

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

July 10, 2018

5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call:*

1. Approval of minutes for June 19,2018.

Petitions, Applications, and Public Hearings:

2. Administrative items

a. New Business

2.1 LVD 061218: Consideration and action on a request for preliminary approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden

3. Legislative items

a. New Business

3.1 ZTA 2018-01: Public hearing for consideration and action on a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

3.2 ZTA 2018-02: Public hearing for consideration and action on a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning.

3.3 ZTA 2017-17: A public hearing to discuss, receive public comment, and take action on a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

3.4 ZMA 2018-03 and ZDA 2018-03 A public hearing to discuss, receive public comment, and take action on a proposal to amend the following:

- 2003 West Central Weber General Plan, to support a rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West.
- Rezone of 21+/- acres between 12th Street and the railroad, directly east of 4700 West, from A-1 to a zone that will support a small-scale commercial village.

The purpose of the general plan amendment and rezone is to enable a small-scale commercial village, with a development agreement that limits the commercial uses and controls the site's layout and architectural design better than existing ordinances.

4. Public Comment for Items not on the Agenda

5. Remarks from Planning Commissioners

6. Planning Director Report

7. Remarks from Legal Counsel

8. Adjourn

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.
No decisions are made in the pre-meeting, but it is an open, public meeting.

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Western Weber Planning meeting of June 19, 2018, held in the Weber County Commission Chambers, 2380 Washington Blvd. Floor 1, Ogden UT at 5:30 p.m.

Members Present: Blake Hancock-Chair
Jennifer Willener-Vice Chair
Jannette Borklund
John Parke
Wayne Andreotti

Members Excused: Roger Heslop

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner/Long Term Planner; Chris Crockett, Legal Counsel; Marta Borchert, Secretary

- *Pledge of Allegiance*
- *Roll Call:*

1. Approval of minutes of minutes for December 13, 2016, March 13, 2018, May 8, 2018, and June 12, 2018.

Chair Hancock asks if there are any correction to the minutes. Commissioner Borklund states that on December 13, 2016, minutes on page 2 it says "with the following conditions" there are no conditions listed. On the March 13, 2018 minutes on page 2 it says "approval was granted 12-12-18" it should say "approval was granted 12-12-2017". On page 5 of the same minutes it says "no debatable" it should say "not debatable". Also on page 12, it says "He adds that they could land use application prohibiting" It should say "He adds that they could use a land use application prohibiting". On page 13 near the top of the page, it says "get approval form a neighbor" it should say "get approval from a neighbor". Commissioner Willener states that on June 12, 2018, minutes on page 3 near the top it says "none conforming" it should say "nonconforming". Chair Hancock asks if there are any other corrections necessary to the minutes. There are none.

Motion: Minutes approved with noted corrections.

Chair Hancock asks if there are any conflicts of interest or ex parte communications to declare. There are none.

Chair Hancock asks if Director Grover has any opening statements. He does not.

2. Consent Agenda:

2.1 DR 2018-08: Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden.

Chair Hancock asks if any on the Planning Commissioners or if any members of the public have any comments or objections. There are none.

Chair Hancock asks if there is a motion for approval.

MOTION: Commissioner Borklund moves approve to DR 2018-08: Consideration and action on a design review application for a warehouse addition to the existing Kimberly Clark building located at 2100 N Rulon White Blvd, Ogden subject to the following recommendations. Prior to starting construction, the design review must be approved and a land use permit must be issued. As a requirement of state law (Title 10 Chapter 2, Part 4, Section 402) the adjacent municipalities shall consent in writing to the development; or within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the County's approval of the proposed development; and the County responds in writing to the municipality's objection. The recommendation is based on the following findings. The proposed use conforms to the Western Weber General Plan. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare. The proposed use, if conditions are imposed, will comply with applicable County ordinances. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses. Commissioner Parke seconds. Motion carries (6-0)

3. Public Comment for items not on the Agenda-There was none.

4. Remarks from the Planning Commissioners-There was none.

5. Planning Director Report-Director Grover states it is with a heavy heart that they say thank Commissioner Wayne Andreotti, it is his last meeting. Hopefully, it will only be for a while. He is going to take a sabbatical. He has served since 1994. To think about the amount of time that is put in and it's all volunteer work. He notes that Commissioner Andreotti could write a book about all the meetings and all he has experienced. Commissioner Andreotti has seen a lot happen in Weber County and has influenced many changes. Commissioner Andreotti has made a great impact. On behalf of the Planning Department and Weber County, Director Grover thanks him and gives him a memento of gratitude.

Commissioner Andreotti states that this is one of the noblest things that can be done for the community. It's a job that requires a great love for the community. He has met some wonderful people that have served for the Planning Commission and the staff throughout the years. Everyone needs to bleed Weber County because it is the best County in the state. It's been his pleasure and he is happy that he has been allowed to serve as part of the Planning Commission. It's been a good thing and he holds his fellow members in the highest esteem and thanks them for serving.

Chair Hancock states that he would like to thank Commissioner Andreotti and it's been a pleasure to serve with him.

6. Remarks from Legal Counsel-Mr. Crockett notes that he is grateful to Marta for how quickly the minutes from June 12th meeting were finished. He also states that he will miss working with Commissioner Andreotti, and he hopes he has some great trips and he would like to hear about them. He adds that they wish him the very best.

7. Adjourn-5:42 PM

Respectfully submitted,

Marta Borchert



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary approval of D.M. Hadley Subdivision, consisting of five lots, located at approximately 4300 West 3300 South, Ogden.

Type of Decision: Administrative

Agenda Date: Tuesday, July 10, 2018

Applicant: Jeff Hales

File Number: LVD 061218

Property Information

Approximate Address: 4300 West 3300 South

Project Area: 6.4 acres

Zoning: Agricultural (A-2) Zone

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 15-089-0006, 0010, 0020

Township, Range, Section: T6N, R2W, Section 33

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RK

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 7, Agricultural (A-2 Zone)
- Weber County Land Use Code Title 106 (Subdivisions)

Background and Summary

The applicant is requesting final approval of D.M. Hadley Subdivision, consisting of five lots, including road dedication area along 3300 South and 4300 West. Out of the five proposed lots, three have existing homes, leaving two remaining lots for single family dwellings to be built on. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). The following is a brief synopsis of the review criteria and conformance with the LUC.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of single-family residential development that is currently dominant in the area.

Zoning: The subject property is located in the Agricultural (A-2) Zone. Single-family dwellings are a permitted use in the A-2 Zone.

Lot area, frontage/width and yard regulations: In the LUC §104-7-6, the A-2 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 square feet. Lots 2 through 5 maintain adequate lot width and area. Lot 1 has insufficient lot frontage and area, but is considered a non-conforming lot and is legal. Due to the road dedication area, Lot 1 will lose some area, but is still considered legal, as outlined in LUC §108-12-15(b).

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in LUC §106-1, and the A-2 zone standards in LUC §104-7. The proposed subdivision will not create any new public streets.

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for the culinary water and the sanitary sewer for the proposed subdivision. A capacity assessment letter regarding culinary water will be required prior to final approval

of the subdivision. The culinary water for the proposed subdivision will be provided by Taylor West Weber Water Improvement District. The sanitary sewage disposal will be an individual waste water treatment system.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and Surveyor's Office along with the Weber Fire District. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Additional Design Standards: The LUC §106-4-2(f) requires sidewalk to be installed in developments that are within walking distance as established by a school district. This development is within 1 mile of a school, which is within walking distance. As such, sidewalk or an approved walking path will be required as part of the improvements.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2018 property taxes are not considered due at this time but will become due in full on November 30, 2018.

Public Notice: A notice has been mailed not less than seven calendar days before final approval to all property owners of record within 500 feet of the subject property regarding the proposed subdivision per noticing requirements outlined in LUC §106-1-6.

Staff Recommendations

Staff recommends final approval of D.M. Hadley Subdivision, a five lot subdivision located at approximately 4300 West 3300 South. This recommendation is subject to all review agency requirements and the following conditions:

1. Sidewalk, or a walking path, is required to be installed and escrowed for, along with the other required improvements, prior to the recording of the final mylar, as outline in LUC §106-4-3.

The recommendation is based on the following findings:

1. The proposed subdivision conforms to the West Central Weber General Plan.
2. The proposed subdivision complies with applicable county ordinances.

Exhibits

- A. Subdivision plat
- B. Feasibility letters

Area Map



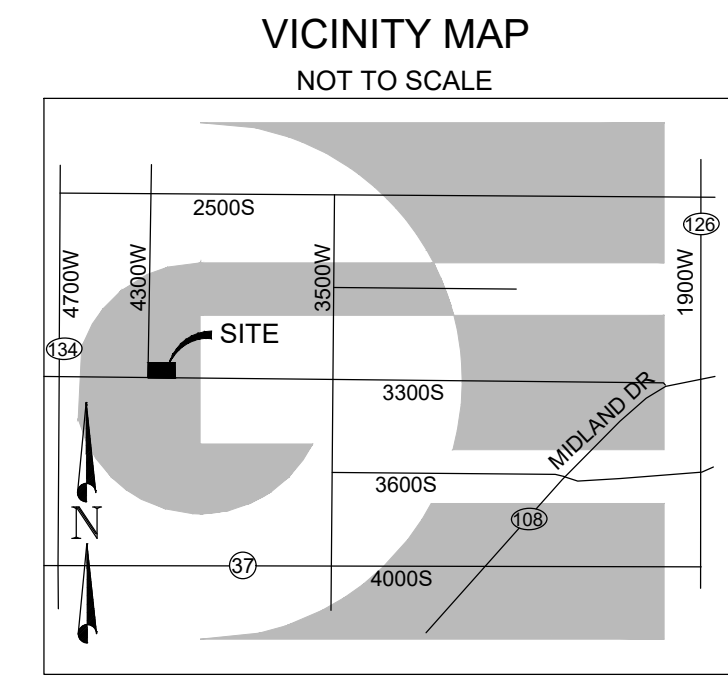
Exhibit A

D.M. HADLEY SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33,
TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
WEBER COUNTY, UTAH
MAY 2018

BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION; RUNNING THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER NORTH 1°22'05" EAST 392.23 FEET TO THE PROJECTION OF AN EXISTING FENCE LINE; THENCE ALONG SAID PROJECTED FENCE LINE AND FENCE LINE SOUTH 89°37'43" EAST 706.35 FEET TO THE WEST TOP LINE OF THE OLD HOOPER CANAL; THENCE ALONG SAID LINE SOUTH 0°44'53" EAST 396.76 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE ALONG SAID LINE NORTH 89°16'10" WEST 720.93 FEET TO THE POINT OF BEGINNING, CONTAINING 281,475 SF, OR 6.46 AC, MORE OR LESS.



- ### LEGEND
- ◆ WEBER COUNTY MONUMENT AS NOTED
 - SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING
 - SUBDIVISION BOUNDARY
 - LOT LINE
 - ADJACENT PARCEL
 - SECTION LINE
 - - - PUBLIC UTILITY EASEMENT (PUE)
 - x - EXISTING FENCE LINE
 - - - ORIGINAL PROPERTY LINE
 - - - EXISTING WATER LINE
 - - - EXISTING IRRIGATION LINE
 - - - EXISTING STORM DRAIN
 - - - EXISTING OVERHEAD POWER
 - - - EXISTING GAS LINE
 - - - EXISTING FIBER OPTIC LINE
 - ▨ EXISTING ASPHALT
 - ▩ EXISTING CONCRETE
 - ⊙ EXISTING WATER METER
 - ⊕ EXISTING FIRE HYDRANT
 - ⊗ EXISTING IRRIGATION VALVE
 - ⊖ EXISTING IRRIGATION MANHOLE
 - ⊕ EXISTING POWER POLE
 - ⊗ EXISTING TELEPHONE PEDESTAL

SURVEYOR'S CERTIFICATE

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



SIGNED THIS _____ DAY OF _____, 2018.

KLINT H. WHITNEY, PLS NO. 8227228

OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

D.M. HADLEY SUBDIVISION

AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 2018.

HADLEY FAMILY TRUST AGREEMENT, DATED OCTOBER 14, 2002

BY: NELDA H. HADLEY, TRUSTEE

KELLY K HADLEY AND CAROL HADLEY

BY: KELLY K HADLEY

BY: CAROL HADLEY

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF WEBER)
On this _____ day of _____, 2018, personally appeared before me NELDA H. HADLEY, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that they are the TRUSTEES OF THE HADLEY FAMILY TRUST AGREEMENT, DATED OCTOBER 14, 2002, and that said document was signed by them in behalf of said Trust, and said NELDA H. HADLEY acknowledged to me that said Trust executed the same.

STAMP _____ NOTARY PUBLIC

ACKNOWLEDGEMENT

EXPLORATION PIT #1 LOT 2 (UTM ZONE 12T, NAD 83, 0409196E 4562210N)
0-5" GRAVELLY FINE SANDY LOAM (NEAR LOAMY FINE SAND), GRANULAR STRUCTURE
5-71" FINE SANDY LOAM, (NEAR LOAMY FINE SAND) MASSIVE STRUCTURE
GROUND WATER AT 71 INCHES

EXPLORATION PIT #2 LOT 4 (UTM ZONE 12T, NAD 83, 0409286E 4562158N)
0-8" GRAVELLY FINE SANDY LOAM (NEAR LOAMY FINE SAND), GRANULAR STRUCTURE
8-69" FINE SANDY LOAM, (NEAR LOAMY FINE SAND) MASSIVE STRUCTURE
GROUND WATER AT 69 INCHES

On this _____ day of _____, 2018, before me _____, A Notary Public, personally appeared KELLY K HADLEY AND CAROL HADLEY, Proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same. Witness my hand and official seal.

