

WESTERN WEBER PLANNING COMMISSION

AMENDED MEETING AGENDA

July 14, 2020

5:00 p.m

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

1. **Minutes for December 10, 2019**

Petitions, Applications, and Public Hearings:

2. **Administrative items**

- 2.1 **DR 2020-04:** Consideration and action on a design review application to allow a residential accessory garage that exceeds double the dwelling's footprint by 130 sq. ft. at 4157 W 2200 S in Taylor, UT.
Applicant, David McGinnis; Staff Presenter, Scott Perkes
- 2.2. **CUP2020-10:** Consideration and action on a conditional use permit application for an Agri-Tourism operation identified as the Happy Pumpkin Maze.
Applicant, Blair McFarland; Staff Presenter: Felix Lleverino

Petitions, Applications, and Public Hearings:

3. **Legislative items**

- 3.1 **ZTA 2020-06:** Consider and take action on a proposal to amend the Weber County Code, Chapter 104-3, 108-7, among other parts of the code, if applicable, to allow the cultivation of medical cannabis in the A-2 Zone.
Staff Presenter: Charlie Ewert
- 3.2 **ZTA 2020-04:** Public hearing to consider and take action on a proposal to amend the Weber County Code, Chapter 106-2 and 106-4 to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.
Staff Presenter: Charlie Ewert
- 3.2 **ZTA 2018-05:** Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.
Staff Presenter: Steve Burton

4. **Public Comment for Items not on the Agenda:**

5. **Remarks from Planning Commissioners:**

6. **Planning Director Report:**

7. **Remarks from Legal Counsel:**

8. **Adjourn to Work Session**

WS1: Discussion about short-term rentals in Weber County and regulatory options.

Staff Presenter: *Scott Perkes*

WS2: ZTA2020-03 Discussion regarding a proposed accessory dwelling unit ordinance.

Staff Presenter: *Tammy Aydelotte*

WS3: Follow-up discussion for a proposal to amend the Weber County Code, Chapter 106-2 and 106-4 to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.

Staff Presenter: *Charlie Ewert*

WS4: Training for Ex parte Communications and Conflicts of Interest

HOST: Steve Burton

Join Zoom Meeting

<https://us02web.zoom.us/j/89457478318>

Meeting ID: 894 5747 8318

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The Virtual Meeting will be held via Zoom.

A Pre-Meeting will be held at 4:30 p.m. via ZOOM. 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 for the Western Weber Planning Commission meeting of December 10, 2019, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Bren Edwards
Andrew Favero
Gene Atkinson
Janette Borklund
Greg Bell
Wayne Andreotti
John Parke

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner; Steve Burton, Principle Planner; Felix Lleverino, Planner II; Tammy Aydelotte; Planner I; Matt Wilson, Legal Counsel; Angela Martin, Secretary

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

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

Petitions, Applications, and Public Hearings

New business

1. Administrative items

- 1.1 SPE 2019-02:** Discussion and action on a conceptual sketch plan endorsement request for a Cluster Subdivision located at approximately 3800 W 1800 S.

Applicant: Lync Construction; Staff Presenter: Tammy Aydelotte

Ms. Aydelotte states that this is a 40-acre parcel in the A-1 Zone. The applicant has submitted a sketch plan for a 56 lot subdivision. Acreage and density only allows for 54 lots when they do submit their subdivision application they need to make sure they are compliant with the cluster code. There are 4 acres of the road with the net developable acreage it gives them 36 acres of net developable space, with the request of bonus density they would be required to show a minimum, of contiguous open space.

Commissioner Bell states that if the open area is going to be agricultural there needs to be some open space. Ms. Aydelotte states that they would require an easement for that, or off of their road. They are looking to connect through the neighboring subdivision and there has been some discussion regarding requiring some trails. There has been some discussion regarding a trail easement beyond, that more detail is not required until the subdivision application.

Pat Burns 1407 N MTN RD, states that he has another concept drawing. There is a road that goes out, to get heavy equipment in. He states that they would like to have a trail all around the open space and then 500 ft there will be trails. Mr. Burns gives an overview of the new concept plan. Chair Edwards asks if the open space will be agricultural. Mr. Burns states that it will be agricultural, but he is not sure to what extent. He states that he would like to either farm it or build a horse corral or a riding arena. Chair Edwards states that based on the type of soil in the area he would recommend a requirement to test the ground and verify that it is farmable. Part of the cluster code requires that the area left for open space or agricultural preserve has to be cultivated and be producing ground. Commissioner Parke states that he likes that the open space is being kept together. Commissioner Atkinson asks what the plan for

open space is, he asks if there is access from outside the subdivision. Mr. Burns states that access is through the subdivision. He notes that it is a 60ft or 66ft right of way. He notes that they are still in the planning process.

Chair Edwards asks if there are any more questions. There are none.

Commissioner Bell states that he would like to add the condition that the soil is tested to make sure the open space is the most fertile piece of ground. He asks how this is determined. Director Grover states that they would need to look at the drainage in the area, make sure they have water rights, and do a soil analysis to make sure that there is an ability to farm it. Ms. Aydelotte states that regarding the width of the road engineering will typically guide the applicant towards the width that they would like to see. Chair Edwards states that he would like them to look at the States manual on low impact development, less curb and gutter and more swells type drainage feature. Ms. Aydelotte states that they can look at that when the applicant applies for subdivision approval. Mr. Burns notes that this is one reason they are looking at the 66 ft right of way to add swells. He notes that this is his preference.

