

WESTERN WEBER PLANNING COMMISSION

MEETING AGENDA

July 9, 2019

5:00 p.m.

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

Petitions, Applications, and Public Hearings

1. Administrative items

1.1 LVS 032119: Consideration and action on final approval of Summerset Farms Subdivision Phase 1, Consisting of 16 lots.

Applicant: Ed Green; **Staff Presenter:** Tammy Aydelotte

1.2 LVH 040419: Consideration and action on a request for final approval of Halcyon Lake Estates Subdivision, consisting of 28 lots located at approximately 4100 W 1800 S, Ogden.

Applicant: Tyler Brenchley; **Staff Presenter:** Steve Burton

2. Legislative Items

a. New Business

2.1 ZTA 2019-07: Public hearing to consider and take action on a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code and to add junk and refuse standards.

Applicant: Weber County. **Staff presenter:** Charlie Ewert and Iris Hennon.

2.2 ZMA 2019-02: To consider and take action on ZMA 2019-02, a request to amend the Zoning Map from Manufacturing (M-1) to Agricultural (A-2) on 32 acres at the intersection of 900 South and 7900 West.

Presenter: Steve Burton

3. Public Comment for Items not on the Agenda

4. Remarks from Planning Commissioners

5. Planning Director Report

6. Remarks from Legal Counsel

7. Adjourn to Work session

WS1: Discussion regarding subdivision code amendments. **Presenter:** Charlie Ewert

WS2: Discussion regarding creating standards for appearance and location of storage units. **Presenter:** Charlie Ewert

WS3: Discussion regarding the land use table and supplemental standards. **Presenter:** Charlie Ewert

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.
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Synopsis

Application Information

Application Request:	Consideration and action on final approval of Summerset Farms Subdivision Phase 1, consisting of 16 lots.
Type of Decision:	Administrative
Agenda Date:	Tuesday, July 09, 2019
Applicant:	Ed Green, Representative
File Number:	LVS032119

Property Information

Approximate Address:	2267 S 3500 W, West Haven, UT, 84404
Project Area:	48.833 acres
Zoning:	Agricultural (A-1)
Existing Land Use:	Residential
Proposed Land Use:	Residential
Parcel ID:	15-078-0011, 15-078-0046, 15-078-0401
Township, Range, Section:	T6N, R2W, Section 28 SE

Adjacent Land Use

North:	Residential	South:	Residential
East:	3500 West St	West:	3900 West St

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@co.weber.ut.us
Report Reviewer:	SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 5 (A-1 Zone)

Background and Summary

The applicant is requesting final approval of Summerset Farms Phase 1, consisting of 16 lots. This proposal includes continuation of a county, dedicated road (3900 West St) located at approximately 2267 S 3500 W in the A-1 Zone. The proposed subdivision will also require dedication of new County Roads. 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 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 A-1 Zone, and is a lot averaged subdivision (LUC 106-2-4). Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: In the LUC § 104-7-6, the A-1 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150 feet. However, in a lot-averaged subdivision, the minimum requirements are as follows: Lot area in the A-1 zone – 20,000 square feet. Lot width in the A-1 zone: 80 feet. The average area and width of lots within the subdivision shall equal or exceed the minimum requirements for the zone.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the A-1 zone standards in LUC § 104-5. The proposed subdivision will create four new public streets, as well as continue two previously dedicated public streets, from adjacent subdivisions (Favero Legacy Cluster Subdivision, and Cameron Cluster Subdivision).

Culinary water and sanitary sewage disposal: Taylor West Weber Water has given Feasibility and preliminary approval for culinary water services, for 50 lots. This letter must be amended to include all lots in the subdivision. Applicant must provide a feasibility letter from Hooper Irrigation for secondary water. This subdivision will need to be annexed into Central Weber Sewer District, per the County Engineer.

Staff Recommendation

Staff recommends final approval of Summerset Farms Subdivision Phase 1, consisting of 16 lots, located at approximately 2267 South 3500 West, West Haven. This recommendation is subject to all review agency requirements, and the following conditions:

1. Proof Annexation into the Central Weber Sewer District.
2. Proof of secured culinary and secondary water prior to scheduling of County Commission approval.
3. An escrow established for any improvements not yet completed, prior to scheduling for County Commission approval.
4. A fence must be installed along the Wilson Canal, if there is no fencing presently.

This recommendation is based on the following findings:

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

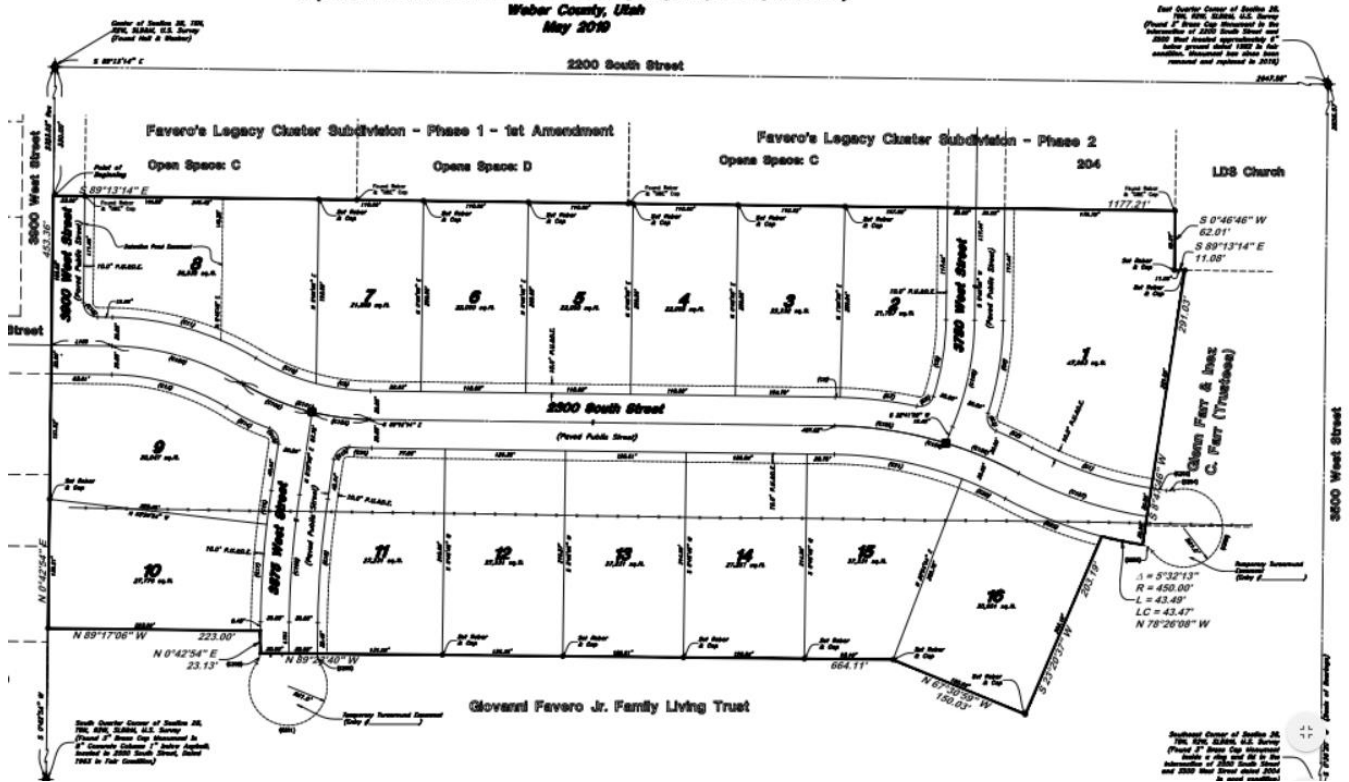
Exhibits

- A. Subdivision plat

Area Map



Summerset Farms - Phase 1
A Lot Averaging Subdivision
 A part of the Southeast Quarter of Section 26, T9N, R2W, S168M, U.S. Survey
 Weber County, Utah
 May 2019





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of Halcyon Lake Estates Subdivision Phase 1, consisting of 14 lots located at approximately 4100 W 1800 S, Ogden.