STAMP _____ NOTARY PUBLIC

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A FIVE LOT SUBDIVISION OF PARCEL NO. 150890010, 150890006 AND 150890020 AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY JEFF HALES. THE CONTROL USED TO ESTABLISH THE BOUNDARY IS THE EXISTING WEBER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN WHICH BEARS NORTH 89°16'10" WEST WEBER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING. THE WEST AND SOUTH BOUNDARY LINES WERE DETERMINED BY MONUMENTED SECTION LINES. THE EAST BOUNDARY LINE WAS DETERMINED BY AN EXISTING FENCE LINE BEGIN ON THE WEST BANK OF THE HOOPER CANAL AS CALLED FOR IN DEED AND FURTHER EVIDENCE IN RECORD OF SURVEY NUMBER 5237. VESTING DEED OF PARCEL 15-089-0020 RECORDED AS ENTRY 971754, PARCEL 15-089-0006 RECORDED AS ENTRY 1881569, PARCEL 15-089-0010 RECORDED AS ENTRY 1881568, DEEDS OF ADJOINING LAND OWNERS, RECORDED SURVEYS AND DEDICATED SUBDIVISION PLATS WITHIN AND SURROUNDING SAID SECTION 33 WERE USED TO DETERMINE THE SUBDIVISION BOUNDARY.

WEBER - MORGAN HEALTH DEPARTMENT
I DO HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITION FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.
SIGNED THIS _____ DAY OF _____, 2018

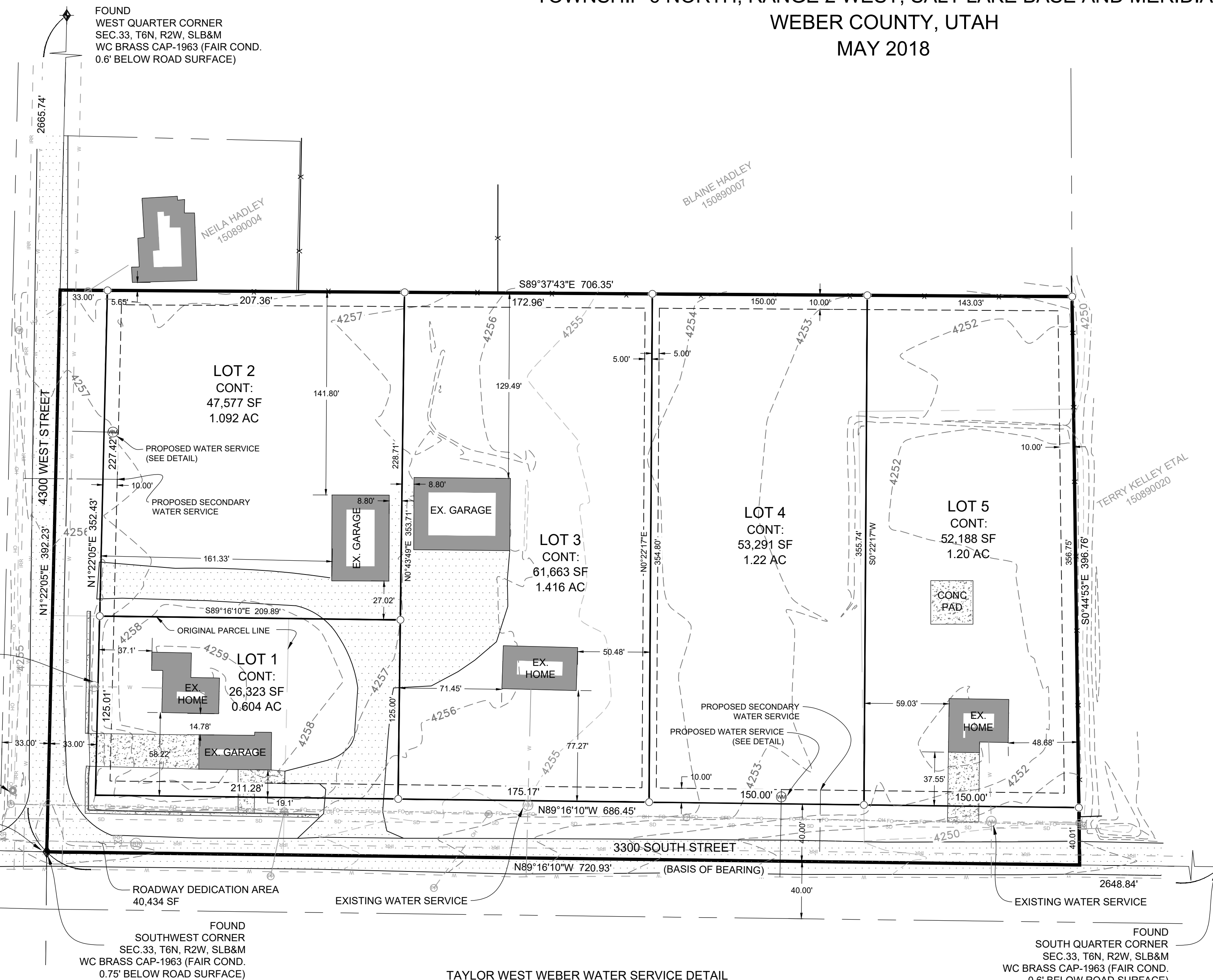
WEBER COUNTY PLANNING COMMISSION APPROVAL
THIS IS TO CERTIFY THAT THIS SUBDIVISION WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION.
SIGNED THIS _____ DAY OF _____, 2018.

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.
SIGNED THIS _____ DAY OF _____, 2018.

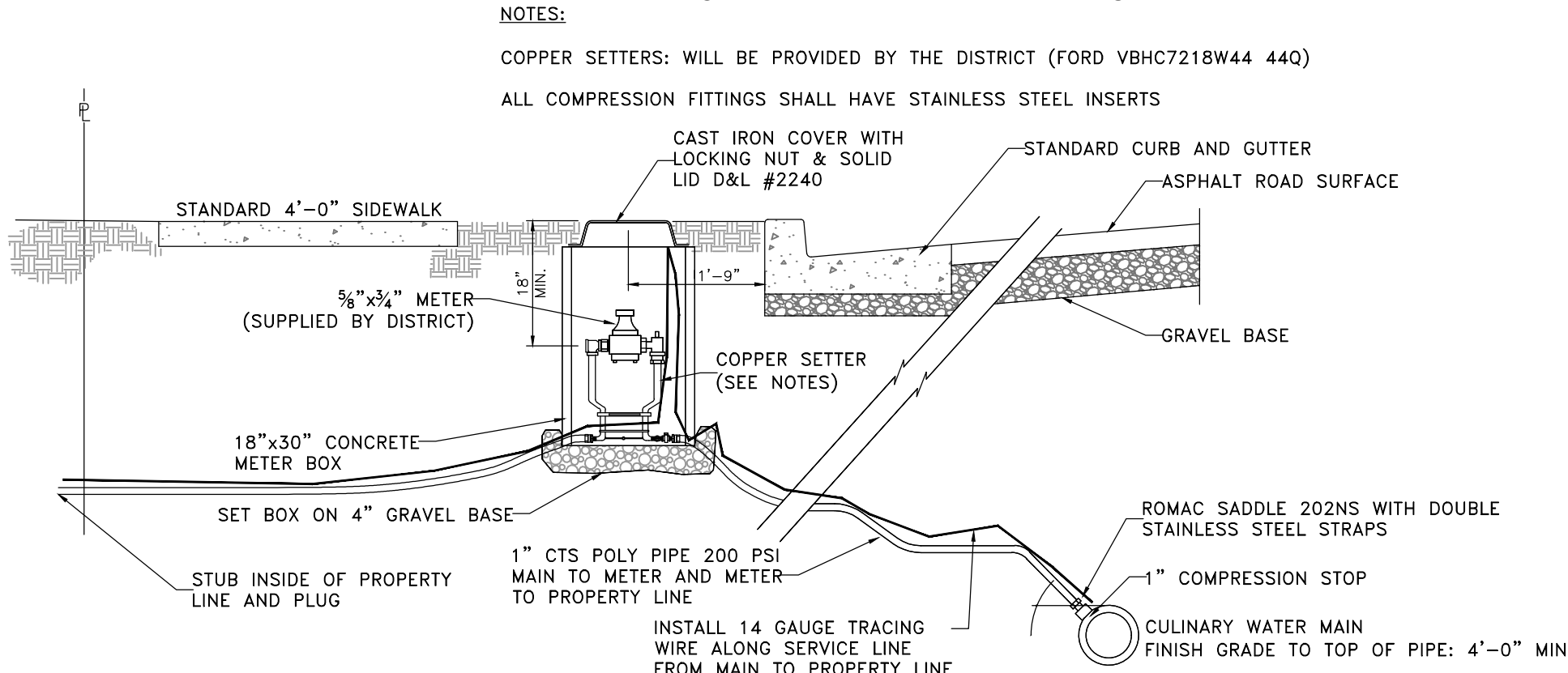
WEBER COUNTY ENGINEER
I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.
SIGNED THIS _____ DAY OF _____, 2018.

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 EFFECT.
SIGNED THIS _____ DAY OF _____, 2018.

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 EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH.
SIGNED THIS _____ DAY OF _____, 2018.



TAYLOR WEST WEBER WATER SERVICE DETAIL



NOTES:
COPPER SETTERS: WILL BE PROVIDED BY THE DISTRICT (FORD VBHC7218W44 440)
ALL COMPRESSION FITTINGS SHALL HAVE STAINLESS STEEL INSERTS
CAST IRON COVER WITH LOCKING NUT & SOLID LID D&L #2240
STANDARD CURB AND GUTTER
ASPHALT ROAD SURFACE
GRAVEL BASE
18" x 30" CONCRETE METER BOX
SET BOX ON 4" GRAVEL BASE
STUB INSIDE OF PROPERTY LINE AND PLUG
1" CTS POLY PIPE 200 PSI MAIN TO METER AND METER TO PROPERTY LINE
INSTALL 14 GAUGE TRACING WIRE ALONG SERVICE LINE FROM MAIN TO PROPERTY LINE
ROMAC SADDLE 202NS WITH DOUBLE STAINLESS STEEL STRAPS
1" COMPRESSION STOP
CULINARY WATER MAIN FINISH GRADE TO TOP OF PIPE: 4"-0" MIN.

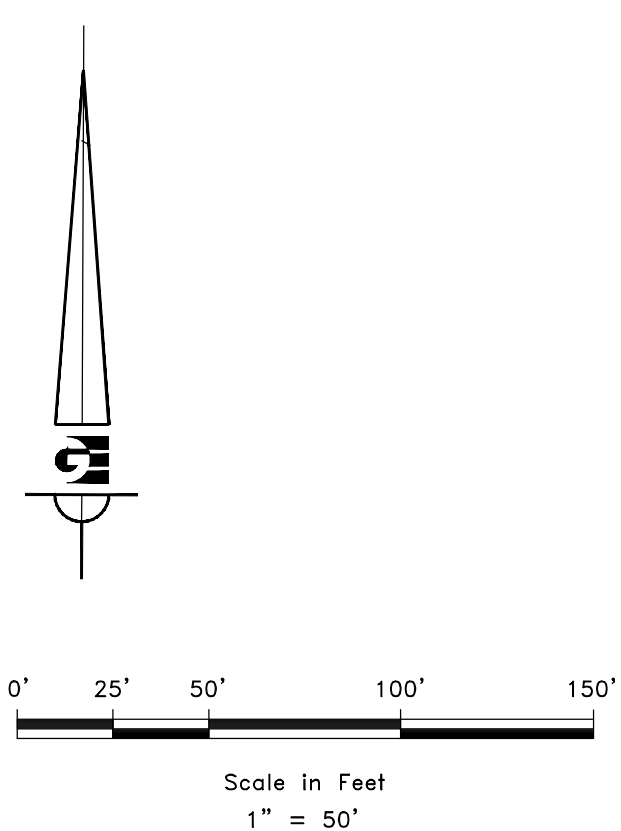


FIGURE 10 - HALES1701 - HADLEY SUBDIVISION SURVEY (CONV) HADLEY SUBDIVISION.DWG

TAYLOR WEST WEBER WATER IMPROVEMENT DISTRICT
2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401

June 7, 2018

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This is to inform you that ***preliminary*** approval has been given to provide culinary water only for two lots for the DM Hadley subdivision at the approximate address of 4294 West 3300 South/3260 South 4300 West in Taylor, Utah.

Requirements:

- *Water rights fee = \$4,363 per lot (or current cost when paid)
- *Hookup/Impact fee = \$6,824 per lot (or current cost when paid)
- *Secondary water = must hook up to the pressurized secondary water system if available or 1/2 share per lot of irrigation water in the District's name

Final approval will be subject to meeting all of the requirements of the District and all fees/shares being paid and received.

Sincerely,

TAYLOR WEST WEBER WATER IMP. DIST.



Val Surrage - Manager

VS/sph

Expires 12/07/18

BRIAN W. BENNION, M.P.A., L.E.H.S.
Health Officer/Executive Director



May 8, 2018

Weber County Planning Commission
2380 Washington Blvd.
Ogden, UT 84401

RE: Nelda Hadley Property
Approximately 3300 S 4300 W
Parcel #15-089-0006
Soil log #14669

Gentlemen:

An evaluation of the site and soils at the above-referenced address was completed by staff of this office on May 1, 2018. The exploration pit (s) is located at the referenced GPS coordinate and datum. The soil texture and structure, as classified using the USDA system, are as follows:

Exploration Pit #1 Lot 2 (UTM Zone 12T, Nad 83, 0409196E 4562210N)
0-5" gravely fine sandy loam (near loamy fine sand), granular structure
5-71" fine sandy loam, (near loamy fine sand), massive structure
Ground water at 71 inches

Exploration Pit #2 Lot 4 (UTM Zone 12T, Nad 83, 0409286E 4562158N)
0-8" fine sandy loam (near loamy fine sand), granular structure
8-69" fine sandy loam, (near loamy fine sand), massive structure
Ground water at 69 inches

Exploration pits should be backfilled immediately upon completion to prevent a hazardous environment that may cause death or injury to people or animals.