1.2 SPE 2019-03: Discussion on a sketch plan endorsement request for Vaquero Village Cluster Subdivision Amended.

Applicant: Justin Burrow; Staff Presenter: Felix Lleverino

Felix Lleverino states this request is for an amendment because the Vaquero Village Cluster subdivision is a recorded development. There are a couple of homes in this development already. When Vaquero Village was first approved it was on the old cluster code. Staff wants to make sure that it is up to date with the new ordinance. The zoning in the area is A-1 and A-2. The applicant is proposing to increase the lot sizes and some additional 10 acres open space. He notes that the previous packet that was sent out did not include the 8.33-acre piece. The applicant is hoping to get feedback totals 38 acres. Mr. Lleverino states that he deducted the area that is being used for roads and came up with a density of 30 acres minus the 2.5 acres for the road. He notes that the minimum requirements for preservation in the A-1 and A-2 zoning is 30 percent. The applicant is preserving more than they are required. Mr. Lleverino gives an overview of the density. Lot 21 does not have frontage, something needs to be done to provide frontage for the lot. It was meant to be left as open space.

Commissioner Favero asks if the lot sizes are less than what is required for the zoning. Mr. Lleverino states that the minimum lot size is 40,000 sq. ft. the cluster code allows them to go down to 20,000 sq. ft. The proposed lot sizes range from 20,000 to 30,000.

Justin Barrow 2579 W 2725 N, thanks to the Planning Commissioners for their time. He states they are an existing cluster subdivision that is proposing to vacate their existing cluster and move into the new ordinance. He notes that they do not get to use their detention basin as open space. They have built a beautiful lake it is aesthetically pleasing to the homeowners it can no longer be used as part of the open space. They prefer the more open less sidewalk approach. There will be 4 lots on the East side of 7900 W of the new road. They are proposing 3 lots and 5.38 acres of open space be adjoined to the landowner. They already have a buyer and someone ready to build there. Part of the agreement is that he will have an alfalfa field and a horse arena there. In the amendment in the vacation of the other subdivision lots 14, 15, and 16 will be added. They were previously open space, that area was acquired at a later time.

Chair Edwards asks where access to the 6-acre lot will be. Mr. Burrow states that the access will be through his lot and there will be a right of way from 900 S a dirt road on the back of the lots into that property. There will be an equestrian facility, which will be accessible to all of the owners. He notes that if they get approval from the County they will no longer be under an HOA.

Commissioner Atkinson states that there were recently some changes in the Department of Environmental Health that made some changes on septic systems and added replacement system space that could not be built on. He asks if this is part of the plan. Mr. Burrow states that there are currently 6 homes in, at this point, and 2 nearly liveable homes. All of the 13 lots are sold and have plans to be built on. He notes that they feel that half-acre lots are optimal size.

Commissioner Andreotti asks if the secondary water will be pressurized. Mr. Burrow states that they have designed a water flow system. He states they used their irrigation shares to put in a lake. The homeowners have a box on their property and they can pump as they need it. The open space on both parcels both have water and has the optimal farm ground. They are in production.

Commissioner Bell states that it is important to make sure that lot 21 remains with lot 20. If they are currently the owner there needs to be something recorded on the plat that those need to be sold and maintained together. Mr. Burrow states that he agrees, the reason that did it this way was because of the greens space requirement. There will not be any need for funds to be escrowed.

Commissioner Favero asks where the proposed equestrian area was. Mr. Burrow states that it is the 5.3 acres on the east side. He notes that he has a friend that will put a roping arena there. Commissioner Favero asks if this area will be open to all the landowners. Mr. Burrow states that the lake is built now, and it has fish in it. That area will be open to the landowners. There will be a trail right across the street from West Warren Park. they are hoping this will be like a city center.

Chair Edwards asks if there are any more questions.

Mr. Lleverino states that concerning the trails, they will be looking at block lengths. If they are not putting in roads to meet the 500 ft or 1300 ft block lengths, this is usually when they look for some type of connector. Part of fulfilling that requirement would be having some type of trail that the residents would be able to use as a thoroughfare through the development. This will be looked at with more detail when it is brought before the Planning Commission for preliminary approval.

2. Legislative items

a. New business

2.1 ZMA 2019-05: To consider and take action on a request to amend the Weber County zone map to rezone approximately 4.59 acres from RE-15 zone to R-1-10 at approximately 6224 S 2225 E, Ogden Applicant: Randy Moore; Staff Presenter: Steve Burton

Steve Burton states that this is an application for a rezones located at 6224 S 2225 E it is near the South Ogden the Uintah boarder. It is currently zoned RE-15 and the request is to change it R-1-10. He notes that currently, RE-15 says you have to have 15000 sq. ft. for a lot. R-1-10 that you need 10,000 sq. ft. for a lot. The proposal is for a 13 lot subdivision. He noted in the staff report that staff does not recommend tying this lot layout to any kind of approval because there will need to be a stub road all the way through. Mr. Moore submitted some of the floor plans and home designs. RE-15 and R-1-10 have some of the same uses.

Randy Moore 9691 Granite Woods Cir, states this is an infill piece. The parcel has been left for a long period. Looking at the width of the parcel straight down the middle there are 142 ft on each side of that road. He states that they need to see what the requirements are. Many municipalities are looking at affordability. He notes that they are open to that. Looking at the R-1-10 It is very conducive to the existing area. Going from 142 width lot to an 80 ft width minimum the lots are still large with the restrictions of width. If all the lots are averaged out the become 12800 sq. ft. lot average .3 acres lots. R-1-15 requires a 100 ft minimum width. The General Plan is low density 3 to units. He states that he is not sure how it is calculated with the road or without the road, with the road it is 2.9 units per acre. If you exclude the road it is close to 4 units. He states that they are looking to build very nice homes. Some of the plans are very preliminary, others will need to be configured to fit the specific site. They anticipate a number of the homes having 3 car garages.