Type of Decision: Administrative

Agenda Date: Tuesday, July 09, 2019

Applicant: Tyler Brenchley, Keith Ward

File Number: LVH 040419

Property Information

Approximate Address: 4100 W 1800 S

Project Area: Approximately 40 acres

Zoning: Agricultural (A-1) Zone

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 15-057-0011, -0039

Township, Range, Section: T6N, R2W, Section 21

Adjacent Land Use

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

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5, Agricultural (A-1) Zone
- Weber County Land Use Code Title 106 (Subdivisions)

Background and Summary

The applicant is requesting final approval of Halcyon Lake Estates Subdivision Phase 1, consisting of 14 lots, located at approximately 4100 W 1800 S, Ogden. During a public meeting held on June 11, 2019 the Western Weber Planning Commission recommended preliminary approval of the two phase development. Phase 1 is located off of existing improved streets (1800 South and 4075 W) and does not include the ski lake.

Analysis

General Plan: The proposal conforms to the Western Weber General Plan by creating lots for the continuation of one acre single family residential development in the area (2003 West Central Weber County General Plan, Residential Uses, Page 1-4).

Zoning: The subject property is located in the Agricultural (A-1) Zone. Single-family dwellings are a permitted use in the A-1 Zone.

Lot area, frontage/width and yard regulations: In the LUC §104-5-7 the A-1 zone requires a minimum lot area of 40,000 square feet for a single family dwelling and a minimum lot width of 150'. All lots within the proposed subdivision meet the zoning requirements for area and width.

The A-1 zoning allows for lot averaging subdivisions, provided that the proposal does not include more lots than are otherwise allowed by zoning, and that the average lot width and area for lots within the subdivision conforms to the zoning standard of 150 feet of lot frontage and 40,000 square feet of area. The average lot width in this subdivision is 150 feet and the average lot area is approximately 41,000 square feet. The applicant has shown a lot summary table on the preliminary plan, indicating the widths and area of each lot.

As part of the subdivision process, the proposal has also been reviewed for compliance with the current subdivision ordinance in LUC §106-1. This proposal contains a remainder parcel boundary that will need to be shown on the Phase 2 plat. According to the final plat requirements (106-1-8(c)(3)) the remaining boundary and area must be shown on the plat. If the remainder parcel has

an area of 5 acres or greater the final plat shall indicate that the parcel is not approved for development. With the recommended conditions, this application is in compliance with the final subdivision requirements.

Culinary water and sanitary sewage disposal: Feasibility letters have been provided for the culinary water and the sanitary sewer for the proposed subdivision. The culinary water will be provided by Taylor West Weber Water Improvement District. The sanitary sewage disposal will be provided by Central Weber Sewer Improvement District. A condition of the will serve letter from Central Weber Sewer is that the property be annexed into the Central Weber Sewer Improvement District prior to any connections to the system. This requirement has been made a condition of final approval.

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 applicant is requesting to enter into a deferral agreement for curb, gutter, and sidewalk along 1700 S and 4075 West streets.

Staff Recommendations

Staff recommends final approval of Halcyon Lake Estates Subdivision Phase 1 consisting of 14 lots. This recommendation is subject to all review agency requirements and the following conditions:

1. That the property be annexed into the Central Weber Sewer Improvement District prior to recording the final subdivision plat.
2. A note shall be placed on the final subdivision plat that reads "for each zone in this subdivision, the average area and average width of lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. An amendment to any part of this subdivision shall comply with Section 106-2-4(b) of the Weber County Code."
3. A table shall be provided on the final subdivision plat showing the area and width of each lot within the overall subdivision boundary, the average area and width of all lots within the overall subdivision boundary, and the average area and width of all lots within each zone in the subdivision.