DESIGN REQUIREMENTS

Culinary water will be provided by Taylor-West Weber Water Improvement District, an extension of an existing approved non-community water system. **A letter from the water supplier is required prior to issuance of a permit.**

Documented ground water tables not to exceed 24 inches, fall within the range of acceptability for the utilization of an At-Grade Wastewater Disposal System as a means of wastewater disposal. Maximum trench depth is limited to 0 inches. The absorption system is to be designed using a maximum loading rate of 0.4 gal/sq. ft. /day as required for the fine sandy loam, massive structure soil horizon.


Plans for the construction of any wastewater disposal system are to be prepared by a Utah State certified individual and submitted to this office for review prior to the issuance of a Wastewater Disposal permit.

The following are required for a formal **subdivision review**; application, receipt of the appropriate fee, and a full sized copy of the subdivision plats showing the location of exploration pits and percolation tests as well as the documented soil horizons and percolation rates. A subdivision review will not occur until all items are submitted. Mylars submitted for signature without this information will be returned.

Each on-site individual wastewater disposal system must be installed in accordance with R317-4, Utah Administrative Code, Individual Wastewater Disposal Systems and Weber-Morgan District Health Department Rules. Final approval will be given only after an on-site inspection of the completed project and prior to the accomplishment of any backfilling.

Please be advised that the conditions of this letter are valid for a period of 18 months. At that time the site will be re-evaluated in relation to rules in effect at that time.

Sincerely,


Summer Day, LEHS
Environmental Health Division
801-399-7160



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2018-01, a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

A public hearing to consider and take action on ZTA 2018-02 a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2, and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning.

Agenda Date: Tuesday, July 10, 2018

Applicant: John Price

File Number: ZTA 2018-01, ZTA 2018-02

Property Information

Approximate Address: 7900 West 900 South

Project Area: 372.58 Acres

Zoning: The area is currently Manufacturing (M-1) and the proposed area will become Agricultural (A-2) Zoning. Including an area that is currently A-3 that is proposed to become A-2 zoning.

Existing Land Use: Agricultural/Residential

Proposed Land Use: Agricultural/Residential

Parcel ID: 10-037-0009, 10-037-0010, 10-037-0032, 10-037-0037, 10-037-0041, 10-037-0042, 10-043-0010, 10-066-0001, 10-048-0027, 10-048-0029.

Township, Range, Section: T6N, R3W, Sections 15, 22

Adjacent Land Use

North: Residential/Agricultural

South: Residential/Agricultural

East: Residential/Agricultural

West: Residential/Agricultural

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: CE

Applicable Ordinances

Title 102, Chapter 5 (Rezone Procedures)

Title 104, Chapter 7 (Agricultural A-2)

Title 104, Chapter 8 (Agricultural A-3)

Title 104, Chapter 22 (Manufacturing M-1)

Proposal History

This proposal was presented before the Western Weber Planning Commission as a Work Session Item on the evening of Tuesday, May 8, 2018. In that meeting, it was stated by a member of the commission to include a 56.89-acre parcel that is on the south side of 900 South Street with this proposal to prevent negative effects that may impact residential uses.

On the evening of June 12th, 2018, this proposal was on the agenda for consideration and action. Due to there not being a quorum, a final decision was not made and it was recommended by the County Attorney that we take public comment. Mr. and Mrs. Hayes expressed their concerns over losing their M-1 zone development potential and that a zone change would restrict their ability to expand current welding shop operations within their 3-acre parcel. It was stated by planning staff that Mr. Hayes would be able to continue his current use as a "Grandfathered" "Non-conforming Use".

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 compatibility with the general plan and existing ordinances.

Background

The applicant is requesting approval to rezone property located at approximately 7900 West 900 South (In West Warren Area) from its existing Manufacturing (M-1) Zone to the Agricultural (A-2) Zone. This proposal also includes a proposal to amend the Weber Central Weber General Plan Map (see exhibits B and C). Many landowners in the area have expressed agreement with the rezone for circumstances that include the desire to create a zoning area that is representative of the current land uses and the future land uses that the owners wish to pursue. There are also residents in the area who are opposed to a rezone.

The Weber County Planning Division recommends text amendments to pages 2-2, 2-6, and 2-15 of the General plan regarding the total acreage of M-1 area, and the verbiage related to allowing residential uses within the M-1 Zone. Further, the planning staff recommends a text amendment to the Uniform Land Use Code of Weber County, Utah (LUC) LUC §104-22-2 (47) to remove single-family dwelling as a permitted use within M-1 Zone as currently recommended by the general plan (see Exhibit E).

The current land area that is designated as M-1 zoning amounts to 1103.24 acres. The area that is proposed to be rezoned amounts to 356.83 acres. Thereby reducing M-1 total area to 746.41 acres.

This application also includes a proposal to rezone a 15.75-acre parcel from A-3 to A-2 (see the Area Map and Exhibit C). The applicant is requesting this rezone for the purpose of providing an area that will be developed as part of a future cluster subdivision.

In the Staff Recommendations portion, the planning staff has prepared three potential courses of action listed in order from most favorable to least favorable. This list has been created as a means to accommodate the current M-1 zone related uses that exist while creating a balance for all parties affected.

The current land area that is designated as A-3 zoning amounts to 12,382.05 acres. The area that is proposed to be rezoned amounts to 15.75 acres. Thereby reducing A-3's total area to 12,366.3 acres.

Summary of Planning Commission Considerations

Section 102-5-3 (Approval criteria) of the Weber County Land Use Code states:

"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."

In order to explain how the proposal meets these criteria, the County's Land Use Code requires that the applicant provide answers to the following questions in addition to a narrative that explains the project vision:

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?*

The applicant has provided a brief narrative describing the project vision and answers addressing these five questions (See Exhibit A for Narrative and information related to the above questions). The planning staff has visited the site and reviewed the application in order to determine whether or not this rezone request meets the criteria. The following determinations have been made:

1. How is the change in compliance with the General Plan?

This proposal will not change the current development plan for this area, as the current residents in the area have plans to develop the land in a manner is more consistent with A-2 zoning.

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

The uses in this area have remained consistently residential and agricultural since M-1 Zoning was enacted.

3. How is the change in the public interest?

The planning staff has determined that the rezone request is in the public interest for the following reasons:

- Current uses within this area are more consistent with A-2 zoning.
- Following approval of a text amendment to the General Plan and the Land Use Code to remove single-family dwelling as a permitted use within the M-1 zone and to avoid non-conforming uses within the M-1 zone, this rezone is 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?

Since the West Central Weber General Plan was adopted the uses have remained residential and agricultural. The landowners are not interested in pursuing manufacturing-related activities.

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

The planning staff has determined that this rezone request promotes the health, safety, and welfare of the inhabitants of Weber County in the following ways:

- Rezoning of this area will remove the possibility of light manufacturing being pursued in close proximity to agricultural and residential uses.
- A rezone would allow for residential uses to be enhanced and give the owners an opportunity to expand residential uses.
- The rezone would protect residents from nuisances that could result from manufacturing uses.

Staff Recommendation

Staff recommends approval of ZTA 2018-01, a request to amend the General Plan Zoning Map, Future Land Use Map, M-1 Zone text amendment to remove single-family dwellings from the list of permitted uses, and to amend pages 2-2, 2-6, and 2-15 of the General Plan.

Staff recommends approval of ZTA 2018-02, a request to change the zoning in areas along 900 South at 7500 West to 8300 West from M-1 to A-2 and to rezone a 15.75 acres parcel from A-3 to A-2 Zoning. This recommendation is based on the following conditions:

1. The legal descriptions of each property to be rezoned must be provided at the time of County Commission approval.

Based on the differing opinions regarding the rezone from various landowners, the staff is offering the planning commission the following three potential courses of action. They are listed in order of staff's preference based on the existing general plan and the future land uses that are allowed in the new zone.

1. Rezone all properties as requested by the applicant. Under this recommendation, all uses and buildings currently legally established will be "grandfathered" (legal-nonconforming) and allowed to continue forever provided they are not abandoned for greater than one year. These rights will run with the land and as such are transferable to new owners.
2. Consider leaving those properties whose owners are protesting in the M-1 zone, and extend the M-1 zone on those properties to 900 South. This will expand the M-1 zone on those parcels which will allow the owners to use their entire parcel in accordance with the M-1 zone. This will, in effect, create a "spot zone," which is not normally supportable. However, given the potential large-acreage land uses of the new zone (A-2) and the estimated time to-full-buildout, this option may have fewer risks than if a spot zone was proposed in other areas. This is only recommended if the owner is willing to contractually limit their future uses allowed on their site to uses that can reasonably operate adjacent to future

residential uses with limited intrusions. If this limit is not applied, the expanded zone on the parcel(s) could stimulate new and more intense manufacturing uses that could set the community up for disharmony of uses. Staff feels this may be a reasonable compromise that gives the applicant his requested rezone, gives the protesting parties their desired zone expansion, and gives the future public some level of protection against evolving manufacturing uses.

3. Rezone the areas as proposed by the applicant, excepting out the protesting owner's parcels. This will create island(s) but the limited acreage that would result in the M-1 zone might be limit enough to the future expansion of other heavier uses in the M-1 zone. The planning commission might determine this to be sufficient risk aversion.

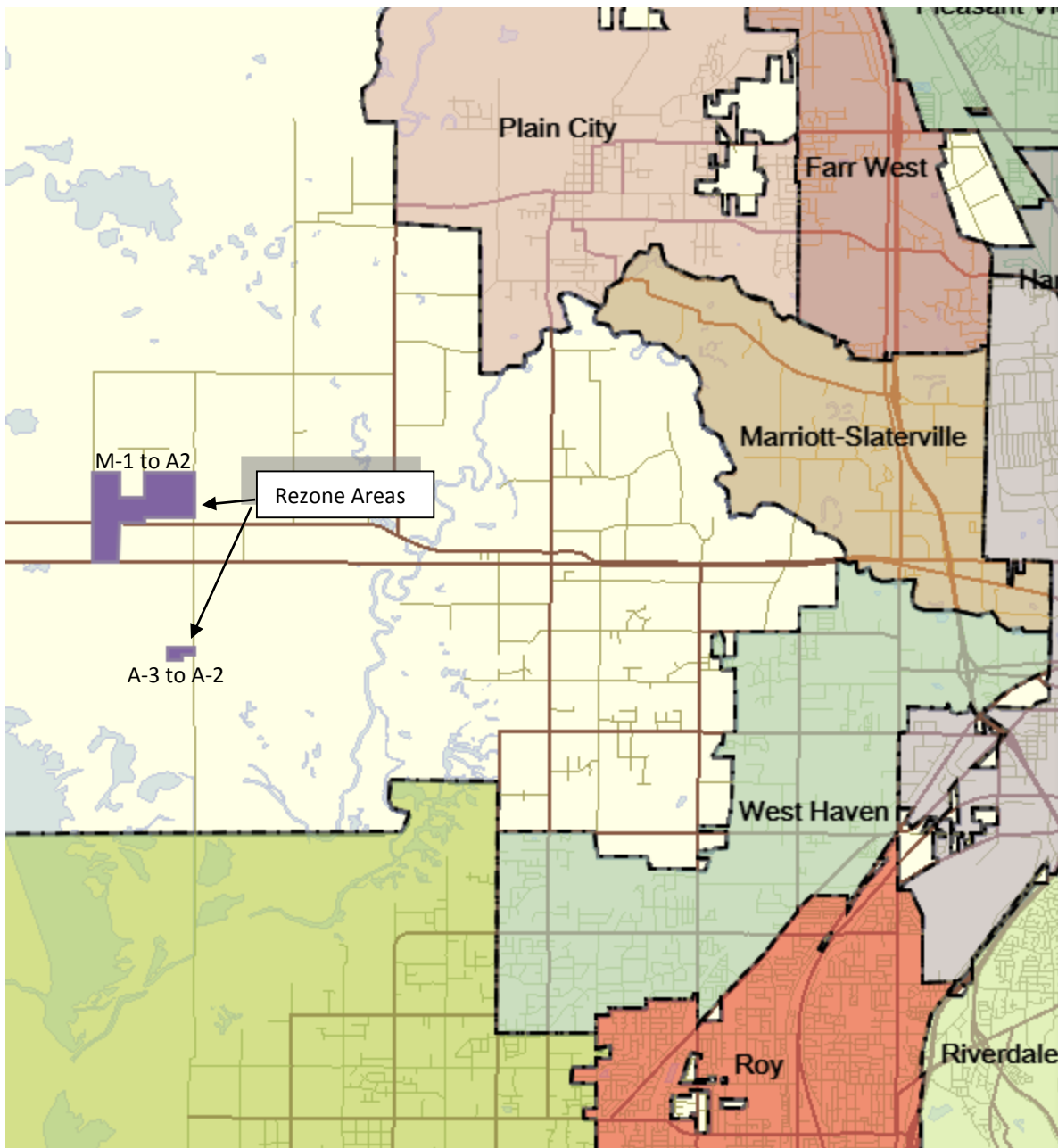
These recommendations are based on the following findings:

6. Modifying the general plan is consistent with existing general plan directives.
7. Modifying the general plan, future land use map, and zones will better advance the desires of the owners of the area to create a more agricultural and residential community.
8. Modifying the general, plan future land use map, zones, and M-1 zone text will avoid creating more single-family uses in the M-1 zone which will avoid future land use conflicts.
9. Modifying the general plan, future land use map, zones, and M-1 zone text is not detrimental to the public health, safety, or general welfare.

