUNTY dated July 27, 2022, complying with Section §17B-1-414, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the CENTRAL WEBER SEWER IMPROVEMENT DISTRICT - TERAKEE FARMS PHASE 1, located in WEBER COUNTY, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 27th day of July, 2022 at Salt Lake City, Utah.

A handwritten signature in black ink that reads "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor

CENTRAL WEBER SEWER IMPROVEMENT DISTRICT
RESOLUTION 2022-14
Annexation Approval Resolution
(100% landowner petition)

WHEREAS, the Central Weber Sewer Improvement District (the “District”) is a duly organized improvement district primarily located in Weber County, Utah, but also including a relatively small part of Davis County, Utah, established and operating as prescribed in Title 17B, Chapter 2a, Part 4 of the Utah Code and other relevant portions of Title 17B of the Utah Code;

WHEREAS, the District owns and operates sanitary sewer outfall collection and treatment facilities which serve much of Weber County and a small portion of Davis County, Utah;

WHEREAS, a Landowner Annexation Petition (the “Petition”) has been filed with the District requesting that the real property identified on Exhibit “A” attached to this Resolution (the “Subject Property”) be annexed into the District in order to receive sanitary sewer treatment and disposal services from the District (the Landowner is referred to herein as “Applicant”);

WHEREAS, the District requires that Applicant’s property be annexed into the District as a condition to receiving, and continuing to receive, sewer service;

WHEREAS, the District Board of Trustees (the “Board”) has the statutory authority to annex areas into the District pursuant to the requirements of Title 17B, Chapter 1, Part 4 of the Utah Code, which outlines the procedure to be followed to accomplish such annexations;

WHEREAS, Applicant owns 100% of the Subject Property;

WHEREAS, the Petition satisfies the applicable requirements of Utah Code Ann. §§ 17B-1-403 and -404;

WHEREAS, within thirty days after the Petition was filed, at a duly called meeting of the Board of Trustees of the District for which certification of the Petition was listed on the agenda, the Board voted to certify the Petition in accordance with Utah Code Ann. § 17B-1-405;

WHEREAS, the identified contact sponsor was notified, in writing, of the certification of the Petition as required by Utah Code Ann. § 17B-1-405;

WHEREAS, since the Petition has been signed by the sole owners of the Subject Property, pursuant to Utah Code Ann. § 17B-1-413(1), the District Board is not required to hold a public hearing pursuant to Utah Code Ann. §§ 17B-1-409 and -410 and the protest provisions of Utah Code Ann. § 17B-1-412 are not applicable to this annexation proceeding;

WHEREAS, a notice of the proposed annexation was given pursuant to the requirements of Utah Code Ann. § 17B-1-413;

WHEREAS, the written Notice referenced in the immediately preceding paragraph contained a brief description of the proposed annexation and included the name of the Central Weber Sewer Improvement District, the services provided by the District, a description and/or map of the area proposed to be annexed, a local district telephone number where additional information about the proposed annexation could be obtained and an explanation of the right of an owner of property located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition to request a public hearing on the proposed annexation in accordance with Utah Code Ann. § 17B-1-413(2)(a)(ii)(B), provided that such request was submitted to the District Board of Trustees within 20 days after the date the Notice was given;

WHEREAS, more than 20 days have passed since the notice was given, no property owner or registered voter having a right to do so has requested a hearing, and the time for submitting a request for a public hearing has passed;

WHEREAS, not more than 30 days has passed since the expiration of the time for submitting a request for a public hearing;

WHEREAS, no part of the area proposed to be annexed is located within the boundaries of any local district or special service district which is authorized to perform the same functions or provide the same services as the District, nor is it located within the boundaries of any municipality or any county that provides the same service that the District provides;

WHEREAS, it is not necessary to provide a notice of the proposed annexation to any county or municipality pursuant to Utah Code Ann. § 17B-1-406 and the provisions of Utah Code Ann. §§ 17B-1-407 through -408 are not applicable; and

WHEREAS, the Board has determined that all applicable statutory requirements have been satisfied and, having considered the proposed annexation, has determined it to be in the best general interest of the District and of the property owners, residents and taxpayers within both the District as presently constituted and the area proposed to be annexed for the requested annexation to be completed.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Central Weber Sewer Improvement District, as follows:

1. That all of the legal requirements stated in Title 17B, Chapter 1, Part 4 of the Utah Code that must be satisfied before the adoption of this Resolution have been satisfied.