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

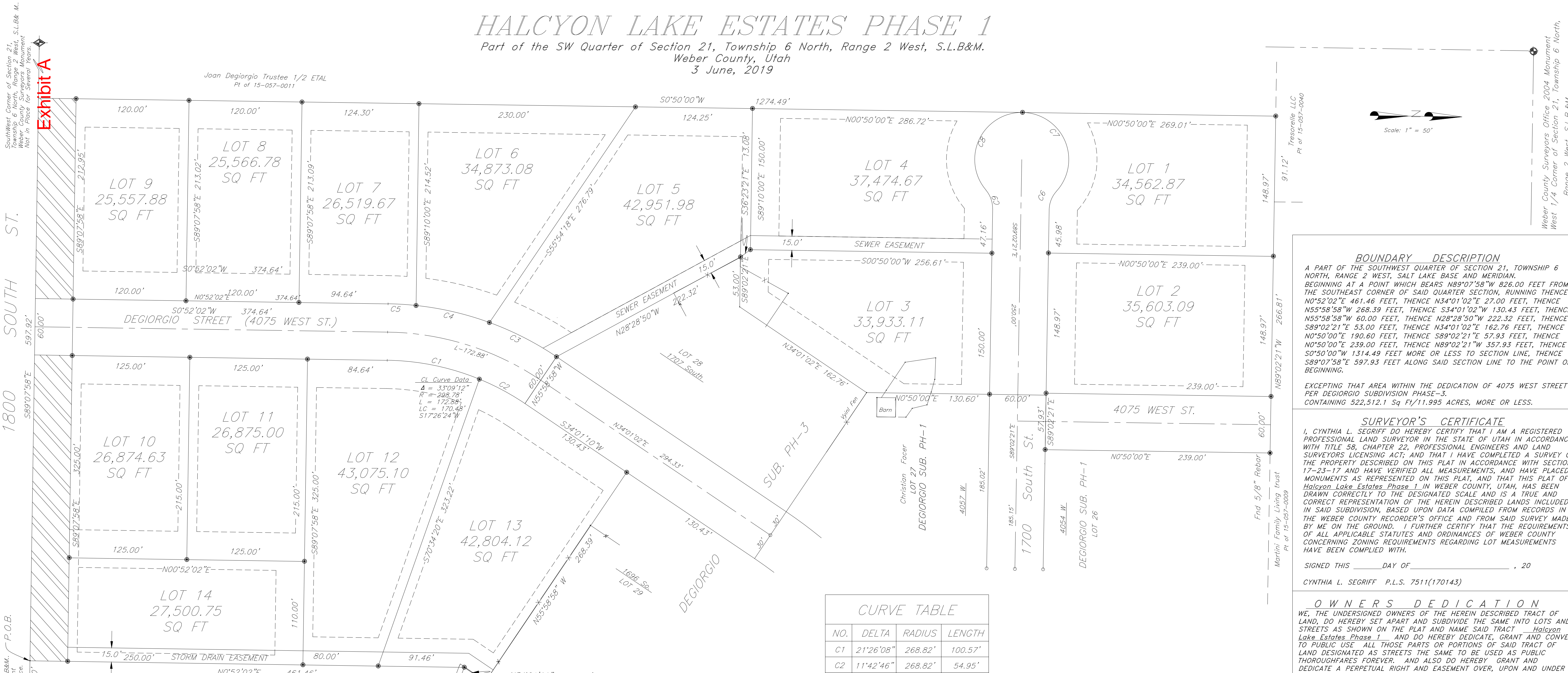
- A. Final subdivision plat

Area Map



HALCYON LAKE ESTATES PHASE 1

Part of the SW Quarter of Section 21, Township 6 North, Range 2 West, S.L.B&M.
Weber County, Utah
3 June, 2019



BOUNDARY DESCRIPTION
A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT WHICH BEARS N89°07'58"W 826.00 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION, RUNNING THENCE N0°52'02"E 461.46 FEET, THENCE N34°01'02"E 27.00 FEET, THENCE N55°58'58"W 268.39 FEET, THENCE N34°01'02"E 130.43 FEET, THENCE N55°58'58"W 60.00 FEET, THENCE N28°28'50"W 222.32 FEET, THENCE S89°02'21"E 53.00 FEET, THENCE N34°01'02"E 162.76 FEET, THENCE N0°50'00"E 190.60 FEET, THENCE S89°02'21"E 57.93 FEET, THENCE N0°50'00"E 239.00 FEET, THENCE N89°02'21"W 357.93 FEET, THENCE S0°50'00"W 1314.49 FEET MORE OR LESS TO SECTION LINE, THENCE S89°07'58"E 597.93 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

EXCEPTING THAT AREA WITHIN THE DEDICATION OF 4075 WEST STREET PER DEGIORGIO SUBDIVISION PHASE-3, CONTAINING 522,512.1 Sq Ft/11.995 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE
I, CYNTHIA L. SEGRUFF DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF Halcyon Lake Estates Phase 1 IN WEBER COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEBER COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____
CYNTHIA L. SEGRUFF P.L.S. 7511(170143)

OWNERS DEDICATION
WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT Halcyon Lake Estates Phase 1 AND DO HEREBY DEDICATE, GRANT AND CONVEY TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER. AND ALSO DO HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS AND DRAINAGE EASEMENTS, 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 GOVERNMENTAL AUTHORITY WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS.

SIGNED THIS _____ DAY OF _____, 20____

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH
C1	21°26'08"	268.82'	100.57'
C2	11°42'46"	268.82'	54.95'
C3	13°58'36"	328.80'	80.21'
C4	13°58'33"	328.80'	80.20'
C5	5°11'54"	328.80'	29.83'
C6	41°24'33"	30.00'	21.68'
C7	131°24'29"	50.00'	114.68'
C8	131°09'17"	50.00'	114.45'
C9	41°24'35"	30.00'	21.68'

LEGEND:
() DISTANCE AND OR BEARING PER DEED OR PLAT.
NO PARENTHESES IS MEASURED DISTANCE OR ROTATED PLAT OR DEED BEARING TO STATE PLANE GRID BEARING.
* * * EXISTING FENCES.
● SET 5/8" REBAR (24x5/8") & C.&L.S. CAP.
▨ STREET DEDICATION - 21,517.8 Sq. Ft.
BM WC-105 4235.00

NOTE:
AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURAL ZONES. AGRICULTURAL OPERATIONS AS SPECIFIED IN THE ZONING ORDINANCE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURE SHALL BE SUBJECT TO RESTRICTION ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

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 FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.
SIGNED THIS _____ DAY OF _____, 20____
SIGNATURE _____

WEBER COUNTY PLANNING COMMISSION APPROVAL
THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE _____ DAY OF _____, 20____
CHAIRMAN, WEBER COUNTY PLANNING COMMISSION _____

WEBER COUNTY ATTORNEY
I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT.
SIGNED THIS _____ DAY OF _____, 20____
SIGNATURE _____

ACKNOWLEDGEMENT
STATE OF UTAH }
COUNTY OF WEBER }
ON THIS _____ DAY OF _____, 20____
PERSONALLY APPEARED _____, AND
SIGNER(S) OF THE ADJACENT INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.
NOTARY PUBLIC _____ RESIDING AT _____
MY COMMISSION EXPIRES: _____

COUNTY RECORDER
ENTRY No. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED: _____
_____ 20____, AT _____
IN BOOK _____ PAGE _____
OF OFFICIAL RECORDS.
RECORDED FOR: _____
COUNTY RECORDER: _____
BY: _____

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

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 _____, 20____
SIGNATURE _____

NARRATIVE
BASIS OF BEARINGS IS BETWEEN THE W1/4 CORNER AND THE SOUTH QUARTER CORNER OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 2 WEST, AS MONUMENTED BY WEBER COUNTY SURVEYORS OFFICE. WHICH BEARS N44°25'34"W (GRID DISTANCE OF RECORD).

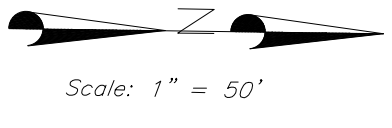
South Quarter Corner of Section 21, Township 6 North, Range 2 West, S.L.B&M. Find, Weber County Surveyors Monument Dated 1963, +/- 0.4' Below Rd Surface. 189°07'58"W 826.00'

Exhibit A

Joan Degiorgio Trustee 1/2 ETAL
Pt of 15-057-0011

Tresorelle LLC
Pt of 15-057-0040

Weber County Surveyors Office 2004 Monument West 1/4 Corner of Section 21, Township 6 North, Range 2 West, S.L.B&M.



1800 SOUTH ST.

P.O.B.

South Quarter Corner of Section 21, Township 6 North, Range 2 West, S.L.B&M. Find, Weber County Surveyors Monument Dated 1963, +/- 0.4' Below Rd Surface. 189°07'58"W 826.00'



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-07, a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code, and to add junk and refuse standards.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 22, 2019

Applicant: Weber County

File Number: ZTA 2019-07

Staff Information

Report Presenter: Iris Hennon and Charlie Ewert
 ihennon@co.weber.ut.us and cewert@co.weber.ut.us
 (801) 399-8763

Report Reviewer: RG

Applicable Ordinances

Part 1

§ 30-5: Offenses involving refuse or garbage.