Exhibits

- A. Application and project narrative
- B. General Plan Zoning Map
- C. General Plan Zoning Map Amendment
- D. Future Land Use Map
- E. Future Land Use Map Amendment
- F. General Plan Text Amendments
- G. Land Use Code Text Amendment

Map 1



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	Received By (Office Use)	Added to Map (Office Use)
Property Owner Contact Information		
Name of Property Owner(s) JP Farm + Ranch Randy Giordano Barbara Hoyle		Mailing Address of Property Owner(s) 400 S. 6700 W West Warren 84404
Phone 801-391-7167	Fax	
Email Address jprice-4@hotmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Authorized Representative Contact Information		
Name of Person Authorized to Represent the Property Owner(s) John Price		Mailing Address of Authorized Person 400 S. 6700 W. Ogden UT 84404
Phone 801-391-7167	Fax	
Email Address jprice-4@hotmail.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
Property Information		
Project Name	Current Zoning M-1	Proposed Zoning A-1 or A-2
Approximate Address 650 S. 7900 W. Ogden 84404	Land Serial Number(s) 100370030 100370014 100370004 100370028 100370013 100370009 100370011	
Total Acreage 140	Current Use Farm/Residential	Proposed Use Farm/Residential
Project Narrative		
Describing the project vision. Desire to change our M-1 zoning to A-1 or A-2. Currently there is far greater advantage for us having A-1 or A-2. There is no realistic opportunity for Manufacturing to ever purchase our property.		

Project Narrative (continued...)

How is the change in compliance with the General Plan?

change Doesn't change any opportunity for manufacturing growth.

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

Current zoning has no logical reason for this particular M-1 location. It would be far better for county and property owners to have this in A-1 or A-2. Also all current residents in community are in favor of this change.

Project Narrative (continued...)

How is the change in the public interest?

This provides a buffer from manufacturing being put in the middle of residential areas.

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

More desire for Residential Development,

Project Narrative (continued...)

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

Helps keep residents home values and safety.

Property Owner Affidavit

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

[Signature]
(Property Owner)

Barbara Higgins
(Property Owner)

Randy Gordon

Subscribed and sworn to me this *20* day of *March*, 20*18*

[Signature]

(Notary)



Authorized Representative Affidavit

I (We), Randy Gordon Barbara Higgs, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Jana Price, 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.

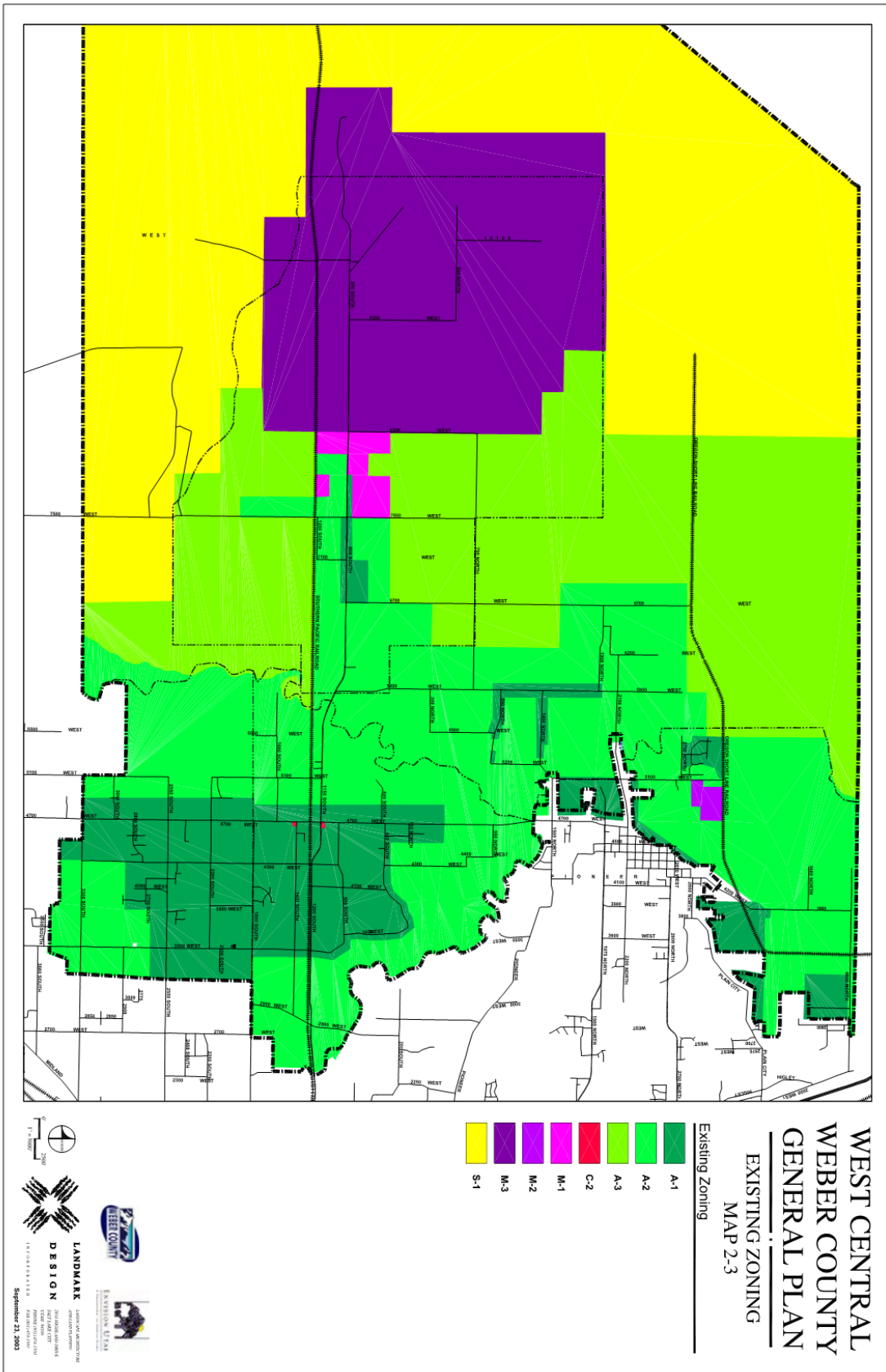
[Signature]
(Property Owner)

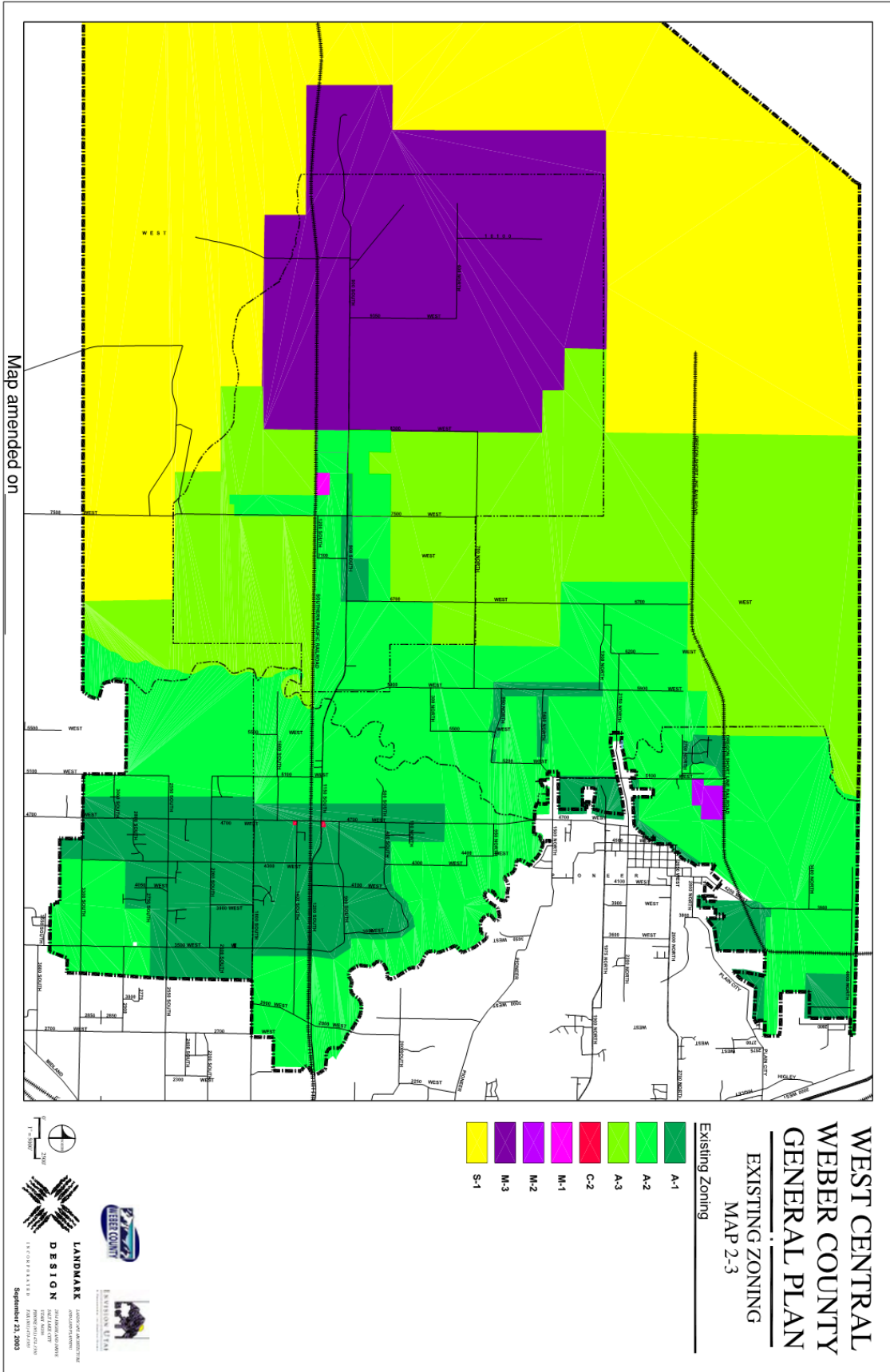
[Signature]
(Property Owner)

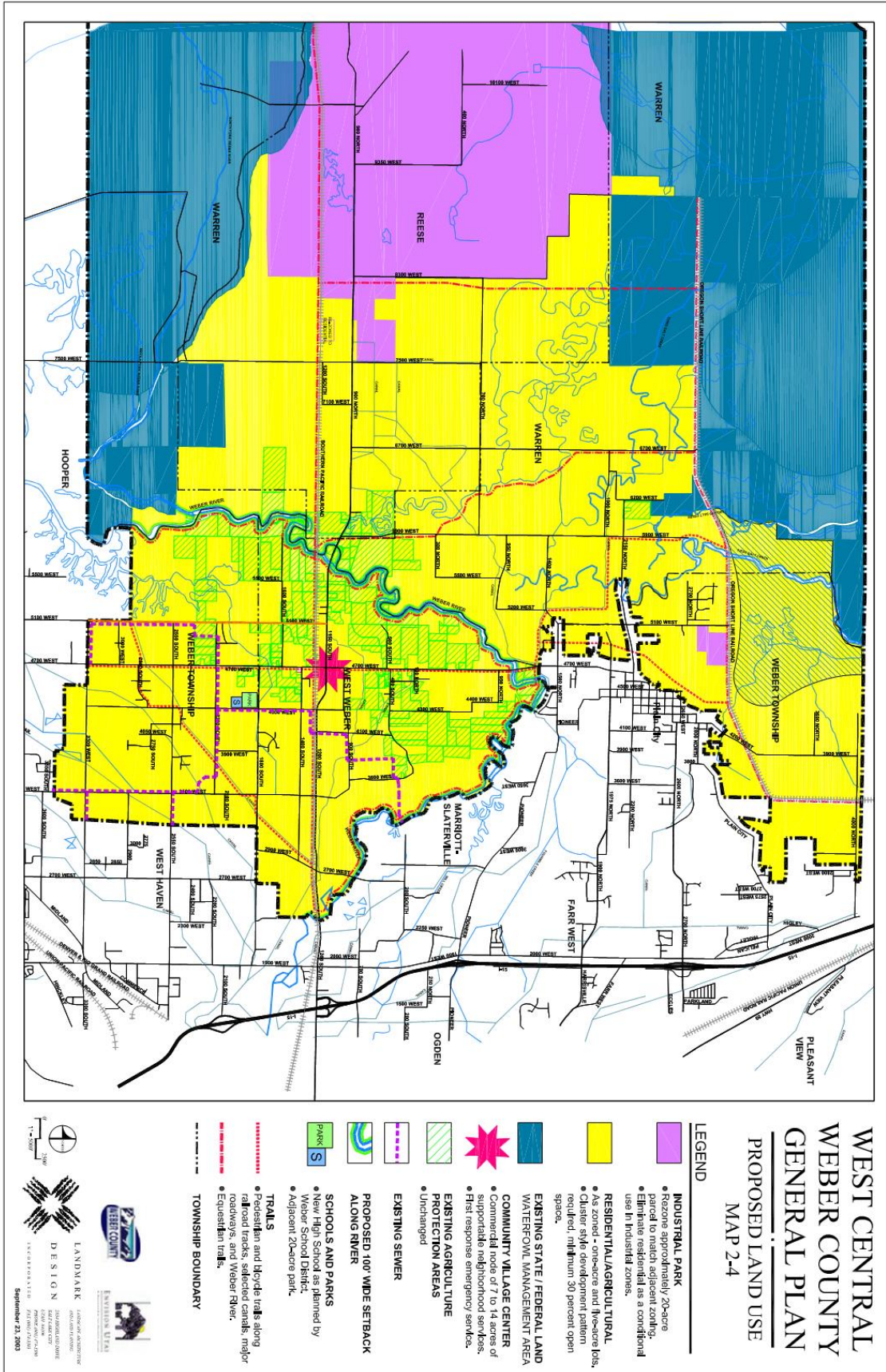
Dated this 23 day of March, 20 18, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