2. That, in accordance with Utah Code Ann. § 17B-1-414, the real property described and/or otherwise identified in attached Exhibit "A," which is incorporated by reference as part of this Resolution, shall be and hereby is annexed into and, from the effective date of the annexation, shall be part of the Central Weber Sewer Improvement District.

3. That, from and after the issuance by the Lt. Governor of a certificate of annexation pursuant to Utah Code Ann. §§ 67-1a-6.5 and § 17B-1-414(3)(b), the Subject Property shall be an integral part of the District and, upon the submittal of the original notice of annexation, the original certificate of annexation issued by the Lieutenant Governor, the approved final local entity plat, and a certified copy of this Resolution to the Weber County Recorder for recordation, the taxable property located within the Subject Property shall be subject to taxation for the purposes of the District, including the payment of any bonds and other obligations now outstanding or hereafter authorized and issued. All properties within and users of services provided by the District, as enlarged by this annexation, shall be subject to the payment of service and user fees and such other applicable fees and charges as may be assessed from time to time by the District and shall be subject to all rules, regulations, powers and authority of the District and of the Board as provided by law or otherwise.

4. That the Chairman and/or General Manager of the District be and are instructed, within 30 days after adoption of this Annexation Resolution, to file a written notice of annexation with the Lt. Governor of the State of Utah, accompanied by a copy of this Resolution and an approved final local entity plat. The Chairman and/or General Manager are further instructed, upon receipt of the certificate of annexation from the Lieutenant Governor, to submit the documents identified in paragraph 3 above to the Weber County Recorder for recordation.

5. That this Resolution shall take effect immediately upon its approval and adoption, but the annexation shall not be complete and effective until the date specified in the certificate of annexation issued by the Lt. Governor.

Approved and adopted by the Board of Trustees of the Central Weber Sewer Improvement District this 11th day of July, 2022.

Mark Allen
Mark Allen, Chair

STATE OF UTAH)
 :SS.
COUNTY OF WEBER)

The foregoing Resolution was subscribed before me, a notary public and also the Clerk of the Central Weber Sewer Improvement District, this 11th day of July, 2022 by Mark Allen, Chairman of the Board of Trustees of the Central Weber Sewer Improvement District.

John E. Cardon
John Cardon, Notary Public



EXHIBIT A

ANNEXATION BOUNDARY DESCRIPTION

A part of the Southeast Quarter of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey

Beginning at a point 300.32 feet South 89°15'20" East along the Section line from the Center of Section 9; and running thence North 89°15'20" West 300.32 feet to the Center of Section 9; thence North 89°15'28" West 181.50 feet along the Quarter Section line; thence North 00°51'29" East 1,963.33 feet to the Center of the Weber River; thence Southeasterly twenty seven (27) courses along said Centerline as follows: (1) North 82°13'27" East 457.93 feet; (2) North 89°15'23" East 233.23 feet; (3) South 71°56'20" East 170.94 feet; (4) South 37°10'59" East 222.20 feet; (5) South 53°13'05" East 354.16 feet; (6) South 43°59'43" East 525.50 feet; (7) South 87°10'08" East 234.06 feet; (8) South 63°08'28" East 360.93 feet; (9) South 20°17'28" East 218.48 feet; (10) South 41°53'36" East 432.81 feet; (11) South 26°34'13" East 197.60 feet; (12) South 13°55'18" East 236.85 feet; (13) South 19°03'20" East 77.85 feet; (14) South 45°23'05" East 53.27 feet; (15) South 32°23'15" East 74.39 feet; (16) South 25°16'31" East 77.17 feet; (17) South 21°13'57" West 56.86 feet; (18) South 04°00'08" West 132.31 feet; (19) South 43°43'12" West 289.05 feet; (20) South 40°18'29" West 122.50 feet; (21) South 35°48'14" West 67.07 feet; (22) South 20°10'26" West 56.38 feet; (23) South 18°27'11" East 109.49 feet; (24) South 24°45'18" East 278.73 feet; (25) South 32°18'05" East 112.10 feet; (26) South 21°48'25" East 134.52 feet; and (27) South 24°13'55" East 103.09 feet to the Section Line; thence South 00°45'18" West 583.32 feet along the Section line; thence North 89°04'28" West 1,228.24 feet to the Southeast corner of McFarland Subdivision; thence two (2) courses along said Subdivision as follows: (1) North 00°56'30" East 362.32 feet; and (2) North 89°03'07" West 498.30 feet; thence North 00°46'31" East 1,588.31 feet; thence South 89°15'44" East 391.46 feet; thence North 00°51'15" East 310.76 feet; thence North 82°49'12" West 571.68 feet; thence North 83°59'43" West 442.90 feet; thence South 00°00'24" East 415.73 feet to the POINT OF BEGINNING.