Commissioner Borklund asks what the plan for the detention basin is. Mr. Moore states that this plan is conceptual. State law requires detention on all sides. They will need to study the area further, but the estimate at this point is that it would be incorporated in the lot that is adjacent to a lot of their yard. Once the whole site has been calculated they look at what the size would be. At this point, they do anticipate it being more than 2 to 3 feet deep. The hopes are that it be incorporated into their yard and possibly maintain it. It is preliminary at this point. He states that they will analyze all that and make determinations. Commissioner Borklund asks if they would consider bringing the access into the subdivision to the other side of the stop sign. Mr. Moore states that it is a unique piece because it comes to a point, if they went straight out they would end up in the intersection. They will look at that to see if it works better to go in the other direction. He does not believe it will change much.

Mr. Moore states that on the conceptual there is a sewer main and a storm drain pipe that goes through and that is what dash line is. In the R-1-10 zone, it would work well because the lot lines line up to that. They anticipate that they will bring that line to the easement and pick it up in the road and abandon the other and bring it down the road.

Commissioner Atkinson asks if they own the land or if the sale is contingent on approval. He states that it not contingent on approval, but it is under contract is it contingent on the analysis of it.

Commissioner Borklund states that in the analysis they said they wanted to reduce the side yard setbacks in the zone. She notes that South Ogden, Uintah, and Ogden all have 10 and 12, 24 total. She states that she would like to keep it at that because consistent with the area. He states that in some cases, the municipalities want a larger side yard and distance between the homes. The distance between the homes sometimes limits the size of the home. They could look at having some narrow deeper homes and still incorporate 3 car garages.

Mr. Burton states that when it comes to rezones they look to the General Plan as a guiding plan. The General Plan states that this area could be 6000 sq. ft. lots at 8 units per acre. Staff has determined that it does meet the intent of the General Plan. Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2019-05, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation comes with the following findings: 1. The Southeast Area Comprehensive Land Use Master Plan (the general plan) recommends the uses and densities of the R-1-10 zone. 2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning. 3. The surrounding land uses do not pose a conflict with the proposed zone, and the new uses of the proposed zone are anticipated to fit into the area harmoniously. 4. The proposal meets the intent of "low density" rather than "very low density" residential development as outlined in the Southeast Area Comprehensive Land Use Master Plan (the general plan).

Commissioner Borklund states that the General Plan indicated that there should be a park in the community. Mr. Burton states that it doesn't say this the parcel in question is supposed to be a park.

Chair Edwards states that it is a privately owned park now. There isn't a park district in the area, to facilitate the action of a park. He notes that there is not a lot they can do as a Planning Commission. It's private and it, not a publicly owned park to be able to say. Mr. Burton states that there are plenty of options. The Commission has wide discretion when it comes to approving legislative items such as this. He notes that they can forward a positive recommendation, based on the fact that it meets the intent of the General Plan. He states that they also have the option of recommending denial for an objective reason to the County Commission. This area has been plated as 15,000 sq. ft lots it was plated in the 70s and the 80s. The 3rd option would be to table to the request. He states that staff sent out all the noticing, even though state and code don't require it.

MOTION: Commissioner Borklund moves to open the public hearing. Commissioner Bell seconds. Motion carries (7-0)

Chair Edwards notes that Mr. Burton Received an email from Paul Kriekard 2249 E 6275 S. Mr. Kriekard is a resident near the proposed rezoning area. He is opposed to the rezoning. In the last area with any green space in this area of Weber County to cram, more houses and pavement into this area would adversely affect the residents in this neighborhood. Indeed it would be for the best if this area remained greenspace so that the people in this area could enjoy the same pleasures as those near the Weber County fairgrounds or near many parks that Ogden City had the foresight to the layout.

Michael Healy 6253 S 2275 E, He notes that his home is adjacent to the property in question. He states that he moved to the area because of the open space. With this proposal, he would have three new neighbors along the back fence. The Master Plan is being used as justification but the plan also called for a park in this area. He asks where the parks are envisioned in the Master Plan. The Master Plan also talked about the nearby golf course. The golf course is now filled in with houses. The park would soon be filled in with houses. He adds that from his kitchen the area is used throughout the day every day. When driving to get out the main entrance to the convergence of Harrison Blvd and Washington Blvd a 500 unit development and the businesses on Fashion Point Dr. This area is highly congested. He asks, does there need more homes and more density make sense at this point? Open space and parks are what is lacking in that area. There was a mention of the Master Plan which was written in 1971 and it has an expiration date of 1990. He states that he read the Master Plan it 250 pages it shows that he is in neighborhood 9. The population at that time was 47 and the family income was 6300 dollars. Master Plans and General Plans include a public comment period. He asks how old

he would have to have been to speak at the public comment portion of that meeting. He feels that because the plan is so old he has had no input. General Plans are guides that can extend to 20 years. He called Evan Curtis he is the State Planning Coordinator, They discussed General Plans and it is his opinion that General Plans should be updated as often as possible, and the Uintah Highlands Master Plan is approaching 50 years. Mr. Healy states that he has read the plan for the surrounding areas in the Ogden Valley plan written in 2016 there is no mention of the term low density. In the Western Weber Plan written in 2003 and amended in 2019 there mention of low density twice but not as a definition, it says predominantly low-density agricultural area. He proposes that if a new Master Plan is written that would not be included. The Master Plan calls for a Junior High in the area. He notes there should be 2.5 acres of parkland for every 1000 people. Parks should be within a half-mile of the homes they serve. Parks should be between 40 and 100 acres. The purposed park was never realized. The neighborhood is made of 66 Percent residential now. This proposal gives the community more of what they have most which are housing and less of what they have least which is parks. Parks make up half of one percent of the area that he lives in and it is about to get smaller.