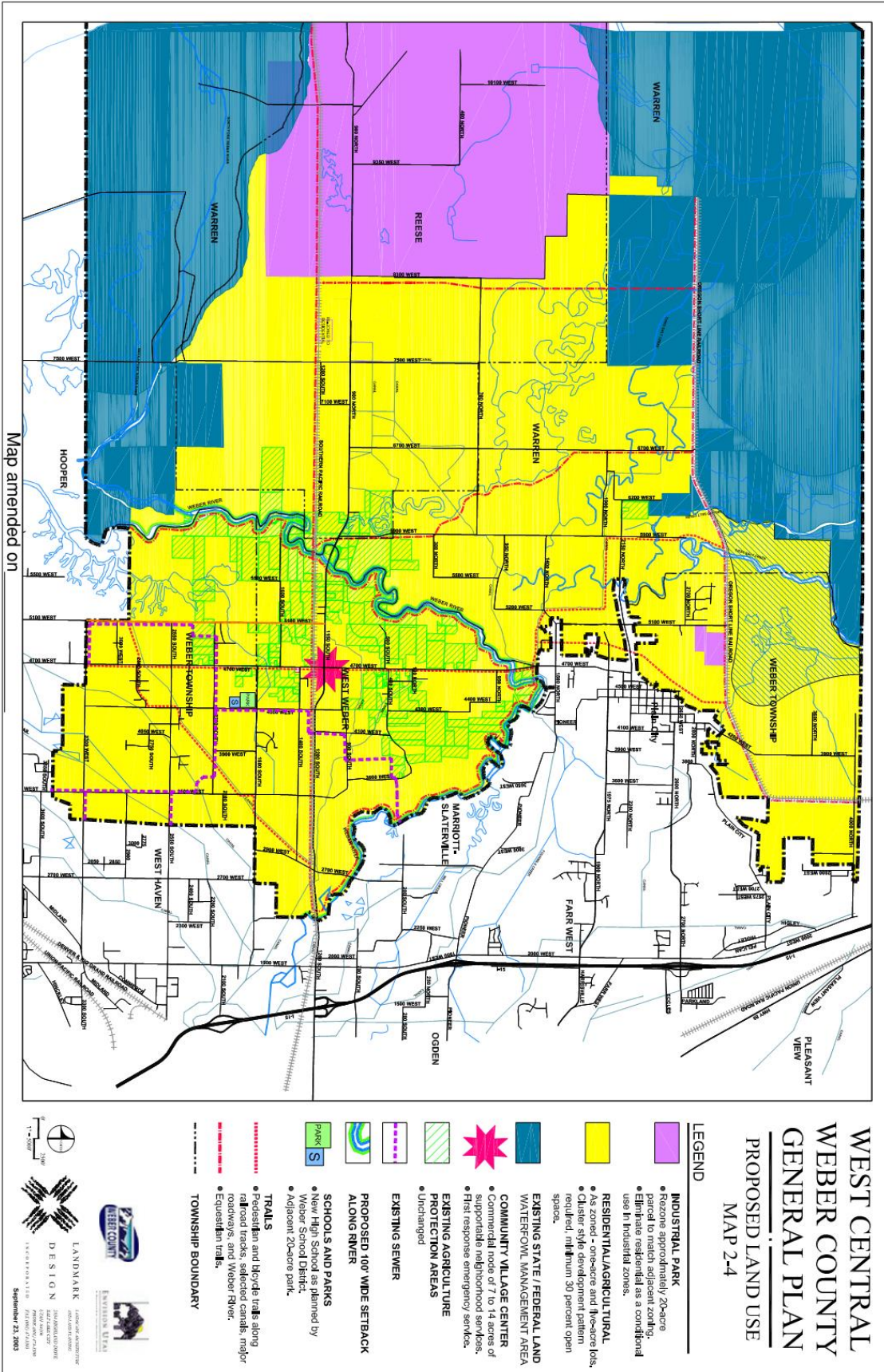
[Signature]
(Notary)











**WEST CENTRAL
WEBER COUNTY
GENERAL PLAN
PROPOSED LAND USE
MAP 2-4**

LEGEND

- INDUSTRIAL PARK**
 - Rezone approximately 20-acre parcel to match adjacent zoning.
 - Eliminate residential as a conditional use in Industrial zones.
- RESIDENTIAL/AGRICULTURAL**
 - As zoned - one-acre and three-acre lots.
 - Cluster style development pattern required, minimum 30 percent open space.
- EXISTING STATE / FEDERAL LAND WATEROWL MANAGEMENT AREA**
- COMMUNITY VILLAGE CENTER**
 - Commercial node of 7 to 14 acres of supportive neighborhood services.
 - First response emergency services.
- EXISTING AGRICULTURE PROTECTION AREAS**
 - Unchanged
- EXISTING SEWER**
- PROPOSED 100' WIDE SETBACK ALONG RIVER**
- SCHOOLS AND PARKS**
 - New High School as planned by Weber School District.
 - Adjacent 20-acre park.
- TRAILS**
 - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
 - Equestrian trails.
- TOWNSHIP BOUNDARY**

Map amended on


LANDMARK DESIGN INC.
 ENGINEERING ARCHITECTURE INTERIOR DESIGN
 1000 WEST 1000 SOUTH
 SALT LAKE CITY, UT 84119
 (801) 466-1234
 WWW.LANDMARKDESIGN.COM
 SEPTEMBER 21, 2009


WEBER COUNTY
 PLANNING AND DEVELOPMENT
 1000 WEST 1000 SOUTH
 SALT LAKE CITY, UT 84119
 (801) 466-1234
 WWW.WEBERCOUNTY.UT.GOV

West Central Weber County General Plan

Table 2-1, indicates the various land uses within West Central Weber County and the approximate number of acres allocated to each. In the case of the mixed residential/agricultural land mentioned above, only a one-acre site where the residence actually occurs is recorded as residential. The remaining parcel is counted as agricultural. Land uses are shown on Map 2-1 – Existing Land Use.

**Table 2-1
Land Use Categories, Sizes, and Percent of Total**

Land Use Category	Acres	Percent of Total Acres
Residential	2,839.00	.029%
Commercial	2.72	.000027%
Manufacturing	20,225.00 19,868.00	.21% .20%
Institutional	39.50	.000394%
Parks and Recreation	5.75	.000058%
Agricultural	28,116.00 28,473.00	.29% .30%
Public Lands	44,682.00	.45%
Public Utilities	14.06	.0001422%
Other	2,886.00	.029%
Total	98,824.00 (rounded)	100%

Residential Uses

Currently, there are 1318 single-family residential units. This includes 2 duplexes and 28 manufactured housing units, one of which is a single wide mobile home.

Housing Condition

During the “wind shield” survey completed by Weber County Planning Staff for the land use inventory, housing condition information was also gathered. Three categories were used: good, average and poor. Detailed or interior inspections were not completed, however certain criteria were set for determining the housing condition from frontal, exterior observation. The criteria for each category and the percent of housing in each category are shown in Table 2-2, which follows.



and do not assure that the land will remain in agricultural uses, thus they do not afford the protection of open spaces that a conservation easement or larger lot zoning would.

Commercial Zone

The only commercial properties in the area are zoned C-2 General Commercial. The C-2 zone allows for most commercial uses including those that require large structures, whereas the C-1 commercial zone is intended more for neighborhood service-type uses. There are currently two parcels located along 4700 South that are zoned general commercial (C-2).

Manufacturing Zones

In which, there are

Three manufacturing zones occur in the area. ~~Residential uses are permitted in all manufacturing zones on a minimum 5-acre parcel.~~ Some retail and wholesale operations may also be permitted. The M-1 zone is intended for light manufacturing uses such as packaging and packing, assembly, warehousing, and other light intensity manufacturing uses.

The M-2 zone provides suitable areas for heavy manufacturing and extractive industries. These industries may require the use or storage of combustible materials and/or other materials that may be considered hazardous to the general public.

The M-3 zone is the largest industrial zone in the West Central Weber County area and includes the industrial park in the vicinity of Little Mountain. It is also a heavy industrial area for uses related to testing and production of aeronautic equipment and the extraction of raw materials; however, the evaporation ponds for salt extraction are not included in the M-3 zone.

Shorelines Zone

The S-1 zone appears primarily in the Warren Township area, and defines lands used for agriculture and recreation. Its objectives are to promote land for agriculture, wildlife and recreation, conserve water and other natural resources, reduce flood and fire hazards, and preserve open spaces and natural vegetation. The minimum parcel size is five acres, which does allow for single-family residential dwellings. Significant portions of S-1 zoned lands occur on publicly owned land that is managed for wildlife habitat.

Land Use and Zoning Summary

Land use and zoning are generally consistent, so there are few non-conforming uses in the area. However, there are several zoning designations that do not meet the expectations and vision for the area.

- There is little in current zoning that provides protection of the rural quality and character of the area. The dominant minimum one-acre zoning is not consistent with the primary interest of preservation of rural character and open space, and there is no community interest in down-zoning to 20-acre, 40-acre, or even larger lots.
- The commercial zoning is C-2, which allows for large commercial uses. The C-1 zone may be more appropriate for the scale of development envisioned by most residents of the area.
- The industrial areas allow residential development on five-acre lots. Residential uses are not compatible with industrial uses, thus they should not be allowed in industrial/manufacturing zones.

Dedication to County

- Open space is dedicated to the County.
- Ownership and management of open space shifts to County.
- County may develop as public open space, i.e. natural park, developed park, combination natural and developed, equestrian park, etc.
- County may lease or sell open space for agricultural purposes, wildlife management, etc. but not for other development.
- County may retain for sale one development right (one estate property) if over 20 acres in size, with conservation easement.
- Conservation easement is retained by a holding agency (County, conservation organization, etc.)

Commercial Land Use

By the year 2020, the area can support somewhere between 7 and 14 acres (50,000 to 94,000 square feet) of retail commercial, neighborhood services. A commercial node, formed at the intersection of 1200 South and 4700 West, includes mixed-use retail, small offices and community services such as a First Response medical unit. The commercial node may begin to serve as a "community" or "village" center for the area. Residential uses such as condominiums, apartments, or senior living units are not included in the area.

Zoning for this commercial node should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales; or create a new mixed-use zone designed to support small community center uses.

Policy: Commercial Development

Direct new commercial development to contiguous parcels at the intersection of 1200 South and 4700 West. To accommodate approximately 50,000 to 94,000 square feet of retail space, a maximum of 15 acres of commercial development is permitted.

Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1.

Implementation Action: Rezone the existing C-2 properties to C-1.

Manufacturing Land Use

The existing manufacturing zones in the West Central Weber County amount to just ~~over~~ ^{under} 20,000 acres, and have the potential to provide additional tax base as new development occurs in the future. The current amount of property zoned for manufacturing (M-1, M-2, and M-3) is adequate and should be maintained and reserved for manufacturing uses.

Policy: Industrial Development

Any new industrial uses should be directed to existing planned and zoned industrial areas. Industrial uses that are non-polluting and which do not harm the environment, the health and safety of residents, or create nuisances for nearby property owners are favored.

Implementation Action: Eliminate permitted single-family residential uses in all manufacturing zones in this area to reduce potential conflicts between residential and agricultural uses, and manufacturing uses. If this is not consistent throughout Weber

West Central Weber County General Plan

County, it may require new zones or an amendment that specifically states it applies to the West Central Weber County area.

Implementation Action: Rezone approximately 20 acres along the Union Pacific Railroad, which is not contiguous to the existing major manufacturing zone, currently zoned M-1 to A-2 or A-3. This eliminates an isolated manufacturing parcel that is surrounded by property zoned A-2 or A-3.

Implementation Action: Improve access to the existing industrial area by improving 1200 South Street or developing an additional access road.

Agricultural Protection and Preservation

Agricultural preservation areas shall be retained as they currently exist.

Policy: Agricultural Protection

Encourage property owners who are engaged in agricultural production and business to expand agricultural protection areas whenever possible, and encourage additional property owners to commit their property to agricultural protection.

Policy: Agricultural Preservation

Encourage farmers to sell development density to developers interested in developing at higher densities near developing sewer infrastructure. Work with property owners and Utah Open Lands, The Nature Conservancy, or other conservation organization toward obtaining conservation easements or other agreements that permanently preserve agricultural lands into active production.

Trails

Bicycle and pedestrian trails are indicated along the major roads, along the Oregon Short Line and Southern Pacific railroad tracks, along selected canals, and adjacent to the Weber River. With the exception of trails indicated along major roads, trails are as recommended by the Weber Pathways Committee. An equestrian trail loop system, which links to the Oregon Short Line and utilizes the South Pacific right-of-way is indicated.

Policy: Off-street Bicycle and Pedestrian Paths

Trails are highly desired amenities for communities. As primary roads are improved, separated bicycle and pedestrian trails should be included. The community is rural and does not have sidewalks, so it is important to provide safe paths for children going to and from school, and for the enjoyment of residents and the many others who bicycle and walk in the area.

Implementation Action: Work with Weber Pathways Committee, UDOT, property owners, local transportation agencies, and others affected to identify an alignment for trails and to secure funding for trails development. Coordinate with adjacent communities and their trail development plans. Typical separated multi-purpose, paved and un-paved trail cross-sections follow.