Part 2

§ 101-1-7: Definitions

§ 101-1-13: General penalty; continuing violations

§ 102-4: Permits required and enforcement

§ 108-7-6: [New] Garbage, junk, and weeds unlawful

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The County Commission has requested that land use code enforcement ordinances be updated to provide the county with better administrative tools to pursue code compliance. Currently, the land use code is not clear on a code enforcement process for most types of enforcement. Additionally, the county has adopted a junk ordinance prohibiting junk from being placed on private property when not in compliance with the zone, but has it located outside of the land use code.

The proposed ordinance, attached as Exhibits A and B, will give the code enforcement official additional administrative tools, including fines for violations, to attain compliance before any land use violation is turned over to district court.

Policy Analysis

Policy Considerations:

General Plan: Neither general plans offer specific directives on code enforcement, but it stands to reason that if the plan is intended to be effectively implemented by the adoption of ordinance, then those ordinance need an effective mechanism for enforcement. Updating and clarifying enforcement provisions is keeping with the intent of the general plan.

Ordinance: The proposed ordinance adds clear procedures for code enforcement, including what notice is due to a violator and the time a violator has to cure the violation. It also allows the county to impose administrative fines for ongoing violations, which will help motivate compliance without the immediate threat of criminal charges. For those offenders unresponsive to the administrative fines, the proposal clarifies additional judicial procedures, including prosecution for a class C misdemeanor.

The proposal also adds a new section regarding the prohibition of garbage, junk, and weeds, including a provision for landowners to keep adjacent public pathways clear of refuse, debris, and snow.

The proposal removes refuse and garbage standards from its current section in “public offenses” and places it into the land use code. It deletes in part and moves in other part existing unclear provisions for enforcement, and combines it with a more appropriate section of ordinance within Title 102, which is the administration title of the land use code.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes provide clearer procedures for code enforcement.
2. The changes provide better motivation to remedy code violations
3. The changes reduce conflicting and redundant language in the ordinance.
4. The changes will strengthen the administration of the ordinance.
5. The changes are keeping with the intent of the general plan and beneficial to the health, safety, and general welfare of the public.

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED**

4 **Part II**

5 **TITLE 101 – GENERAL PROVISIONS**

6 ...

7 **Sec. 101-1-7. - Definitions.**

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

10 ...

11 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"
12 means the minimum number of employees required to provide a particular service based on the
13 type and intensity of the service. Where employee generation values or FTEEs are not provided
14 by ordinance and a workforce consists of a combination of full- and part-time employees, the
15 FTEE shall be calculated by adding up the total number of employee hours worked during a
16 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent
17 employee number.

18 *Garbage.* The term "garbage" means household waste, food waste, and any other manner
19 of refuse, rubbish, or trash. *Garage, private.* The term "private garage" means a garage shall be
20 considered part of a dwelling if the garage and dwelling have a roof and/or wall in common.
21 Areas such as garages are not considered livable space. The term "private garage" means an
22 accessory building designed or used for the storage of:

23 (1) Single-family: Not more than four automobiles owned and used by the occupants of the
24 building to which it is accessory and in which no business, commercial service or industry
25 is carried on;

26 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private
27 garage may be designed and used for the storage of 1½ times as many automobiles as
28 there are dwelling units in the multiple-family dwelling.

29 ...

30 *Independent living facility.* The term "independent living facility" means specially planned,
31 designed and managed multi-unit housing with self-contained living units. A retirement
32 community for senior citizens, age 55 or older, designed to provide supportive environments,
33 but also to accommodate an independent lifestyle. A limited number of support services, such
34 as meals, laundry, housekeeping, transportation and social/recreational activities, may be
35 provided; however, no medical services are provided.

36 *Inoperable or abandoned vehicle.* The term "inoperable or abandoned vehicle" means any
37 motor vehicle or trailer not currently registered and licensed in this state or another state; or any
38 motor vehicle or trailer that cannot be operated in its existing condition because the parts

39 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's
40 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,
41 deteriorated, or nonconforming.

42 *Junk.* The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,
43 building materials, plastics, or fiberglass which may have value secondhand but not in their
44 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;
45 waste paper products; unused or discarded building materials, machinery, machinery parts, or
46 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles
47 or vehicle parts; or any other waste materials.

48 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for
49 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,
50 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment
51 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition
52 shall not be deemed to include such uses which are clearly accessory and incidental to any
53 agricultural use permitted in the zone.

54 ...

55 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
56 dimensional regulations of the Land Use Code where such action will not be contrary to the
57 public interest and where, owing to conditions peculiar to the property and not the result of
58 actions or the situation of the applicant or previous owners, a literal enforcement of the Code
59 would result in unnecessary and undue hardship, other than an economic nature or self-
60 imposed hardship. A self-imposed hardship created by a previous owner is considered to run
61 with the land.

62 *Weeds* The term "weed" means any undesirable plant that the Utah Commissioner of
63 Agriculture designates as noxious; and also including all green debris, such as, but not limited
64 to, poison ivy, thistles, sticker plants, dyers woad, medusahead rye, leafy spurge, purple
65 loosestrife and other vegetation commonly considered weeds. It also includes ungrouted
66 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

67 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
68 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
69 except as otherwise provided herein.

70 ...

71 **Sec. 101-1-13. – Reserved.**

72 ...

73 **TITLE 102 – ADMINISTRATION**

74 ...

75 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

76 **Sec. 102-4-1. - Purpose and intent.**

77 The purpose of this chapter is to establish the requirements for land use permits from the
78 planning division and building permits from the building division. This chapter identifies the
79 responsibilities for enforcing the requirements of this Land Use Code and the penalties for
80 violating this Land Use Code.

81 **Sec. 102-4-2. - Land use permit required.**

82 (a) In order to verify compliance with applicable regulations, all land uses that require a land
83 use permit or conditional use permit by this Land Use Code are prohibited until a land use
84 permit or conditional use permit has received final written approval from the appropriate land
85 use authority.

86 (b) No structure, including agricultural structures, shall be constructed, changed in use, or
87 altered, as regulated by this Land Use Code, until and unless a land use permit or, if
88 applicable, a conditional use permit, has received final written approval from the appropriate
89 land use authority.

90 (c) No application for permits or approvals governed by this Land Use Code shall be approved
91 for any lot or parcel until all unresolved zoning, subdivision, building, business license,
92 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as
93 part of the application, are resolved, unless approval of the application will resolve all of the
94 existing violations.

95 **Sec. 102-4-3. - Land use permit revocation.**

96 A land use permit or conditional use permit may be revoked for violation of any part of this
97 Land Use Code related to the specific use or permit in accordance with the following:

98 (1) Revocation shall be conducted by the land use authority that is authorized to approve
99 the permit.

100 (2) Prior to permit revocation, the land owner and, if different, permittee shall be given
101 reasonable opportunity to resolve the violation by bringing the property into compliance
102 or by diligently pursuing an amendment or modification to the permit, as may be allowed
103 by this Land Use Code.

104 (3) In the event compliance cannot be attained the land owner and, if different, permittee
105 shall be given a notice of the impending permit revocation 14 days prior to final
106 revocation. The notice of the impending permit revocation shall specify the violation, and
107 inform the land owner and, if different, permittee of the right to request a hearing.