Containing 152.2759 acres, more or less

**NOTICE OF PROPOSED ANNEXATION
CENTRAL WEBER SEWER IMPROVEMENT DISTRICT**

Notice is hereby given pursuant to the requirements of Utah Code Ann. § 17B-1-406 through 418 that it is proposed that the following described real property located in Weber County, Utah be annexed into and become part of the Central Weber Sewer Improvement District:

ANNEXATION BOUNDARY DESCRIPTION

A part of the Southeast Quarter of Section 9, Township 6 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey

Beginning at a point South 89°26'19" East 628.05 feet along the Section Line and North 00°33'41" East 2639.481 feet from the South Quarter Corner of Section 9; and running thence North 89°15'20" West 300.32 feet; thence North 89°15'28" West 181.50 feet to the Quarter Section line; thence North 00°51'29" East 1,963.33 feet along the Quarter Section line to the Center of the Weber River; thence Southeasterly twenty seven (27) courses along said Centerline as follows: (1) North 82°13'27" East 457.93 feet; (2) North 89°15'23" East 233.23 feet; (3) South 71°56'20" East 170.94 feet; (4) South 37°10'59" East 222.20 feet; (5) South 53°13'05" East 354.16 feet; (6) South 43°59'43" East 525.50 feet; (7) South 87°10'08" East 234.06 feet; (8) South 63°08'28" East 360.93 feet; (9) South 20°17'28" East 218.48 feet; (10) South 41°53'36" East 432.81 feet; (11) South 26°34'13" East 197.60 feet; (12) South 13°55'18" East 236.85 feet; (13) South 19°03'20" East 77.85 feet; (14) South 45°23'05" East 53.27 feet; (15) South 32°23'15" East 74.39 feet; (16) South 25°16'31" East 77.17 feet; (17) South 21°13'57" West 56.86 feet; (18) South 04°00'08" West 132.31 feet; (19) South 43°43'12" West 289.05 feet; (20) South 40°18'29" West 122.50 feet; (21) South 35°48'14" West 67.07 feet; (22) South 20°10'26" West 56.38 feet; (23) South 18°27'11" East 109.49 feet; (24) South 24°45'18" East 278.73 feet; (25) South 32°18'05" East 112.10 feet; (26) South 21°48'25" East 134.52 feet; and (27) South 24°13'55" East 103.09 feet to the Section Line; thence South 00°45'18" West 583.32 feet along the Section line; thence North 89°04'28" West 1,228.24 feet to the Southeast corner of McFarland Subdivision; thence two (2) courses along said Subdivision as follows: (1) North 00°56'30" East 362.32 feet; and (2) North 89°03'07" West 498.30 feet; thence North 00°46'31" East 1,588.31 feet; thence South 89°15'44" East 391.46 feet; thence North 00°51'15" East 310.76 feet; thence North 82°49'12" West 571.68 feet; thence North 83°59'43" West 442.90 feet; thence South 00°00'24" East 415.73 feet to the POINT OF BEGINNING.

Containing 152.2759 acres, more or less

The owner of the above-described property has filed an annexation petition requesting that the property be annexed into and receive service from the Central Weber Sewer Improvement District ("Central Weber"). Central Weber owns and operates a sewage treatment plant and outfall lines that deliver untreated sewage to the treatment plant for treatment and disposal. Upon being annexed into Central Weber, and after satisfying applicable requirements, the subject property may receive sewage treatment and disposal services provided by Central Weber.

Inasmuch as the owners of all of the subject property signed the annexation petition, a public hearing respecting this proposed annexation is not required. However, notice is hereby given that a public hearing will be held if a written request to do so is submitted, within 20 days after the date of this notice, to the Central Weber Board of Trustees at 2618 West Pioneer Road, Ogden, Utah 84404, by an owner of property that is located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition. Otherwise, no public hearing will be held and, after the expiration of the above-referenced 20-day period, the proposed annexation will be presented to the Central Weber Board of Trustees for final action.

If additional information concerning the proposed annexation is desired, please telephone (801)731-3011.

DATED this 21st day of June, 2022.