James Beck 6193 S 2175 E, states that he is confused as to why Staff is recommending this property rezoning to be approved. He asks how Staff knows that it will promote the general welfare of the community before the public meeting. They can ask anyone in the people in the audience, they will say that it does not promote the General Welfare of the community. Staff's recommendation states that the surrounding land use does not cause a conflict with the proposed zone. Mr. Beck states that it does. The proposed zone creates a spot zone this is one zone surrounded by another. This is a conflict to the owners of the surrounding land and there is no public interest. Spot zoning is only acceptable if it serves a purpose to the public interest. This only serves the interest of the developer. The new uses of the proposed zone are anticipated to fit into the area harmoniously. Mr. Beck asks how staff can know this. He states that he does not understand this if they are just now allowing public hearing with limited time. Regarding the spot zoning, the staff report states that the RE-15 zone and R-1-10 zone are similar enough to not create significant concern regarding adjacent conflicting uses. The public believes there is a significant concern to people who live adjacent to the vacant land. Concerning the staff's recommendation that this request is anticipated and recommended for not just the subject property but also adjacent properties. He asks what that means. He notes that there are no adjacent properties available of any kind for construction or rezoning. This property is an island of one zone surrounded by another. Nothing said in the paragraphs regarding spot zones. If the Planning Commission is concerned with a proposed R-1-10 island more consideration could be given to rezoning other surrounding lands. There is no other surrounding land. He notes that this is why there are so many people at the meeting because this is the only piece of an open piece of land. In the premeeting, there was some discussion regarding having a park district to take advantage of open space. He notes that there is no open space to take advantage of. For the decade's Weber County has done rezones and there is nothing left.

Sarah Wichern 6261 S 2125 E, states that she is the Community Council President at Uintah Elementary. Last year they started getting students from the 300+ high-density housing, overcrowding is a big issue. The teachers and principle are concerned. She states that it is a difficult burden. She states that she is a licensed civil engineer, and she has looked at the comments and the plans from the developer. Currently, it is RE-15 which allows a certain quality of homes to be built. The developer admitted that to build quality homes he needs to reduce the side yards and needs to change the zoning to build consistent with the quality of the neighborhood. It is valuable that many lots can be placed on the property. Changing the zoning benefits the developer and the seller does not benefit the community, and it is not fair to make those changes without considering the impacts.

Brad Chapell 1931 E 6200 S, states that is speaking on behalf of his mother in law and brother in law that lives across the street and his wife's uncle. He states that he has 3 main contentions why they are opposed to the rezoning and urge the Commission to keep it a RE-15.

The first is the continuity of homes and land size in the area. In the staff report, they mentioned the continuity of homes and land size in the area and harmonious with what is existing. He argues that existing would be to keep it where it currently is. Secondly, he notes that the traffic and currently struggling infrastructure exiting Skyline to highway 89 is already an issue. It's unsafe, the traffic and where people are parking in that area. There were some high-density condos added in that area and you can see the negative effects in the area. Third, he states that his wife's family has live there since 1946. They were one of the first farms in the area. In the 75 years that they have lived there, they watch the neighborhood grow into a great place to raise a family. In the early 90s, they met with a committee to halt a high-density proposal. In the last year, townhomes have completely changed the traffic and the nature of the neighborhood. He states that they would like to speak out against this proposal. He would rather keep it the way so that it remains harmonious to where the neighborhood is.

Barbara Lindley 6254 S 2225 E, states that many homes being placed on that small piece of land. The other R-1-10 lot that was recently built on, built 9 homes. People who built homes in the area built homes according to the covenant. There are problems in

the area with snow removal. There is a water system and less noise than a lot of neighborhoods. There is congestion due to traffic. There are less crime and fewer fires in the homes. The people in the area currently maintain the continuity of their buildings and their homes and the neighborhood. Some children play up and down the sidewalk, they walk to the school. They want to protect the special view that they have of the mountains which would be lost entirely with the height of the new homes. She states that the view was one of the reasons they chose that area. She thanks the Commissions for listening.

Colten McSwain 6198 S 2375 E, he also owns 6197 S 2375 E. He states that he is concerned regarding the congestion. He notes that he understands that this is in its conceptual stage, but to close a door that was somewhat open with the agenda there was a code that was mentioned 106-2-3 it says "might require this to be a through a street that connects to adjacent properties to the East. If the property is rezoned and a subdivision has developed a connection to an undeveloped property may be required by the land-use code" He states that he is not willing to give access through his property. It is developed, there is sewer, water, and gas. There is landscaping, fencing, and outbuildings for farm animals. He does have animals on the property, there are four parcels there, and it is slightly over eight acres. He states that he believes that it would have a negative impact. He feels that this proposal might set a precedent and his land would be rezoned in the future. He wants to let it be known that he would not allow a through road placed there, should the Commission say that it will be needed. The exits in and out of the area are difficult due to the high-density condos that were placed in the area. He states that he appreciates the Planning Commissions time.