108 (4) The land owner and, if different, permittee shall have a right to a hearing with the land
109 use authority to show cause for why the permit should not be revoked, if a written request
110 for such is submitted prior to a final written revocation decision. If a hearing is requested,
111 final revocation of the permit shall be stayed until after the hearing. The hearing shall be
112 scheduled at a time specified by the land use authority.

113 (5) Revocation of a permit is final upon the issuance of a final written decision. The final
114 written decision may be appealed pursuant to title 102, chapter 3.

115 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on
116 account of the violation, as provided in this Land Use Code or any other applicable law.

117 **Sec. 102-4-4. - Code enforcement.**

118 (a) *General penalty; continuing violations.*

119 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this
120 Land Use Code" means:

- 121 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a
122 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land
123 Use Code;
- 124 b. Failure to perform an act that is required to be performed by the Land Use Code or
125 by rule or regulation authorized by the Land Use Code; or
- 126 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or
127 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use
128 Code.

129 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this
130 Land Use Code" does not include the failure of a county government officer or county
131 government employee to perform an official duty unless this Land Use Code specifically
132 provides that failure to perform the duty is to be punishable as provided in this section.

133 (3) Unless more specifically provided for in this Land Use Code, the violation of any
134 provision of this Land Use Code shall be punished as a class C misdemeanor or by
135 imposition of a civil penalty.

136 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate
137 offense. Any violation of this Land Use Code that constitutes an immediate danger to the
138 health, safety, and welfare of the public may be enjoined in a suit brought by the county
139 for such purposes.

140 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent
141 the revocation or suspension of any license, franchise, or permit issued or granted under
142 the provisions of this Land Use Code.

143 (6) The provisions of this Land Use Code may also be enforced and violations punished by
144 any of the following methods:

- 145 a. To remedy a violation of this Land Use Code, the county may order discontinuance
146 of the use of any land, water, or building; the removal of any building, addition, or
147 other structure; the discontinuance of any work being done; or any lawful act.
- 148 b. Specific provisions of this Code may provide for additional remedies.

149 (b) *Authorization of code enforcement official, powers and duties.* The county's planning
150 director or designee is designated as the code enforcement official and is, empowered, and
151 directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty,
152 or any other remedy provided by law. The county's code enforcement official is hereby

153 authorized, empowered, and directed to make inspection of properties within the
154 unincorporated area of the county to determine whether there is any violation of this Land
155 Use Code. This authorization extends to all methods of inspection allowed under the state
156 and federal constitutions.

157 (c) *Notice of violation, time to cure.* When a violation is found, before taking any other
158 enforcement action the code enforcement official shall serve notice of the violation in writing
159 to the owner or occupant of the land. The notice shall:

160 (1) Be delivered personally or by certified mail to the owner or occupant at the last known
161 post office address as disclosed by the records of the county recorder or assessor;

162 (2) State the specific code or codes being violated and explain the nature and extent of the
163 violation; and

164 (3) State that the owner or occupant, as the case may be, shall correct or remove the
165 violation no later than 14 days after notice of the violation has been delivered personally
166 or mailed.

167 (d) *Alternative time to cure.* Within the 14 days as specified in Section 102-4-4(c), the owner or
168 occupant may arrange an alternative remedial schedule with the Code enforcement official.
169 The alternative remedial schedule shall be no greater than is reasonable and necessary
170 given the extent of the violation and the owner or occupant's ability to cure.

171 (e) *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of
172 property and the subsequent lapse of the notice period shall empower the county to take
173 other and further action as may be lawful.

174 (f) *Administrative citation and fines.* After issuance of a notice of violation, as specified in
175 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative
176 citation and fine may be issued for any violation of this code.

177 (1) The fine schedule is as follows:

178 a. First charge or violation: \$100 per violation per day.

179 b. Second charge or violation: \$200 per violation per day.

180 c. Third or subsequent charge or violation: \$400 per violation per day.

181 (2) An additional charge or violation specified by this section is applicable in circumstances
182 when an earlier violation has been resolved with all applicable fines and other costs paid
183 but the same violation reoccurs within a 12-month period of time.

184 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
185 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may
186 petition the applicable court for a judgment against the owner or occupant in the amount
187 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
188 petitions may be combined into one action.

189 (g) *Abatement.* If a property owner or occupant fails to correct or remove the violation from the
190 property after receiving an administrative citation, the county may petition the applicable

191 court for a judicial order enabling the county to remove some or all violations from the
192 property and ordering the property owner or occupant to pay all costs associated with
193 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
194 the provisions of State Law, the county may take any action as authorized by law in addition
195 to any other penalty imposed pursuant to this section.

196 (h) *Judgment lien.* Once a judicial order has been obtained under this section, ordering a
197 property owner or occupant to pay fines or abatement costs, the code enforcement official
198 may record a judgment lien against any real property owned by the responsible party, to the
199 extent allowed by law.

200 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and
201 penalties, including the county's cost for abatement if applicable, and the terms of the
202 judicial order are deemed satisfied, the code enforcement official shall record a notice of
203 satisfaction of judicial order and shall release the lien as required by law.

204 (j) *Appeals.* A violation determination under this section shall only be appealable to district
205 court.

206 ...

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

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

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

211 **...Sec. 108-7-6. – Garbage, junk, and weeds unlawful.**

212 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant
213 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain
214 on or about the premises whenever it is unsightly and in public view, or whenever it is
215 dangerous to the health, safety, and welfare of the people of the county. Every owner or
216 occupant of land is hereby required to remove, or provide for the removal of, such garbage,
217 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,
218 or a nuisance.

219 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,
220 manufacturing, and institutional properties, including their perimeters and any adjacent
221 parkways or unimproved portions of public rights-of-way. The yard portions of the property
222 visible from the public right-of-way shall be maintained so that the property's appearance does
223 not detract from the appearance of the neighborhood.

224 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental
225 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
226 within a building or enclosure where it is not visible from a public or private way or other public
227 or private property and which does not constitute a nuisance, endanger or adversely affect
228 the health or welfare of the community, or the keeping of which does not violate any other law
229 or ordinance.

230 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
231 of this section shall make proper arrangements for the correction of the violation.

232 (e) *Public streets and other public property.*

233 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
234 or other public property in unincorporated areas of the county any garbage, inoperable or
235 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or
236 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
237 to the health, safety, and welfare of the people of the county.

238 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
239 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

240 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining
241 a pedestrian pathway shall also be required to ensure continual removal of snow from the
242 pathway.