Kevin Hall, General Manager
Central Weber Sewer Improvement District

Mailed to:

Heritage Land Holdings
470 North 2450 West
Tremonton, UT 84337

Terakee Farms Inc.
PO Box 14016
Ogden, UT 84412

Reference: Terakee Farms Phase I

EXHIBIT B: CURRENT ZONE MAP

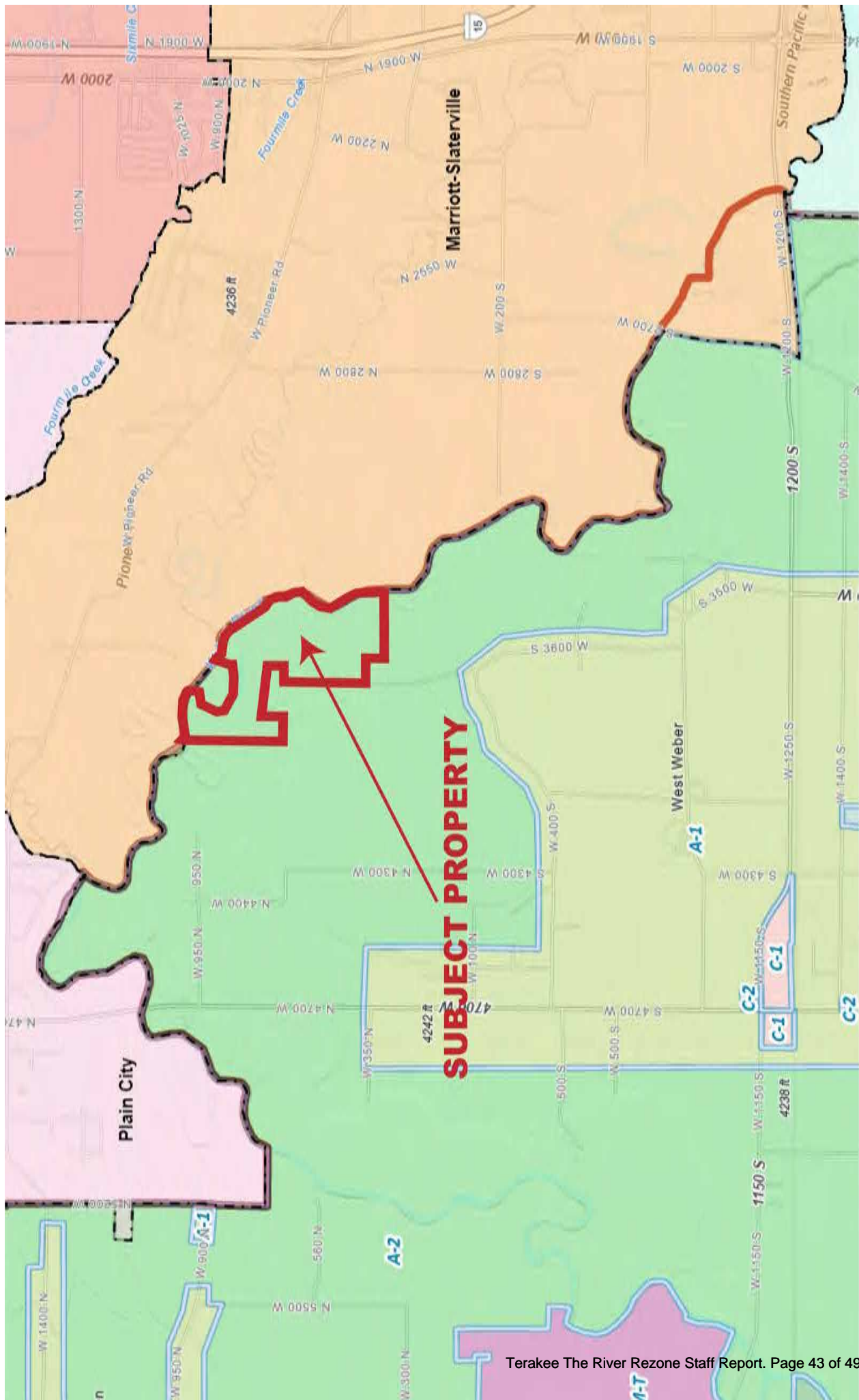


EXHIBIT C: PROPOSED ZONE MAP

EXHIBIT D: AMENDED CONCEPT PLAN

**EXHIBIT E:
CONCEPT PLAN WITH
STAFF-SUGGESTED EDITS**