Bruce Nelson 6175 S 2175, states that he owns a company named Nelson Homes. He is very familiar with land development. There are two issues that they have been dealing with, the rezoning which would allow a smaller lot and requires more housing. in the surrounding area home values are ranging from 400,000 to 800,000. They are very nice. As a community, they would be more willing to consider zoning like this if it were isolated. Based on the maps presented the parcel is right in the middle of all the RE-15. If it had butted some of the commercial property or was difficult to develop it would make sense. Regarding the parcel to the North called Uintah View subdivision, the property owners and developers have butted their properties to the land. There was a concern for the residents about what was going to be built. They required some CC&R's to be recorded that would make sure that the housing in the area fit in with the surrounding housing. The developers of Uintah View wanted at least 1800 sq. ft lots. The sizes range from 1800 sq. ft to 2200 sq. ft. and the sales prices are in the range of 600,000 this is compatible with the area. The type of housing compensated for the smaller lots. He notes that if the zoned is changed they will be able to do what they want with it. They can build whatever they like. He states that the plans presented are not bad but they don't belong in the area. The two-story houses are small and simple. The rambler style is very simple plans. This is not an entry-level home area, the community wants homes that are already existing not detract or downgrade the community. By reducing the size of the lots you get more lots. The difference in the size of the lots is 45,000-50,000 dollars between the improvements and the cost of the land. Doing this will lower the price of the land and allow him to build something smaller. He notes that he hopes the Planning Commission will recognize that this does not belong in this community.

Anna Richardson 6265 S 2225 E, states that they are not opposed to the area being developed but the proposal is not consistent with the surrounding area.

Mika Ronmiller 6277 S 2225 E, states that they are a tight-knit community and they all love living there. One of the deficits is that they don't have a city organization looking out for them in terms of parks and open green space. The LDS property has kept this area open and available for public use for many years. It is his understanding that Weber County had an interest in buying the property and keeping it as green space. He states that the residents in that area feel like they are under assault, South Ogden added some 300+ units of high-density housing along Wasatch Blvd between Skyline and 5700. It is in South Ogden City but it impacts the Uintah area, they all go to their schools and use their facilities. Each of those 300+ units has 2 or 3 cars coming out of them. The traffic in the area is already incredibly congested. Other units have gone in that are different than the standard lot size is in the area. All of that congestion starts to cause concern for the people who have lived there for many years. If that area needs to be developed the lot sizes need to stay consistent. He states that if that is not financially feasible, he is hoping that Weber County would be willing to provide an offer that would allow it to remain a green space.

Patrick Murphy 6122 S 2375 E, states that he moved in the area 1979 and as a kid, there were miles and miles of acres of space to play in. He notes that its been slowly eaten up over several years and that is understandable there is progress but there is also greed and how these lots are chopped up not for the benefit of the community, but the benefit of someone else. He states that he purchased a home in the area because he wanted his children to experience the same kind of neighborhood that he grew up in. He is a school teacher and worked extremely hard to get into the neighborhood. He adds that there is an economic status associated with the area. His children have no green space to play in, the nearest park is over a mile away. It would be ideal for this park to be opened up as a public space.

Reed Connor 1952 E 6075 S, states that when he moved into the house over 40 years ago. He has witnessed the changes that have occurred and at certain times of the day he cannot drive out of his driveway, it is blocked because of the traffic jam that has been created. He has counted 25 cars lined up along Wasatch drive up 6075 S blocking his access to drive out of his home. The last thing he wants is more development to make the problem worse.

Elizabeth Call 2285 E 6175 S, states that she lives in a property surrounding this proposal. They would love to have this area as a park. She would like to oppose the rezoning. Lowering the lot size is not consistent with the area.

Wayne Hayes 2226 E 6150 S, he lives to the Southside of the Uintah Elementary. He moved in there 1973. At that time there were several changes made. When he first moved there was a regulation of 19,000 sq. ft. Now it is down to 15,000 and they are promoting going down to 10,000. This is encroaching on what they were promised in that area when they moved in. They are going downhill instead of staying with the status quo. This is a detriment to the area.

Kristy Polky 2058 E 6025 S, states if this property is sold and is zoned, the green space for the area is gone. Children in the area will not have a place to go. Uintah Elementary is the only other place for children to play, but it is usually occupied with sporting events. The area in question is the only green space left for the children to play in.

Landon Manning 6178 E 2300 E, states that this property has been there his whole childhood. They have been able to go out there with beautiful mountains and open fields. They have been able to use it for parties and make friends with the people. This the last little piece of land left, and he is not sure where he would have gone with his friends if the area was not there.

Jeff Longman 6260 S 2275 E, states that he is opposed to the rezoning. He wants to protect the investment that he made. It has been a huge sacrifice to buy into the area. All of the surrounding owners have invested in nicer properties with bigger lots and homes. They all want to protect their investments.

Tina Manning 6178 S 2300 E, asks the Planning Commission to not allow this proposal to go through. She states that looking into the bowery and the mountains every morning her heart sinks when she thinks about homes being put in there. The area means a lot to the community.

Chair Edwards closes the public hearing.

Randy Moore states that understands the emotion of those who spoke. He notes that in talking to the contacts of the LDS church, their concern has been in finding meeting house sites for new locations and they have decided to sell some of their parcels to offset the cost. He notes that regarding the concern of traffic, high-density homes, and apartment, his proposal is to bring only 13 homes. To the comment that it is not conducive to the area, the surrounding homes are 15,000 sq. ft. the proposed lots are 13,000 sq. ft. The difference between 15,000 sq. ft. and 10,000 sq. ft. is the number of lots. In this piece, it makes a difference of about 3 lots. On the day of submittal, Staff requested some renderings. Some of the homes shown are close to what they anticipate placing on the area. He states they will be designing homes that will be very nice for the area. They will be very conducive. They need to look at the size of the lots with the way it lays out. He hopes this is an area where people will want to welcome new neighbors. He notes that he understands that it is a change, he cannot control that. Change is not something that can be controlled. There was a question regarding the status of the property, he notes that they anticipate moving ahead with the property. Looking at the property and the size of the lot, and the majority of the buyers these are about the size of the lots they are looking for. In a lot of areas, these are still huge lots.