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED OFFENSES INVOLVING REFUSE OR GARBAGE**

4 **~~Sec. 30-5-1. -- Definitions.~~**

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

7 ~~*Garbage* means household waste, food waste, all animal and vegetable refuse from kitchens or~~
8 ~~residences, hotels, cafes, restaurants and places where food is prepared for human~~
9 ~~consumption, including all animal and vegetable refuse from such kitchens, the materials in~~
10 ~~which such food products are packaged, and also all condemned, or decayed or unsound~~
11 ~~vegetables, meats, fish, fruit and all waste and offal therefrom markets, stores and factories and~~
12 ~~any other manner of refuse, rubbish or trash which in and of itself has no value.~~

13 ~~*Inoperable or abandoned vehicle* means and includes any trailer, semi-trailer or motor vehicle~~
14 ~~not currently registered and licensed in this state or another state, that cannot be operated in its~~
15 ~~existing condition because the parts necessary for operation such as, but not limited to, tires,~~
16 ~~windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are~~
17 ~~removed, destroyed, damaged, deteriorated, or nonconforming.~~

18 ~~*Junk* means all discarded metals, scrap metals, iron, glass, paper, wood, building materials,~~
19 ~~plastics, fiberglass which may have value secondhand but not in its present condition, unused~~
20 ~~or discarded bicycles, tricycles or other recreational vehicles or parts thereof, waste paper~~
21 ~~products, unused or discarded building materials, machinery or machinery parts, lumber,~~
22 ~~accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles,~~
23 ~~parts, or any other waste materials.~~

24 **~~Sec. 30-5-2. -- Appointment of inspectors.~~**

25 ~~The county commission, by and through its representatives, is hereby authorized and~~
26 ~~empowered to make inspection of properties within the unincorporated area of the county to~~
27 ~~determine whether there is any violation of this chapter.~~

28 **~~Sec. 30-5-3. -- Accumulation of garbage or junk prohibited.~~**

29 ~~It shall be unlawful for any person or persons to permit garbage or junk to accumulate or remain~~
30 ~~on or about the premises under the control of such person or persons whenever said items shall~~
31 ~~be unsightly and in public view, and/or dangerous to the health, safety and welfare of the people~~
32 ~~of the county; and every person or persons herein described is hereby required to remove, or~~
33 ~~provide for the removal of such garbage, junk, and other similar wastes before the same~~
34 ~~become objectionable, unsanitary or dangerous.~~

35 **~~Sec. 30-5-4. -- Exemptions.~~**

36 ~~This chapter shall not apply to items which are clearly accessory and incidental to any~~
37 ~~agricultural use permitted in the zone, or to items completely and lawfully enclosed within a~~
38 ~~building or enclosure where it is not visible from a public or private way or other public or private~~

39 ~~property and which does not constitute a nuisance, endanger or adversely affect the health or~~
40 ~~welfare of the community, or the keeping of which does not violate any other law or ordinance.~~

41 **~~Sec. 30-5-5.-- Responsibility for removal of garbage and junk.~~**

42 ~~Any person or persons upon whose property garbage, junk or any other similar waste has~~
43 ~~accumulated is hereby required to make proper arrangements for the removal thereof.~~

44 **~~Sec. 30-5-6.-- Depositing of garbage or other waste materials in public areas unlawful.~~**

45 ~~It shall be unlawful for any person or persons to place or deposit in or upon any of the public~~
46 ~~streets, alleys or parks of unincorporated areas of the county any garbage, debris, grass~~
47 ~~cuttings, leaves, tree limbs, branches, sticks, junk or other discarded items which may interfere~~
48 ~~with traffic both pedestrian or vehicular, and which may in any other way be dangerous to the~~
49 ~~health, safety and welfare of the people of the county.~~

50 **~~Sec. 30-5-7.-- Inspection of premises; notice to property owner.~~**

51 ~~It shall be the duty of the county commission's representative or an officer of the county sheriff's~~
52 ~~department to make careful examination and investigation of properties which may or may not~~
53 ~~contain violations of this chapter or any provision described herein which shall include the~~
54 ~~collection of garbage, or junk as herein defined on any property within the unincorporated~~
55 ~~county; and it shall be the duty of those above named to ascertain the names of the owners of~~
56 ~~and the description of the premises where such violation exists, and to serve notice in writing~~
57 ~~upon the owner or occupant of such land either personally or by mailing said notice postage~~
58 ~~prepaid addressed to the owner or occupant at the last known post office address as disclosed~~
59 ~~by the records of the county recorder, or assessor, requiring such owner or occupant as the~~
60 ~~case may be, to correct or remove the violation not later than 14 days after notice of the~~
61 ~~violation has been served or mailed. One notice shall be deemed sufficient on any lot or parcel~~
62 ~~of property and the subsequent lapse of said notice shall empower the county to take such other~~
63 ~~and further action as may be lawful.~~

64 **Part II**

65 **TITLE 101 – GENERAL PROVISIONS**

66 ...

67 **Sec. 101-1-7. - Definitions.**

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

70 ...

71 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"
72 means the minimum number of employees required to provide a particular service based on the
73 type and intensity of the service. Where employee generation values or FTEEs are not provided
74 by ordinance and a workforce consists of a combination of full- and part-time employees, the
75 FTEE shall be calculated by adding up the total number of employee hours worked during a
76 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent
77 employee number.

78 Garbage. The term "garbage" means household waste, food waste, and any other manner
79 of refuse, rubbish, or trash.

80 *Garage, private.* The term "private garage" means a garage shall be considered part of a
81 dwelling if the garage and dwelling have a roof and/or wall in common. Areas such as garages
82 are not considered livable space. The term "private garage" means an accessory building
83 designed or used for the storage of:

- 84 (1) Single-family: Not more than four automobiles owned and used by the occupants of the
85 building to which it is accessory and in which no business, commercial service or industry
86 is carried on;
- 87 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private
88 garage may be designed and used for the storage of 1½ times as many automobiles as
89 there are dwelling units in the multiple-family dwelling.

90 ...

91 *Independent living facility.* The term "independent living facility" means specially planned,
92 designed and managed multi-unit housing with self-contained living units. A retirement
93 community for senior citizens, age 55 or older, designed to provide supportive environments,
94 but also to accommodate an independent lifestyle. A limited number of support services, such
95 as meals, laundry, housekeeping, transportation and social/recreational activities, may be
96 provided; however, no medical services are provided.

97 Inoperable or abandoned vehicle. The term "inoperable or abandoned vehicle" means any
98 motor vehicle or trailer not currently registered and licensed in this state or another state; or any
99 motor vehicle or trailer that cannot be operated in its existing condition because the parts
100 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's
101 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,
102 deteriorated, or nonconforming.

103 ~~*Junk, inoperable or abandoned vehicle.* The term "junk, inoperable or abandoned vehicle"~~
104 ~~means and includes any trailer, semi-trailer or motor vehicle not currently registered and~~
105 ~~licensed in this state or another state that requires licensure, that cannot be legally operated on~~
106 ~~a public road in its existing condition because the parts necessary for operation, such as, but~~
107 ~~not limited to, tires, horn, brake lights, windshield, engine, drive train, driver's seat, steering~~
108 ~~wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, non-~~
109 ~~operative or nonconforming.~~

110 Junk. The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,
111 building materials, plastics, or fiberglass which may have value secondhand but not in their
112 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;
113 waste paper products; unused or discarded building materials, machinery, machinery parts, or
114 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles
115 or vehicle parts; or any other waste materials.

116 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for
117 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,

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

122 ...

123 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
124 dimensional regulations of the Land Use Code where such action will not be contrary to the
125 public interest and where, owing to conditions peculiar to the property and not the result of
126 actions or the situation of the applicant or previous owners, a literal enforcement of the Code
127 would result in unnecessary and undue hardship, other than an economic nature or self-
128 imposed hardship. A self-imposed hardship created by a previous owner is considered to run
129 with the land.