Sec. 104-22-2. - Permitted uses.

The following uses are permitted in the Manufacturing Zone M-1:

(47) ~~Single family dwelling.~~

Sec. 104-22-4. - Site development standards.

The following site development standards shall apply to the Manufacturing Zone M-1:

(1) *Minimum lot area.*

a. None if connected to a public sewer; 20,000 square feet otherwise.

~~b. Single family dwellings shall require five acres.~~

(2) *Minimum lot width:* 100 feet.

(3) *Minimum yard setbacks.*

a. Front: 30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width.

b. Side: None except 20 feet where adjacent to a residential zone boundary and a side yard facing a street on a corner lot, ~~and for single family dwelling.~~

c. Rear: None, except 20 feet where building rears on a residential zone ~~and 30 feet for single family dwellings.~~

(4) *Building height.*

a. Minimum: one story.

b. Maximum: none.

c. Maximum: none.

(5) *Lot coverage.* Not over 80 percent of lot area by buildings.

1 PART II – LAND USE CODE

2 ...

3 Title 101 – GENERAL PROVISIONS

4 ...

5 Sec. 101-1-7. – Definitions.

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* ~~See "base density." The term "base density" means the number of dwelling units~~
26 ~~allowed in an area. For development types that permit a reduced lot area than otherwise provided by~~
27 ~~the zone, the base density shall be calculated as the net developable acreage, as defined herein,~~
28 ~~divided by the minimum lot area of the zone, except when a greater area would otherwise be required~~
29 ~~by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the~~
30 ~~greater area shall be used. This calculation can be observed by this formula: ((net developable~~
31 ~~acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the~~
32 ~~nearest whole dwelling unit.~~

33 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
34 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
35 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
36 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
37 accessory dwelling units, and all or any portion of any other residential use, with separate or common
38 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
39 rented independently of the main unit for nightly rental by locking access. A detached lockout is
40 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
41 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]

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42 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density
43 on a parcel of land.

44 *Public.* The term "public" means buildings or uses owned or operated by a branch of the
45 government or governmental entity and open to the public, such as libraries, schools, parks, other than
46 private facilities.

47 *Public utility substation.* See "Utility."

48 *Qualified professional.* The term "qualified professional" means a professionally trained person
49 with the requisite academic degree, experience and professional certification or license in the field or
50 fields relating to the subject matter being studied or analyzed.

51

52 ...

53 **Title 102 – ADMINISTRATION**

54 **CHAPTER 1. - GENERAL PROVISIONS**

55 ...

56 **Sec. 102-1-5. - ~~Reserved.~~Hearing and publication notice for county commission.**

57 ~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a~~
58 ~~public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state~~
59 ~~code. The unanimous vote of the full body of the county commission is required to overturn the~~
60 ~~recommendation of the planning commission, if there was a unanimous vote of the planning commission~~
61 ~~in favor or denial of the petition.~~

62 ...

63 **Title 104 - ZONES**

64 ...

65 **CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

66 ...

67 **Sec. 104-3-5. - Conditional uses.**

68 The following uses shall be permitted only when authorized by a conditional use permit as provided in
69 title 108, chapter 4 of this Land Use Code:

70 ...

71 (3) Private park, playground or recreation grounds and buildings not open to the general public and
72 to which no admission is made but not including privately owned commercial amusement
73 business.

74 (4) ~~Reserved.~~ ~~Planned residential unit development in accordance with title 108, chapter 5 of this~~
75 ~~Land Use Code.~~

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76 (5) Public utility substation.

77 ...

78 CHAPTER 5. - AGRICULTURAL ZONE A-1

79 ...

80 Sec. 104-5-6. - Conditional uses.

81 The following uses shall be permitted only when authorized by a conditional use permit obtained as
82 provided in title 108, chapter 4 of this Land Use Code:

83 ...

84 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide
85 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

86 (7) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

87 (8) Private park, playground or recreation grounds and buildings not open to the general public and
88 to which no admission charge is made, but not including private owned commercial amusement
89 business.

90 ...

91 Sec. 104-5-7. - Site development standards.

92 The following site development standards apply to the Agriculture Zone A-1:

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres Minimum
Minimum lot area, unless developed under the provisions of Section 106-2-4.	40,000 sq. feet	2 acres - 5 acres
Minimum lot width, unless developed under the provisions of Section 106-2-4.	150 feet	150 feet

93 ...

94 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

95 ...

96 Sec. 104-6-5. - Conditional uses.

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97 The following uses shall be allowed only when authorized by a conditional use permit obtained as
 98 provided in title 108, chapter 4 of this Land Use Code.

99 ...

100 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

101 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
 102 ~~Land Use Code.~~

103 (11) Private park, playground or recreation area not open to the general public and to which no
 104 admission charge is made, but not including privately owned commercial business.

105 ...

106 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

107 ...

108 **Sec. 104-7-5. - Conditional uses.**

109 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 110 provided in title 108, chapter 4 of this Land Use Code.

111 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

112 (13) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
 113 ~~Land Use Code.~~

114 (14) Private park, playground or recreation area not open to the general public and to which no
 115 admission charge is made, but not including privately owned commercial business.

116 ...

117 **Sec. 104-7-6. - Site development standards.**

118 The following site development standards apply to the Agriculture Zone A-2:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, <u>unless developed under the provisions of Section 106-2-4.</u>	40,000 sq. ft.	
Other	2 acres	5 acres

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Minimum lot width, <u>unless developed under the provisions of Section 106-2-4.</u>	150 feet	300 feet
---	----------	----------

119 ...

120 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

121 ...

122 **Sec. 104-8-5. - Conditional uses.**

123 The following uses shall be permitted only when authorized by a conditional use permit obtained as
124 provided in title 108, chapter 4 of this Land Use Code.

125 ...

126 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

127 (15) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

128 (16) Private park, playground or recreation area not open to the general public and to which no
129 admission charge is made, but not including privately owned commercial amusement business.

130 ...

131 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

132 ...

133 **Sec. 104-9-3. - Conditional uses.**

134 The following uses shall be permitted only when authorized by a conditional use permit obtained as
135 provided in this Land Use Code:

136 ...

137 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
138 County Excavation Ordinance.

139 (7) ~~Reserved. Planned Residential Unit Development in accordance with this Land Use Code.~~

140 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
141 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

142 ...

143 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

144 ...

145 **Sec. 104-11-4. - Conditional uses.**

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146 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
 147 provided in title 108, chapter 4 of this Land Use Code:

148 ...

149 (26) Travel agency.

150 (27) ~~Reserved. Planned residential unit development (PRUD) as part of a recreation resort complex~~
 151 ~~subdivision, where part of a PRUD in a recreation resort complex.~~

152 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
 153 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
 154 the residential use.

155 ...

156

157 **Sec. 104-11-6. - Minimum lot area, width and yard regulations.**

158 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
 159 half acres:

<u>USE</u>	<u>AREA</u>
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet.</u>
<u>Other uses:</u>	<u>None.</u>

Commented [E1]: Reference

Commented [E2]: Reference

160 (b) Width. 150-foot minimum lot width, as measured at the yard setback and the street frontage.

161 (c) Yard setbacks. The minimum yard setbacks are as follows:

<u>YARD</u>	<u>SETBACK</u>
<u>Front:</u>	<u>30 feet</u>

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<u>Side:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>
<u>Rear:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>

- 162 (d) Building height. The maximum height for a building shall be 50 feet.
- 163 (a) ~~Area. A minimum of a 2.5 acre site, with the following minimum area requirement for uses within that~~
- 164 ~~site:~~
- 165 ~~(1) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing~~
- 166 ~~nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000~~
- 167 ~~square feet of net developable area for each dwelling unit in excess of two dwelling units.~~
- 168 ~~(2) Lockout sleeping room, 500 square feet.~~
- 169 ~~(3) Other uses: none.~~
- 170 (b) ~~Width: 150 feet minimum frontage.~~
- 171 (c) ~~Yard.~~
- 172 ~~(1) Front: 30 feet minimum.~~
- 173 ~~(2) Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~
- 174 ~~(3) Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~
- 175 (d) ~~Building height. Conditional use permit is required if over 25 feet in height.~~

176 ...

177 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

178 ...

179 **Sec. 104-12-3. - Conditional uses.**

180 The following uses shall be permitted only when authorized by a conditional use permit as provided in
181 title 108, chapter 4 of this Land Use Code:

- 182 (1) Educational/institutional identification sign.
- 183 (2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
- 184 ~~Land Use Code.~~
- 185 (3) Private park, playground or recreation area, but not including privately owned commercial
- 186 amusement business.

187 ...

188 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

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189 ...

190 **Sec. 104-13-3. - Conditional uses.**

191 The following uses shall be permitted only when authorized by a conditional use permit obtained as
192 provided in title 108, chapter 4 of this Land Use Code:

193 ...

194 (7) Parking lot accessory to uses permitted in this zone.

195 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
196 ~~Land Use Code.~~

197 (9) Private park, playground or recreation area, but not including privately owned commercial
198 amusement business.

199 ...

200 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

201 ...

202 **Sec. 104-14-3. - Conditional uses.**

203 The following uses shall be permitted only when authorized by a conditional use permit obtained as
204 provided in title 108, chapter 4 of this Land Use Code:

205 ...

206 (9) Parking lot accessory to uses permitted in this zone.

207 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of the Land~~
208 ~~Use Code.~~

209 (11) Private park, playground or recreation area, but not including privately owned commercial
210 amusement business.

211 ...

212 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

213 ...

214 **Sec. 104-15-3. - Conditional uses.**

215 The following uses shall be permitted only when authorized by a conditional use permit as provided in
216 title 108, chapter 4 of this Land Use Code.

217 ...

218 (2) Educational/institutional identification signs.

219 (3) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
220 ~~Land Use Code.~~

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221 (4) Private park, playground, or recreation area, but not including privately owned commercial
222 amusement business.

223 ...

224 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

225 ...

226 **Sec. 104-16-3. - Conditional uses.**

227 The following uses shall be permitted only when authorized by a conditional use permit as provided in
228 title 108 of this Land Use Code.

229 ...

230 (7) Nursing home.

231 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 o this~~
232 ~~Land Use Code.~~

233 (9) Private park, playground, or recreation area, but not including privately owned commercial
234 amusement business.

235 ...

236 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

237 ...

238 **Sec. 104-17-3. - Conditional uses.**

239 The following uses shall be permitted only when authorized by a conditional use permit obtained as
240 provided in title 108, chapter 4 of this Land Use Code:

241 ...

242 (7) Nightly rental.

243 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

244 (9) Private park, playground and/or recreation area, but not including privately owned commercial
245 amusement business.

246 ...

247 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

248 ...

249 **Sec. 104-19-2. - Permitted uses.**

250 **The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:**

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251 (1) Accessory building incidental to the use of a main building; main building designed or used to
252 accommodate the main use to which the premises are devoted; and accessory uses customarily
253 incidental to a main use.

254 (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision, ~~or~~
255 ~~manufactured home PRUD. (A single wide with or without a room expansion or extension~~
256 ~~are is prohibited.)~~

257 (3) Temporary building or use incidental to construction work. Such building shall be removed within
258 six months upon completion or abandonment of the construction work.

259 **Sec. 104-19-3. - Conditional uses.**

260 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the
261 Weber County Subdivision Ordinance.

262 (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and planned~~
263 ~~residential unit development chapter of this Land Use Code.~~

264 (c) Public utility substations.

265 **Sec. 104-19-4. - Site development standards.**

266 The following site development standards apply to the Residential Manufactured Home Zone
267 RMH-1-6:

268 (1) Minimum area: ~~four acres for manufactured home PRUD.~~ Four acres for manufactured home
269 subdivision.

270 ...

271 **Sec. 104-19-5. - Special provisions for manufactured home subdivisions ~~and PRUDs.~~**

272 (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and
273 anchored to a permanent concrete foundation constructed to county standards.

274 (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home.
275 Said spaces shall be located in an area that could be covered by a carport or within which a garage
276 could legally be built. Required parking spaces may be in tandem but may not be located in the front
277 yard setback.

278 (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted
279 to be located in a manufactured home subdivision.

280 (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative
281 masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.

282 (e) A land use permit and a building permit shall be required before a manufactured home is located on a
283 lot in a manufactured home subdivision ~~or PRUD.~~

284 (f) Each manufactured home shall meet construction standards as defined herein and as specified by the
285 Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

286 ...

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

288 ...

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

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108, chapter 3</u>	P
PRUD excluding bonus density; meeting the requirements of <u>title 108, chapter 5</u>	Pursuant to chapter 5
Welcome/information center	P
...	

290 ...

291 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

292 **Sec. 104-27-1. - Definitions.**

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

295 Common open space. The phrase “common open space” means land area in a planned residential
 296 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
 297 driveway areas for common use and enjoyment of the residents of the PRUD

298 Common open space easement. The phrase “common open space easement” means a required right
 299 of use granted to the county by the owner of a planned residential unit development, on and over land in a
 300 planned residential unit development designated as common open space, which easement guarantees to
 301 the county that the designated common open space and recreation land is permanently reserved for
 302 access, parking and recreation and open green space purposes in accordance with the plans and
 303 specifications approved by the planning commission and county commission at the time of approval of the
 304 PRUD **overlay zone** or as such plans are amended from time to time with the approval of the county
 305 commission.

Commented [c3]: Whole chapter moved from Title 108 “Standards” to this Title 104 “Zones.”

Commented [E4]: Reference

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306 Planned residential unit development (PRUD). The phrase “planned residential unit development”
307 means a development in which the regulations of the zone, in which the development is situated, are waived
308 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
309 development plan and imposed general requirements.