Commissioner Atkinson asks if they anticipate a need for another egress or access road into the subdivision. Director Grover states that typically they like to look at connectivity for future development. Regarding Colten McSwain's comment, he indicated that he will not give access through his lot. If he sells his lot that might change. It depends on the property owner whether they are willing to do that. Typically in most municipalities like connectivity. It makes it easier for emergency services and snowplows to get around. Cul de sac are areas where a lot of the time snow gets dumped. The Weber County Roads department has received hundreds of phone calls concerning this issue. Looking at connectivity it is looking at emergency response and things of that nature.

Commissioner Borklund states that this lot is plated as lot 1 of Highland Bluff Estates, to create a new subdivision does the initial lot need to be amended. Mr. Burton states that he is under the impression it is just section land and was not plated. He notes that if it is part of Highland Bluff Estates it would need to go through a subdivision amendment. Commissioner Borklund asks if the current

landowners have any say on how this happens. Mr. Burton states unless it is open space for the subdivision, the property owners of that phase do not have a say. If it was a common area they would have a say. Mr. Moore states when it was purchased by the LDS church there was an anticipation to build a chapel. I was platted as 1 lot, it is his understanding that it is not connected with the rest of the subdivision. He notes that concerning the stub street they do not see a need for a stub street and would not recommend a stub street. That stub street would go through Colten McSwain's property.

Commissioner Bell states that his main concern is the elimination of some publicly used land, that has been used as a park for a long time. He is also aware that there are some property rights issues that they need to be sensitive to. If someone owns that property they should have the right to develop it according to the General Plan. There is also a problem with the General Plan. It was developed 50 years ago, but it should have been updated over 30 years ago and it hasn't. Whether the lots should be 15,000 sq. ft. or 10,000 sq. ft. it should come down to what is harmonious with the area. There was a similar rezone that was approved recently. He asks how would they can approve that one and not the current proposal.

Commissioner Borklund states concerning Commissioner Bell's comment, the Uintah View Subdivision was on the edge of the community. It has a main road going in front of it. Neighbor voiced support for the smaller lot next to that subdivision. There was open space around it and it is on the edge of the community. This proposal puts the subdivision right in the middle of another community.

Director Grover states that they do not need to worry about basing their approval of what was previously done. It will be looking at the compatibility of the area. He states that it is in their purview to look at the compatibility and how the area has been built out. He notes that if they are looking at denying it, compatibility can be used as one of the findings for denial. He is not trying to sway anyone's decision either way. In looking for recommendations it is important to look at the General Plan, unfortunately, it is 50 years old, and it put Staff in a difficult situation. The General Plan does not reflect the existing land use. The existing land use has been developed as more than 15,000 sq. ft. lots. Looking at this issue as a Planning Commission it is important to look at those issues like compatibility and listen to the public comment and deliberate.

Commissioner Bell states that most of the concern is based on the fact that there is a park that is going to disappear. It is painful because he has experienced it. Concerning the land rights issue, if they move forward with the rezone the applicant will be granted different rights. He states that an option is that the public buys the property so that it does not get developed. They could get together and create a Park District and put an offer in for the property. He states that he understands this is easier said than done but once you own it you can do whatever you want with it.

Commissioner Parke states that the owners have rights to the property. He feels it that it is not sensible to make changes and enter findings based on a plan that is 50 years old. He notes that the recommendation in the staff report is implausible. There is no advantage in creating a spot zone other than to the developer. The outdated General Plan calls for all sorts of things that have not been followed. It can not be relied on at all.

Commissioner Atkinson states it sounds like a great community. He feels it is not within the Planning Commissions purview to decide if a park goes in that area, though he feels that a park is a great idea. They should consider staying in harmony with the 15,000. He wants to respect the public position.

Commissioner Andreotti states that he recognizes that the owner has property rights. It is also important to recognize the area where it is located, the history, and the way it has been built out. He feels it would be wrong to change the zoning.

Chair Edwards states that he believes in property rights and the continuity of the community. He feels bads that a park is going to be disappearing. The applicant could get close to the same amount from the RE-15 than from the R-1-10 zone.

MOTION: Commissioner Borklund moves forward a recommendation of denial to the County Commission regarding File# ZMA 2019-05, a proposal to rezone approximately 4.59 acres from the RE-15 zone to the R-1-10 zone. This recommendation is based on the findings that changes occurred in the area since the code was adopted showing different developments than what was West of Combe Road. The development of the community is RE-15, though consistent with the wording of the General Plan, it is not consistent with the pattern of the area. Property on three sides has been developed. To place R-1-10 in the middle of RE-15 would not be based on sound planning principles. Very low-density residential is more compatible with the existing and anticipated

development in the area. The property can still be developed with larger lots than the R-1-10. Commissioner Andreotti seconds. Motion Carries (7-0)

Director Grover states that this item will go before the County Commission and notices will be sent out to people that live within 500 ft. He notes that a lot of people did not receive a notice because they were not within the 500 ft area. Noticing is done as a courtesy if not required by states and County statues. The County Commission meeting will be sometime in January.

2.2 ZTA 2019-09: A public hearing to review and make a recommendation to the County Commission on a proposal to amend Weber County Code § 104-5, § 104-6, § 104-7, § 104-8, and § 104-25 to allow the cultivation and processing of medical cannabis, as required by state code. The proposed amendment will also provide minor edits to these sections for clarification purposes.