130 Weeds The term "weed" means any undesirable plant that the Utah Commissioner of
131 Agriculture designates as noxious; and also including all green debris, such as, but not limited
132 to, poison ivy, thistles, sticker plants, dyers woad, medus-ahead rye, leafy spurge, purple
133 loosestrife and other vegetation commonly considered weeds. It also includes ungroomed
134 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

135 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
136 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
137 except as otherwise provided herein.

138 ...

139 **Sec. 101-1-13. -- Reserved. General penalty; continuing violations.**

140 ~~(a) In this section, the terms "violation of this Code" or "violation of any provision of this~~
141 ~~Code" means:~~

- 142 ~~(1) Doing an act that is prohibited or made or declared unlawful, an offense, or a~~
143 ~~misdemeanor by ordinance or by rule or regulation authorized by ordinance;~~
144 ~~(2) Failure to perform an act that is required to be performed by ordinance or by rule or~~
145 ~~regulation authorized by ordinance; or~~
146 ~~(3) Failure to perform an act if the failure is declared a misdemeanor, an offense, or~~
147 ~~unlawful by ordinance or by rule or regulation authorized by ordinance.~~

148 ~~(b) In this section, the terms "violation of this Code" or "violation of any provision of this~~
149 ~~Code" do not include the failure of a county government officer or county government~~
150 ~~employee to perform an official duty unless this Code specifically provides that failure to~~
151 ~~perform the duty is to be punishable as provided in this section.~~

152 ~~(c) Whenever in this Code or any other ordinance of the county, an act is prohibited or is~~
153 ~~made or declared to be unlawful or an offense or a misdemeanor, or wherever in such~~
154 ~~Code or ordinance the doing of an act is required or the failure to do any act is declared~~
155 ~~to be unlawful, and no specific penalty is provided therefor, the violation of any such~~

156 ~~provision of this Code or any such ordinance shall be punished as a class C~~
157 ~~misdemeanor or by imposition of a civil penalty.~~

158 ~~(d) A person who has been convicted of a class C misdemeanor may be sentenced to a term~~
159 ~~of imprisonment not exceeding 90 days.~~

160 ~~(e) Each day any violation of this Code or of any ordinance shall continue shall constitute a~~
161 ~~separate offense. Any violation of any provision of this Code of Ordinances which~~
162 ~~constitutes an immediate danger to the health, safety, and welfare of the public may be~~
163 ~~enjoined in a suit brought by the county for such purposes. If any violation of this Code is~~
164 ~~designated as a nuisance under the provisions of this Code, such nuisance may be~~
165 ~~summarily abated by the county in addition to any other penalty imposed pursuant to this~~
166 ~~section.~~

167 ~~(f) The imposition of a penalty under the provisions of this Code shall not prevent the~~
168 ~~revocation or suspension of any license, franchise or permit issued or granted under the~~
169 ~~provisions of this Code.~~

170 ~~(g) The provisions of this Code may also be enforced and violations punished by any of the~~
171 ~~following methods:~~

172 ~~(1) The county planning director or designee is authorized to enforce these provisions,~~
173 ~~and any person, firm, corporation, or agent determined to be in violation shall be~~
174 ~~subject to all penalties and remedies available to the county as provided by law.~~

175 ~~(2) The county may institute any appropriate action or procedure to bring about~~
176 ~~compliance or remedy. The county may order discontinuance of the use of any land,~~
177 ~~water, or building, the removal of any building, addition, or other structure, the~~
178 ~~discontinuance of any work being done, or any other act when such use or act is in~~
179 ~~violation of this Code.~~

180 ~~(3) The county may institute a citation process pursuant to state law and may enforce this~~
181 ~~Code under applicable procedures.~~

182 ~~(4) Specific provisions of this Code may provide for additional remedies.~~

183 ...

184 **TITLE 102 – ADMINISTRATION**

185 ...

186 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

187 **Sec. 102-4-1. - Purpose and intent.**

188 The purpose of this chapter is to establish the requirements for land use permits from the
189 planning division and building permits from the building division. This chapter identifies the
190 responsibilities for enforcing the requirements of this Land Use Code, [and the penalties for](#)
191 [violating this Land Use Code.](#)

192 **Sec. 102-4-2. - Land use permit required.**

- 193 (a) In order to verify compliance with applicable regulations, all land uses that require a land
194 use permit or conditional use permit by this Land Use Code are prohibited until a land use
195 permit or conditional use permit has received final written approval from the appropriate land
196 use authority.
- 197 (b) No structure, including agricultural structures, shall be constructed, changed in use, or
198 altered, as regulated by this Land Use Code, until and unless a land use permit or, if
199 applicable, a conditional use permit, has received final written approval from the appropriate
200 land use authority.
- 201 (c) No application for permits or approvals governed by this Land Use Code shall be approved
202 for any lot or parcel until all unresolved zoning, subdivision, building, business license,
203 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as
204 part of the application, are resolved, unless approval of the application will resolve all of the
205 existing violations.

206 **Sec. 102-4-3. - Land use permit revocation.**

207 A land use permit or conditional use permit may be revoked for violation of any part of this
208 Land Use Code related to the specific use or permit in accordance with the following:

- 209 (1) Revocation shall be conducted by the land use authority that is authorized to approve
210 the permit.
- 211 (2) Prior to permit revocation, the land owner and, if different, permittee shall be given
212 reasonable opportunity to resolve the violation by bringing the property into compliance
213 or by diligently pursuing an amendment or modification to the permit, as may be allowed
214 by this Land Use Code.
- 215 (3) In the event compliance cannot be attained the land owner and, if different, permittee
216 shall be given a notice of the impending permit revocation 14 days prior to final
217 revocation. The notice of the impending permit revocation shall specify the violation, and
218 inform the land owner and, if different, permittee of the right to request a hearing.
- 219 (4) The land owner and, if different, permittee shall have a right to a hearing with the land
220 use authority to show cause for why the permit should not be revoked, if a written request
221 for such is submitted prior to a final written revocation decision. If a hearing is requested,
222 final revocation of the permit shall be stayed until after the hearing. The hearing shall be
223 scheduled at a time specified by the land use authority.
- 224 (5) Revocation of a permit is final upon the issuance of a final written decision. The final
225 written decision may be appealed pursuant to title 102, chapter 3.
- 226 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on
227 account of the violation, as provided in this Land Use Code or any other applicable law.

228 **Sec. 102-4-4. - Code enforcement.**

229 (a) General penalty; continuing violations.

- 230 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this
231 Land Use Code" means:

232 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a
233 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land
234 Use Code;

235 b. Failure to perform an act that is required to be performed by the Land Use Code or
236 by rule or regulation authorized by the Land Use Code; or

237 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or
238 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use
239 Code.

240 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this
241 Land Use Code" does not include the failure of a county government officer or county
242 government employee to perform an official duty unless this Land Use Code specifically
243 provides that failure to perform the duty is to be punishable as provided in this section.