310 **Sec. 104-27-2. - Purpose and intent.**

311 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
312 adopted overlay zone that provides for diversification in the relationship of various uses and structures
313 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
314 encourage new and innovative concepts in the design of neighborhood and housing projects in
315 urbanizing areas. To this end, the development should be planned and entitled as one complete land
316 development. Phasing of the complete land development may occur over time if approved by the
317 county commission and if in compliance with the entitlements of the complete land development.

318 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
319 after recommendation from the planning commission, the county commission may allow deviations
320 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the
321 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
322 Unless specified otherwise in the development agreement or overall development plan, development
323 of a PRUD shall adhere to the applicable regulations and other provisions of this Land Use Code.

324 (c) The county commission may apply any condition of approval reasonably necessary to advance the
325 directives of the general plan or to promote the public health, safety, and general welfare whilst being
326 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
327 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
328 scale developments.

329 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
330 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
331 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
332 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
333 of this Land Use Code.

334 **Sec. 104-27-3. - Applicability.**

335 (a) Effective date. Except as specified in subsection (c) and (d) of this section, this chapter shall apply to
336 all properties for which the owner seeks PRUD overlay zone approval on or after March 20, 2018.

Commented [E5]: Reference

337 (b) Allowed zones. A planned residential unit development overlay zone may only be considered in the
338 following zones:

339 (1) Residential estates zones;

340 (2) Agricultural zones;

341 (3) Forest, forest residential, and forest valley zones;

342 (4) Single-family, two-family and three-family residential zones;

343 (5) Commercial valley resort recreation zone; and

344 (6) Residential manufactured home zone.

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345 (c) *Nonconforming PRUD.* All PRUDs approved administratively prior to the date specified in subsection
346 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
347 time to time under the same rules that governed its creation, provided that the amendment is a de
348 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
349 has independent authority to determine what constitutes a routine and uncontested de minimis
350 decision. If it is determined to not be routine or uncontested then the applicant shall pursue PRUD
351 overlay zone approval pursuant to this chapter.

Commented [E6]: Reference

352 (d) *Previously existing development agreements.* Nothing in this chapter shall be construed to inhibit the
353 entitlements of an approved development agreement executed prior to the date specified in subsection
354 (a) of this section.

Commented [E7]: Reference

355 **Sec. 104-27-4. – Application requirements.**

356 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
357 Planning Division on a form as acceptable by the Planning Division, together with all accompanying
358 documents, plans, and studies required by this chapter. The application shall contain authorization
359 from all owners of land within the property's legal description. The following are the minimum
360 requirements necessary to submit a complete application:

361 (1) An overall development plan, complying with the requirements of Section 104-27-5, including the
362 following:

Commented [E8]: Reference

363 a. A map of the general configuration of the development, together with land tabulations
364 detailing the proposed uses of land for all areas of the project, and proposed lot or parcel
365 development standards;

366 b. An open space preservation plan, showing proposed uses and parcel development
367 standards;

368 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;

369 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
370 facilities, if applicable;

371 e. Proposed architectural design standards, including drawings and sketches demonstrating
372 the proposed design, character, features, and color palette of the proposed development;

373 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
374 shall include a natural hazards map;

375 g. Any proposed mappable voluntary contributions, including those proposed in pursuit of
376 density bonuses; and

377 f. A development phasing plan, if applicable.

378 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
379 the considerations listed in Section 104-27-9.

Commented [E9]: Reference

380 (3) A list of development commitments the applicant is prepared to make with the county, and a list
381 detailing what the development needs from the county. This list will be the initial basis for
382 development agreement negotiation.

383 (4) Base density calculations, and a tabulation and explanation of requested bonus density.

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384 (5) The legal description for all properties to be included in the overlay zone and development
385 agreement, together with a general vicinity map of the rezone extents.

386 (6) Additional information as may be necessary to determine that the contemplated arrangement of
387 uses make it desirable to apply regulations and requirements differing from those ordinarily
388 applicable under the land use code.

389 (b) An application fee shall be paid at the time of application submittal.

390 Sec. 104-27-5. - General requirements.

391 (a) Rezone and development agreement required. Approval of a PRUD overlay zone shall follow the
392 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter
393 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual
394 agreement between the developer and the county shall be prepared and readied for execution upon
395 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly
396 document the County's roles and responsibilities to the developer and the developer's roles and
397 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
398 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
399 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle
400 approval of a PRUD overlay zone or associated development agreement.

401 (b) Overall development plan. The development agreement shall include an overall development plan
402 detailing the proposed development as specified herein. No changes or alterations to the approved
403 overall development plan shall be made without first obtaining an amendment to the development
404 agreement, except for landscaping as provided in subsection (c) of this section. The overall
405 development plan shall provide a desirable layout or, if the specific layout is to be determined at later,
406 desirable standards for the following:

407 (1) Cluster development. All subdivisions within a PRUD overlay zone shall comply with Title 108,
408 Chapter 3. Cluster Subdivisions, except those lot development standards as listed in subsection
409 (d) of this section. The overall development plan shall demonstrate that the development can
410 feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster
411 subdivision requirements may be granted by the county commission, after recommendation from
412 the planning commission, if the deviation offers a better community outcome or better contributes
413 to the implementation of a significant and meaningful general plan goal, principle, or
414 implementation strategy.

415 (2) Land use configuration. The development plan shall show the general locations of proposed land
416 uses including open space areas, and offer a land use inventory specifying approximate land
417 acreage per use.

418 (3) Street configuration. The overall development plan shall show, at a minimum, the general location
419 of existing or proposed streets in the development. Streets shall offer efficient and convenient
420 connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use,
421 and navigation throughout the development. Streets shall offer prioritization of non-motorized
422 transportation. The development plan shall show general location of streets stubbing into an
423 adjacent property in at least one location, more if necessary to comply with block-width or
424 intersection distance requirements of this land use code. At least two points of access into the
425 development is required if it contains more than 30 residences, or as otherwise required by the
426 local fire or emergency services authority. Public or private ownership of streets.

427 (4) Lot development standards. The development plan shall propose lot or parcel area, lot or parcel
428 width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all
429 lots, parcels, and open space areas that will contain development or structure.

Commented [E10]: Whole section titled "planning commission consideration and action" has been deleted and the non-redundant content has been incorporated herein.

Same goes for section titled "configuration of overall development plan."

Commented [E11]: Reference

Commented [E12]: Reference

Commented [E13]: Reference

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430 (5) Architecture design. The architectural design of buildings and the design's relationship to the site
431 and to development beyond the boundaries of the proposal.

432 (6) Off street parking. The overall development plan shall provide for complete off-street parking
433 standards in the event that the parking standards of this land use code are insufficient. Parking
434 areas shall offer prioritization of non-motorized transportation.

435 (7) Lighting. A lighting plan, or provisions for creating a lighting plan, that complies with all
436 requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is
437 incorporated by reference herein as applicable to a cluster subdivision in the Western Weber
438 Planning Area.

439 (8) Natural hazards and other constraints. The overall development plan shall show consideration for
440 natural hazards and other environmental constraints, such as floodplains, wetlands, waterways,
441 sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is
442 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard
443 Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental
444 constraints map, if applicable, shall be included as part of the overall development plan submittal.

445 (c) Landscaping plan. The development agreement shall include a landscaping plan that meets or
446 exceeds the landscaping requirements found elsewhere in this land use code.

447 (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design
448 standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD
449 overlay zones.

Commented [E14]: Reference

450 (2) No money held in the financial guarantee for the completion of landscaping of any phase of a
451 PRUD shall be released until all landscaping requirements are completed for that phase, with the
452 exception of single-family dwellings. In the case of single-family dwellings, that portion of the
453 guarantee, equal to that portion of the phase represented by the dwelling, may be released.

454 (3) Application of the development agreement's landscape plan may be modified during the land use
455 permit or building permit review process provided a more site-specific landscape plan is submitted
456 with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

457 a. That the area of landscaping exceeds the approved landscape plan;

458 b. That the number and quality of plants exceed the approved landscape plan;

459 c. That the functional use of vegetation, such as shade from trees or site-screening from
460 bushes, meet or exceed relevant landscaping requirement of the land use code and the
461 intent of the approved landscape plan; and

462 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
463 plan.

464 **Sec. 104-27-6. - Use permissions and prohibitions.**

465 (a) General uses. All uses specified in the underlying zone are allowed in a PRUD, unless specifically
466 prohibited in the development agreement.

467 (b) Other small-scale service uses. If a PRUD contains 100 dwelling units or more, other uses may be
468 approved by the county commission, after receiving recommendation from the planning commission,
469 provided that clear evidence demonstrates that those uses are necessary for the provision of small-
470 scale local neighborhood services to the residents of the development and the immediate surrounding

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471 neighborhood. The county commission has legislative discretion to determine what a small-scale local
472 neighborhood service is. The development agreement shall contain provisions for the proposed uses,
473 ownership, operational characteristics, and physical design to assure compliance with this section.

Commented [E15]: Reference

474 (c) *Nightly rentals.* Any housing units to be developed or used, in-whole or in-part, for sleeping rooms
475 (including lockout sleeping rooms) for nightly rentals shall be clearly declared and provided for in the
476 development agreement.

477 **Sec. 104-27-7. - Area and residential density regulations.**

478 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units
479 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
480 but the area shall never be less than four acres in any residential zone and ten acres in all other
481 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
482 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
483 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
484 memorialize and entitle the base density calculation.

Commented [c16]: Check Reference

485 (b) *Bonus density.*

486 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning
487 commission, the county commission may allow for an increased number of residential lots in a
488 PRUD development by awarding bonus densities to those PRUDs developed within the Western
489 Weber County Planning Area in exchange for meaningful public offerings.

Commented [E17]: Several overall revisions and reconfigurations of this whole section to make it easier to use, reduce redundancies, and emphasize the legislative discretion of PRUD approval and density allocation.

490 a. The following tables offer a guide to assist in prioritizing bonus density based on a
491 development's offerings. After recommendation from the planning commission, the county
492 commission has legislative authority to determine final bonus density awarded. At the county
493 commission's discretion, these may be in place of or in addition to the bonuses already
494 available in the cluster subdivision code. Regardless, the development's offerings shall
495 provide a public benefit proportionate to the final awarded bonus density. The development's
496 bonus density offerings and the county's bonus density awards shall be clearly documented
497 and tabulated in the development agreement;

Bonuses are just as legislative in this section as the application of a zoning designation (via a rezone). Under existing law, after recommendation of the planning commission, the county commission already has the legislative discretion to allow more density somewhere. This section is no different.

What this section does do is advocate for a bridling of the legislative authority when determining what the County should receive in exchange for applying a higher density zone -- if applying a higher density zone is even desired by the Commission.

See the provisions of 104-27-2 for additional advocacy for a bridling of the legislative discretion.

498

499

OFFERING	BONUS DENSITY
<u>Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:</u>	<u>15 percent.</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent.</u>
<u>An HOA park, open to the general public:</u>	<u>5 percent.</u>
<u>A park donated to the county, a local park district, or other county approved entity, if the county, a local park district, or other county approved entity desires it:</u>	<u>10 percent.</u>
<u>Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:</u>	<u>10 percent.</u>
<u>Development of excess sewage treatment capacity:</u>	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:</u>	<u>One percent per acre up to 50 percent.</u>
<u>Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:</u>	<u>5 percent.</u>
<u>A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:</u>	<u>15 percent.</u>
<u>Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.</u>	<u>10 percent.</u>

500

501

502

b. Affordable housing bonus. Base density may be increased by ten percent if the development complies with the following:

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- 503 1. The ten percent additional density is permanently set aside for affordable housing as
504 outlined by the Affordable Housing Act of 1990.
- 505 2. The ten percent additional density shall not be included when calculating other bonus
506 density.
- 507 3. The additional density is located in the interior of the development, as central as is
508 practicable given site constraints, land uses, open spaces, and street configuration, and
509 is completely surrounded by other dwelling units within the development. Open space
510 may abut part of it provided the open space is large enough to offer a sufficient buffer
511 from existing residential uses in the area. The buildings are limited to 35 feet or two
512 stories above grade.
- 513 4. The development agreement shall offer an effective plan and method for guaranteeing
514 and enforcing perpetual affordability. Any method used, such as an affordable housing
515 deed restriction, shall limit the sale or rental of the affected lots and dwelling units to a
516 household with an income at or below 80 percent of the county median income;
- 517 5. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an
518 affordable housing lot or dwelling unit, and provide a note on the final subdivision plat
519 explaining the nature of the housing restriction and the method by which occupancy
520 and affordability will be regulated.
- 521 (2) Ogden Valley Planning Area bonus density. A PRUD overlay zone should create no new density
522 entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area
523 for transferrable development rights or a similar density transfer program. The development
524 agreement shall clearly specify the logistics of such a program.

525 ...

526 **Title 106 - SUBDIVISIONS**

527 ...

528 **CHAPTER 2. - SUBDIVISION STANDARDS**

529 ...

530 **Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.**

- 531 (a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets
532 except that private streets improved to county public street standards may be permitted in ~~planned~~
533 ~~residential unit developments or~~ condominiums. Mountain land subdivisions in high mountain areas of
534 the county for seasonal recreation and summer homes shall have private streets built to county private
535 street standards for such subdivisions except that the county may require public dedication for major
536 or loop road access purposes.

537 ...

538 **Sec. 106-2-4. - Lots.**

- 539 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for
540 buildings, and be properly related to topography and to existing and probable future requirements.