Presenter: Charlie Ewert

Mr. Ewert states that in the last year the public voted to legalize medical cannabis. In 2019 the legislature decided to tweak what the public adopted to what they felt would be easier to administer and would provide better protection. The State code is heavily regulating this use. Cannabis can only be grown indoors. It has to be in a secure facility. There has to be a certain size of the fence. They need to have 24-hour surveillance. They need to regulate the product through the same process to ensure it is the same product and there aren't any mistakes. The State has required that it be allowed in at least two of the zones. Every County or jurisdiction that has a manufacturing zone and the agricultural zone has to allow it in one of each. They need to choose in which agriculture zone and which manufacturing zone this use is going to be allowed in. Residences are allowed in A-1, A-2, A-3, M-1, and M-2 zone. Residences are not allowed in the M-3 Zone. It is important to note that most of these zones are evolving into residential uses based on market forces. There is other State and County regulation that state that certain things cannot happen within a residential zone. Clarifying this will help protect the zones that are evolving towards residential. There should not be a gravel pit or a medical marijuana grow operation in the middle of a residential area. A-1, A-2, and the AV-3 zone in the Ogden Valley are set as residential. The AV zone is set agriculture, it is a heavy agriculture industry that is the intended use in the zone. Residential is still allowed in the zone, 1 dwelling unit every 2 acres. It still has the potential to fill in and in the Reese area it has filled in. Commissioner Parke asks if this will be a permitted use or conditional. Mr. Ewert states that in the M-1 it is being suggested that it be allowed as a permitted use. In the A-3 zone, it is being recommended that it be listed as a conditional use. In addition to the conditional use standards and standard that are not conditional to be able to ensure accountability. 20 acres per lot and 100 ft set back all around, they will need to build walls, berms if there is a residence nearby. In the future, they might need to make additional improvements. He states he feels it is important to include is that be subject to the design review and architectural standards. They also will need to have a road that isn't substandard. Under the agricultural act, getting a license from the State of Utah to cultivate is a different license than the one required to process. There is a facility that is moving into the M-3 and they have the license to cultivate and are looking into getting the license to process. To get a license they need to put down 100,000 dollars. He states that the first step is growing and harvesting the plants. They are only allowed in the facility. They need rooms that will have a relative humidity and heat concerning the hanging and drying. He notes that the way Utah adopted the law the plants cannot be used for other purposes other than medicinal. Once they package it will be vacuumed sealed they need to transfer the numbers from the batch down the line. They will list all the information related to the particular strand and intended use and send it off to the State and processing lab. He notes that he is not sure if the State will own and operate that lab or just heavily regulate it. Concerning the transportation process. The laboratory will reject and destroy products that don't pass. Different products for different uses have different standards. They will be tested for their exact uses. He notes that the State thought they were going to have the Health Department run and operate the government dispensary. The Attorney General stated that it is a state-run issue and they have public employees, and it is still not legal in the United States. The State will need to figure out a different way to dispense the product. He is not sure where they are in this process.

Chair Edward states that he just wants to make sure they are following State Code. Mr. Ewert states that it was a little bit more than that. He tried to clean some things up and call some of the agricultural zones also residential. Not all of those things are required. It is required to find a way to write in the M-3 and A-3. Agriculture is allowed in both of those zones and the M-3 zone manufacturing processes are allowed. They already have the permitting based on that. They are disallowing it except in the M-3 and A-3 zones. Commissioner Borklund states that the State Law allows it in the agricultural zone and the manufacturing zone. It needs to be in one of each not just one of them. Mr. Ewert states that this is correct. If they only had one zone they would not need to create one. Commissioner Borklund asks if there are any separation requirements between the facilities. Mr. Ewert states that we could have all eight licenses operating in the County if that is what they wanted. Right now there is only one company asking questions. These are applicants and have gone through the building permit process. Director Grover states that ventilation is a big thing that the Building Inspections Department is looking at.

Commissioner Atkinson states that he does not like the idea of this use in the agricultural zones. Mr. Ewert notes that this is one of the reasons they decided on the 20 acres. It should not be cost-prohibitive for them, because of the intent to provide a buffer to protect the surrounding uses by having enough of a buffer. It would cost more money, but it is costing them 100,000 just to file for a license.

Commissioner Bell states that it might deter them and possibly encourage them to move into the M-3 zone.

Commissioner Faveros asks if they anticipate a lot of growth concerning this issue. Mr. Ewert states that it depends. It is based on the Legislature they are trying to avoid opening the flood gates. They are trying to take it slow. Commissioner Bell asks if the Legislature controls how much can be produced. Mr. Ewert states that he believes that they do, he is not aware of the specifics, but the particular company wants to get going because of a state-mandated to produce a certain amount. Chair Edwards states that the Department of Agriculture sent up a department to regulate this. Commissioner Favero states that he does not see it as a problem in the agricultural area. Even in A-1 depending on the size of the operation, other than what may be emitted. He notes that it is an indoor farm.

Chair Edwards opens the public hearing.

MOTION: Commissioner Bell moves to open the public comment. Chair Edwards seconds. Motion carries (7-0)

There is no public comment.

Chair Edwards closes the public hearing.