244 (3) Unless more specifically provided for in this Land Use Code, the violation of any
245 provision of this Land Use Code shall be punished as a class C misdemeanor or by
246 imposition of a civil penalty.

247 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate
248 offense. Any violation of this Land Use Code that constitutes an immediate danger to the
249 health, safety, and welfare of the public may be enjoined in a suit brought by the county
250 for such purposes.

251 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent
252 the revocation or suspension of any license, franchise, or permit issued or granted under
253 the provisions of this Land Use Code.

254 (6) The provisions of this Land Use Code may also be enforced and violations punished by
255 any of the following methods:

256 a. To remedy a violation of this Land Use Code, the county may order discontinuance
257 of the use of any land, water, or building; the removal of any building, addition, or
258 other structure; the discontinuance of any work being done; or any lawful act.

259 b. Specific provisions of this Code may provide for additional remedies.

260 (b) *Authorization of code enforcement official, powers and duties.* The county's planning
261 director or designee is designated as the code enforcement official and is ~~authorized as the~~
262 ~~official charged with enforcement of~~, empowered, and directed to enforce this Land Use
263 Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided by
264 law. The county's code enforcement official is hereby authorized, empowered, and directed
265 to make inspection of properties within the unincorporated area of the county to determine
266 whether there is any violation of this Land Use Code. This authorization extends to all
267 methods of inspection allowed under the state and federal constitutions.

268 (c) *Notice of violation, time to cure.* When a violation is found, before taking any other
269 enforcement action the code enforcement official shall serve notice of the violation in writing
270 to the owner or occupant of the land. The notice shall:

- 271 (1) Be delivered personally or by certified mail to the owner or occupant at the last known
272 post office address as disclosed by the records of the county recorder, or assessor;
- 273 (2) State the specific code or codes being violated, and explain the nature and extent of the
274 violation; and
- 275 (3) State that the owner or occupant, as the case may be, shall correct or remove the
276 violation no later than 14 days after notice of the violation has been delivered personally
277 or mailed.
- 278 (d) Alternative time to cure. Within the 14 days as specified in Section 102-4-4(c), the owner or
279 occupant may arrange an alternative remedial schedule with the Code enforcement official.
280 The alternative remedial schedule shall be no greater than is reasonable and necessary
281 given the extent of the violation and the owner or occupant's ability to cure.
- 282 (e) Single notice sufficient. One notice shall be deemed sufficient on any lot or parcel of
283 property and the subsequent lapse of the notice period shall empower the county to take
284 other and further action as may be lawful.
- 285 (f) Administrative citation and fines. After issuance of a notice of violation, as specified in
286 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative
287 citation and fine may be issued for any violation of this code.
- 288 (1) The fine schedule is as follows:
- 289 a. First charge or violation: \$100 per violation per day.
- 290 b. Second charge or violation: \$200 per violation per day.
- 291 c. Third or subsequent charge or violation: \$400 per violation per day.
- 292 (2) An additional charge or violation specified by this section is applicable in circumstances
293 when an earlier violation has been resolved with all applicable fines and other costs paid
294 but the same violation reoccurs within a 12-month period of time.
- 295 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
296 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may
297 petition the applicable court for a judgment against the owner or occupant in the amount
298 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
299 petitions may be combined into one action.
- 300 (g) Abatement. If a property owner or occupant fails to correct or remove the violation from the
301 property after receiving an administrative citation, the county may petition the applicable
302 court for a judicial order enabling the county to remove some or all violations from the
303 property and ordering the property owner or occupant to pay all costs associated with
304 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
305 the provisions of State Law, the county may take any action as authorized by law in addition
306 to any other penalty imposed pursuant to this section.
- 307 (h) Judgment lien. Once a judicial order has been obtained under this section, ordering a
308 property owner or occupant to pay fines or abatement costs, the code enforcement official

309 may record a judgment lien against any real property owned by the responsible party, to the
310 extent allowed by law.

311 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and
312 penalties, including the county's cost for abatement if applicable, and the terms of the
313 judicial order are deemed satisfied, the code enforcement official shall record a notice of
314 satisfaction of judicial order and shall release the lien as required by law.

315 (j) *Appeals.* A violation determination under this section shall only be appealable to district
316 court.

317 ...

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

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

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

322 ...**Sec. 108-7-6. ~~—Reserved~~ Garbage, junk, and weeds unlawful.**

323 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant
324 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain
325 on or about the premises whenever it is unsightly and in public view, or whenever it is
326 dangerous to the health, safety, and welfare of the people of the county. Every owner or
327 occupant of land is hereby required to remove, or provide for the removal of, such garbage,
328 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,
329 or a nuisance.

330 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,
331 manufacturing, and institutional properties, including their perimeters and any adjacent
332 parkways or unimproved portions of public rights-of-way. The yard portions of the property
333 visible from the public right-of-way shall be maintained so that the property's appearance does
334 not detract from the appearance of the neighborhood.

335 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental
336 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
337 within a building or enclosure where it is not visible from a public or private way or other public
338 or private property and which does not constitute a nuisance, endanger or adversely affect
339 the health or welfare of the community, or the keeping of which does not violate any other law
340 or ordinance.

341 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
342 of this section shall make proper arrangements for the correction of the violation.

343 (e) *Public streets and other public property.*

344 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
345 or other public property in unincorporated areas of the county any garbage, inoperable or
346 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or

347 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
348 to the health, safety, and welfare of the people of the county.

349 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
350 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

351 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining
352 a pedestrian pathway shall also be required to ensure continual removal of snow from the
353 pathway.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §101-1-7 and §108-7 to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions.
Agenda Date:	Tuesday, July 09, 2019
Applicant:	Weber County Planning Division
File Number:	ZTA 2019-01

Staff Information

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

Applicable Ordinances

- Weber County Land Use Code, Title 101, Chapter 1 (Definitions).
- Weber County Land Use Code, Title 108, Chapter 7 (Supplementary and Qualifying Regulations).

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The current Uniform Land Use Code of Weber County, Utah (LUC) defines the term "Agricultural Parcel" as follows:

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

In order to remove regulation from the definition, the county is proposing to eliminate the last sentence of the existing definition. A definition for the term "agricultural building" is also being proposed so that a new section (see exhibit A) can regulate exemptions for agricultural buildings. The proposed amendments to the land use code will ensure that the county's regulations conform to the state regulations regarding agricultural building exemptions.

Conformance to the General Plan

This proposal conforms to the goals of the West Central Weber County General Plan, including the protection of rural character, lifestyle, and atmosphere (West Central Weber County General Plan Vision Statement, pg 1-6).

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend approval of the text included as Exhibit A of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.
3. The changes will enhance the general welfare of County residents.

Exhibits

- A. Proposed Ordinance – Clean Copy.
- B. Proposed Ordinance – Track Change Copy.

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Part II - Land Use Code

Title 101 - General Provisions

• **Sec. 101-1-7. - Definitions**

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit.

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with on-site agricultural use.

...

Title 108 - Standards

Chapter 7.- Supplementary and Qualifying Regulations

...

• **Sec. 108-7-34 - Agricultural Building Exemption**

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

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