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541 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
542 the Land Use Code for the zone in which the subdivision is located, except:

543 (1) ~~Except as~~When otherwise permitted by the granting of a variance by the board of adjustment as
544 authorized by the Land Use Code;

545 (2) ~~Where~~When in accordance with the cluster subdivision provisions of the Land Use Code;

546 (3) As required by the county health officer as being the minimum area necessary for septic tank
547 disposal and water well protection if greater than the above area requirements;

548 (4) For "restricted lots" and lots with a designated "building area", the minimum area and width
549 requirements shall be increased in accordance with the slope density tables contained in the Land
550 Use Code.

551 (5) in the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed
552 provided sufficient diversity of lot sizes and widths so that the base density of the overall
553 subdivision is not increased:

554 a. Minimum lot area: 20,000 square feet.

555 b. Minimum lot width: 80 feet.

556 ...

557 **Title 108 - STANDARDS**

558 ...

559 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

560 ...

561 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

562 ...

563 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
564 intersection distances no less than provided in Section 106-2-3.

565 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
566 generally follow existing street grid design. Section line streets are mandatory ~~and shall not be~~
567 ~~waived~~unless, based on the transportation element of the general plan and other plans or studies,
568 the County Engineer determines that no street will ever be needed on the particular section line.
569 When practicable, quarter section lines shall denote the general location of other through streets.
570 If current parcel configuration does not make this practicable, a through-street, or stubbed-street
571 that will be a future through-street, shall be located as close to these lines as otherwise reasonably
572 possible.

573 ...

574 **Sec. 108-3-5. - Open space preservation plan.**

575 ...

Commented [E18]: Reference

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576 (c) *Open space development standards and ownership regulations.* All open space area proposed to
577 count toward the minimum open space area required by this chapter shall be clearly identified on the
578 open space site plan. The following standards apply to their creation. Open space area in excess of
579 the minimum required by this chapter is exempt from these standards.

580 ...

581 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
582 shall be arranged to create future long-term agricultural opportunities in the following ways:

583 ...

584 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
585 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
586 reach all parts of the area with three or more passes or turns. Generally, this requires the area
587 to be at least 450 wide in any direction at any given point to be considered contiguous. This
588 three turn standard may be reduced by the planning commission for portions of the parcel
589 affected by the following:

590 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
591 impossible;

592 2. A street required by ~~Section~~ 108-3-4 constrains the width of the parcel or bisects what
593 would otherwise be one contiguous open space area if the street did not exist; ~~or~~

Commented [E19]: Reference

594 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
595 realigned, cause an interruption to crop producing capabilities; or

596 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
597 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
598 agricultural parcels.

599 ...

600 CHAPTER 5. ~~RESERVED. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)~~

Commented [c20]: Whole chapter moved from Title 108 "Standards" to Title 104 "Zones."

601 **Sec. 108-5-1. -- Definitions.**

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

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

607 *Common open space easement* means a required right of use granted to the county by the owner of a
608 planned residential unit development, on and over land in a planned residential unit development
609 designated as common open space, which easement guarantees to the county that the designated
610 common open space and recreation land is permanently reserved for access, parking and recreation and
611 open green space purposes in accordance with the plans and specifications approved by the planning
612 commission and county commission at the time of approval of the PRUD or as such plans are amended
613 from time to time with the approval of the county commission.

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

617 **Sec. 108-5-2. -- Purpose and intent.**

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

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

625 **Sec. 108-5-3. -- Permitted zones.**

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

629 **Sec. 108-5-4. -- Use requirements.**

630 (a) — An overall development plan for a planned residential unit development showing residential uses,
631 housing types, locations, sizes, height, number of residential units, access roads, common area and other
632 open spaces, etc., may be approved by the planning commission and county commission and building
633 permits issued in accordance with such plan, even though the residential uses and dwelling types and the
634 location of the buildings proposed may differ from the residential uses and dwelling types and regulations
635 governing such uses in effect in the zone in which the development is proposed provided the
636 requirements of this chapter are complied with. Accessory nonresidential uses may be included in
637 planned residential unit developments of 100 units or more to provide a necessary service to the
638 residents of the development as determined by the planning commission provided agreements and
639 restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical
640 design to the county's satisfaction are filed by and entered into by the developer to assure that the
641 approved necessary services intent is maintained.

642 (b) — Once the overall development plan showing details of buildings, structures and uses has been
643 approved by the county commission, after recommendations of the planning commission, no changes or

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644 alterations to said development plan or uses shall be made without first obtaining the approval of the
645 planning commission and county commission, except for landscaping, provided subsection (c) of this
646 section has been complied with.

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

651 (1) That the area of landscaping area exceeds the approved landscape plan;

652 (2) That the number and quality of plants exceed the approved landscape plan;

653 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;
654 and

655 (4) That all requirements of the Land Use Code have been met.

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

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

664 **Sec. 108-5-5. – Area and residential density regulations.**

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

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

671 (c) Notwithstanding section 108-5-5(b), the county may, at its discretion, allow for an increased number
672 of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western
673 Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible
674 for bonus densities. The following presents the bonus density opportunities that are available to PRUDs
675 located within specific zoning classification boundaries:

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

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

681 b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent
682 bonus density may be granted.

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

686 d.— If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an
687 open space easement that permanently preserves areas that have been identified by the state division of
688 wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density
689 may be granted.

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

697 a.— If a PRUD provides and implements an approved roadway landscape and design plan that includes,
698 but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an
699 appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every
700 100 feet of road length, up to 20 percent bonus density may be granted.

701 b.— For each five percent increment of open space preserved over 50 percent, a five percent bonus
702 density shall be granted up to the total bonus density allowed by subsection (c)(2).

703 c.— If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus
704 density may be granted.

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

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

711 f.— If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as
712 outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a
713 bonus density is granted to affordable housing, the applicant shall:

714 1.— Present and gain county approval of an effective plan and method for guaranteeing and enforcing
715 perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the
716 sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the
717 county median income;

718 2.— Identify and label, on the final plat, the lots set aside as affordable housing lots; and

719 3.— Provide a note on the final plat explaining the nature of the housing restriction on the lot and the
720 method by which occupancy and affordability will be regulated.

721 g.— If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan
722 approved by the planning commission and records an agricultural preservation easement on the parcel, a
723 bonus density may be approved as follows:

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- 724 1.—For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density
725 may be granted.
- 726 2.—For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density
727 may be granted.
- 728 3.—For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density
729 may be granted.
- 730 4.—For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density.
731 may be granted.
- 732 5.—For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
- 733 h.—If a PRUD provides for the preservation of historical sites and buildings that have been identified by
734 the state historic preservation office as having notable historical value, up to a five percent bonus density
735 may be granted.
- 736 i.—If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent
737 bonus density may be granted.
- 738 j.—If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an
739 open space easement that permanently preserves areas that have been identified by the state division of
740 wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density
741 may be granted.
- 742 k.—If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to
743 permanently preserved open space on an adjoining property located outside of the proposed PRUD, up
744 to a 20 percent bonus density may be granted.
- 745 (d)—If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total
746 of the units allowed in each zone, however, the units allowed in each zone must be constructed in the
747 respective zone.
- 748 (e)—It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
749 beyond what county development ordinances would normally allow, by requesting housing unit credit and
750 transfer for lands to be included in the PRUD boundary as common open space which have little or no
751 possibility of housing development. Such areas may include swamp lands, bodies of water, excessively
752 steep slopes and hillsides, mountain areas which do not have the capability of housing development due
753 to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall
754 determine what part if any, of such lands may be included in a PRUD as useable open space common
755 area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD
756 and, when such determination justifies such inclusion, the planning commission shall allow the transfer of
757 units. In making this determination, the planning commission shall be guided by the following factors:-
- 758 (1)—The physical relationship of the proposed common areas to the developable areas of the PRUD
759 shall be such that the common areas are suitable for landscaped and/or developed open space or for
760 recreational use of direct benefit, access and usability to the unit owners.
- 761 (2)—The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be
762 physically integrated into the development design.
- 763 (3)—The lands must be suitable for and possess the capability for housing development.

764 (4) — Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones
765 and 30 percent or more in all other zones shall not be classified as developable land and shall not be
766 considered when determining the number of allowable units in a proposed PRUD.

767 **Sec. 108-5-6. -- General requirements.**

768 (a) — The development shall be in a single or corporate ownership at the time of development or the
769 subject of an application filed jointly by the owners of the property.

770 (b) — The property adjacent to the planned residential unit development shall not be detrimentally affected
771 without the county imposing reasonable conditions or, in the absence of appropriate natural or
772 constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the
773 perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required
774 on the immediate periphery of a PRUD.

775 (c) — Building uses, building locations, lot area, width, yard, height and coverage regulations proposed
776 shall be determined acceptable by approval of the site development plan.

777 (d) — The county commission may, at its discretion and after receiving a recommendation from the
778 planning commission, consider and approve a plan that provides for ownership, preservation,
779 maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any
780 improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially
781 guaranteed as follows:

782 (1) — *Plan approval.* An open space preservation plan shall accompany an application for PRUD
783 approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance
784 methods for all open space parcels, and a site plan that shows proposed common areas, individually
785 owned preservation parcels, and the locations of existing and proposed future structures.

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

790 b. — For open space dedicated as individually owned preservation parcels, the site plan shall identify
791 locatable building envelopes within which all existing and future buildings must be located.

792 (2) — *Ownership.*

793 a. — Open space parcels of any size and dedicated as common area shall be commonly owned by an
794 appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium
795 Ownership Act, or § 57-8a-101 et seq., the Community Association Act.

796 b. — Other open space parcels, consisting of five acres or more, may be owned individually.

797 1. — Individually owned preservation parcels of ten acres or more in area may be owned by any person,
798 regardless of whether the person owns a residential lot within the PRUD.

799 2. — Individually owned preservation parcels of less than ten acres in area may only be owned by an
800 owner of a lot within the same PRUD.

801 3. — The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following
802 manner:

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- 803 i.—An explanation of the applicable ownership standard and a perpetual restriction conforming thereto
804 shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to
805 subsection (3); and
- 806 ii.— A note describing the applicable ownership standard shall be placed on the final recorded subdivision
807 plat.
- 808 iii.—A notice describing the applicable ownership standard shall be recorded on each individually owned
809 preservation parcel at the time of recording a subdivision plat.
- 810 (3)—*Preservation.*
- 811 a.—Open space parcels are to be permanently preserved in a manner that is consistent with the
812 approved open space preservation plan.
- 813 b.—The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording
814 the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner
815 association if applicable, an open space easement over all areas dedicated as common area or
816 individually owned preservation parcels. The open space easement shall incorporate and conform to the
817 open space preservation plan approved under subsection (1).
- 818 c.— If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or
819 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement
820 meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- 821 d.— If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the
822 applicant shall:
- 823 1.—Identify and label on the final plat each such parcel as an agricultural, forest, or other type of
824 preservation parcel;
- 825 2.—Further identify each preservation parcel by placing a unique identifying letter of the alphabet
826 immediately after the label;
- 827 3.—Present an agricultural, forest, or other type of preservation easement to the county and gain its
828 approval; and
- 829 4.—Record an approved preservation easement on each parcel identified as an agricultural, forest, or
830 other type of preservation parcel.
- 831 e.—The county may impose any additional conditions and restrictions it deems necessary to ensure
832 maintenance of the open space and adherence to the open space preservation plan. Such conditions
833 may include a plan for the disposition or re-use of the open space property if the open space is not
834 maintained in the manner agreed upon or is abandoned by the owners.
- 835 (4)—*Guarantee of open space improvements.*
- 836 a.—The county shall not require an applicant to deposit a financial guarantee for open space
837 improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and
838 that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting
839 from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall
840 complete the improvements according to the approved phasing component of an open space
841 preservation plan. If the applicant fails to complete improvements as presented in the open space
842 preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and

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843 record an instrument notifying prospective lot buyers that future land use permits may not be issued for
844 any construction.

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

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

855 **Sec. 108-5-7. – Submission of application.**

856 (a) —An application for a planned residential unit development shall be to the planning commission and
857 shall be accompanied by an overall development plan, including an open space preservation plan,
858 showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as
859 schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for
860 accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural
861 drawings and sketches demonstrating the design and character of the proposed development.

862 (b) —Additional information shall be included as may be necessary to determine that the contemplated
863 arrangement of uses make it desirable to apply regulations and requirements differing from those
864 ordinarily applicable under this chapter.

865 **Sec. 108-5-8. – Planning commission consideration.**

866 In considering the proposed planned residential unit development, the planning commission shall
867 consider:

868 (1) —The architectural design of buildings and their relationship on the site and development beyond the
869 boundaries of the proposal.

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

872 (3) —The landscaping and screening as related to the proposed uses within the development and their
873 integration into the surrounding area.

874 (4) —Lighting and the size, location, design, and quality of signs.

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

878 (6) —The demonstrated ability of the applicant to financially carry out the proposed project under total or
879 phase development proposals within the time limit established.

880 **Sec. 108-5-9. – Planning commission action.**

881 The planning commission, after considering applicable codes and any anticipated detrimental effects,
882 may recommend an approval, recommend an approval with conditions, or recommend denial of the
883 PRUD to the county commission.

884 **Sec. 108-5-10. – County commission action.**

885 The county commission, after holding a public meeting, may approve or disapprove the application for a
886 PRUD. If approving an application, the county commission may attach conditions as it may deem
887 necessary to secure the purposes of this chapter. Approval of the county commission, together with any
888 conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in
889 which it is proposed.

890 **Sec. 108-5-11. – Land use permit issuance.**

891 The planning division shall not issue any land use permit for any proposed building, structure, or use
892 within the project unless such building, structure, or use complies with the approved plans and any
893 conditions imposed. Approved development plans shall be filed with the planning division, building
894 inspector and county engineer.

895 **Sec. 108-5-12. – Time limit.**

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

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