MOTION: Commissioner Parke moves to forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A and B). with the following findings, or 1. The amendment will directly address where the cultivation and processing of medical cannabis can occur in Weber County, as mandated by state law. 2. The A-3 zone and the M-3 zone are most appropriate for this use at this time. 3. The amendment is not contrary to the effect of the General Plan 4. The changes are not detrimental to the general health and welfare of county residents. Also subject to design review and architectural standards in the A-3 zone and M-3 zone, and the finding that it be consistent with State Law. Commissioner Bell seconds. Motion carries (7-0)

3. **Public Comment for Items not on the Agenda:** none
4. **Remarks from Planning Commissioners:** none
5. **Planning Director Report:** Planning Commission Dinner is scheduled for January 22nd at 6:30 PM at Jeremiah's.
6. **Remarks from Legal Counsel:** none
7. **Adjourn:** 7:52 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 design review approval of an accessory storage building that is more than twice the size of the primary dwelling's footprint.

Agenda Date: Tuesday, July 14, 2020

Applicant: David McGinnis

File Number: DR 2020-04

Property Information

Approximate Address: 4157 West 2200 South, Taylor

Project Area: 2.89 acres

Zoning: Agricultural A-1

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 15-199-0001

Township, Range, Section: T6N, R2W, Sec 28

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: SB

Adjacent Land Use

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

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 5 Agricultural (A-1)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 Design Review
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 4 (Area of Accessory Building)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 16 (Large Accessory Buildings - 1,000 Square Feet or Larger)

Background and Analysis

The applicant is requesting design review approval of a large residential accessory storage building that is approximately 2,816 square feet at 4157 West 2200 South in Taylor (see **Exhibit A** for the formal application). The property is zoned Agricultural A-1 and the lot is 2.89 acres.

County records indicate that there is a two-story 2,686 square foot single family detached dwelling currently on the property. The footprint of this dwelling is half of the dwellings overall area, equaling 1,343 square feet. The proposed accessory structure is a 2,816 square foot (44 foot by 64 foot) building (see **Exhibit C**). The building will be used for the personal storage of vehicles and equipment. The proposed building will be 12 feet from the west property line, 256 feet from the front lot line, approximately 333 feet from the rear lot line, and 88 feet behind the home (see **Exhibit B**).

Section 108-7-16, Large accessory buildings (1,000 square feet or larger), number (c) states "Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a **design review**". When compared to the dwelling's footprint (1,343 sq. ft.), the proposed structure (2,816 sq. ft.) is 130 square feet larger than double the dwelling's footprint (2,686 sq. ft.).

LUC Sec. 108-1 (Design Review) - 1 (Purpose) - "The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter (LUC Sec. 108-1) and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood".

Beyond the required Design Review, the following two sections of code are also applicable to a large accessory structure, of which this proposed structure has been found to be in compliance:

LUC Sec. 108-7-4, Area of Accessory Buildings, states *“No accessory building or group of accessory buildings in any residential estates zone, cluster subdivision, or PRUD shall cover more than 25 percent of the rear yard”*. Since this property is zoned Agricultural (A-1), there are no lot coverage standards.

Section 108-7-16, list the setbacks for large accessory buildings (1,000 square feet or larger) as follow:

(a) Accessory buildings 1,000 square feet or larger in area that accommodates uses meeting zoning requirements shall:

(1) Be located at least six feet from the rear of a dwelling in the residential estates zones and at least ten feet from the rear of a dwelling in the agricultural and forest zones.

(2) Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.

(3) Have a maximum height of 25 feet.

Exceptions: The side yard may be reduced to three feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outlined permitted land uses of the zone in which it is located, and all of the applicable requirements of the Weber County Land Use Code for the siting of a large accessory building.

Summary of Planning Commission Considerations

When reading through the requirements of LUC Sec. 108-1 (Design Review), it is evident that the chapter is primarily intended for more intensive uses such as multifamily developments, resorts, commercial and manufacturing buildings, etc. As such, the code lays out specific requirements for traffic, landscaping, buildings and site layout, easements and drainage, and any associated rezoning conditions. These considerations are not specifically geared towards residential uses. For this reason, staff has asked that the applicant provide higher level review materials such as architectural elevations, proposed materials and colors, and a site plan for the planning commission’s review and consideration. Based on these submitted materials, the commission will need to determine if enough information has been provided to evaluate the following considerations:

- Are the project layout and setbacks consistent with applicable requirements of the Weber County Land Use Code?
- Would this project impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood?
- Should any additional design elements be implemented as conditions of approval?

Conditions of Approval

Should the planning commission vote to approve this design review request, the following condition of approval would be necessary along with any other conditions that may be added by the commission:

- Satisfaction of all review agency requirements involved with the issuance of a Land Use Permit and Building Permit for the proposed structure.

Staff Recommendation

Staff recommends that the planning commission review the submitted review materials and determine if enough information has been provided in order for the above listed considerations can be adequately vetted. If so, the commission could approve the design review request with the above listed condition (along with any other conditions added by the commission) and the following findings:

- The proposed use is allowed in the A-1 Zone
- All development standards have been met
- With any imposed conditions, the proposed building does not impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.

Alternatively, if the commission determines that additional review information is needed for adequate consideration, the commission could vote to table the application until such material is furnished for further review.

Exhibits

- A. Design Review Application
- B. Site Plans
- C. Building Plans, Materials, & Colors

Project Location



Google Street View of the Subject Property



Exhibit A: Design Review Application

Weber County Design Review Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed <i>11 June 2020</i>	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) <i>David & Sharon McGinnis</i>		Mailing Address of Property Owner(s) <i>4157 W 2200 S</i>	
Phone <i>801 791 5228</i>	Fax	<i>Taylor UT 84401</i>	
Email Address <i>GMcinnis@Konnections.net</i>		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)		Mailing Address of Authorized Person	
Phone	Fax	<i>Same as Owner</i>	
Email Address		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name <i>Work Shop Garage</i>		Current Zoning <i>Rw</i>	Total Acreage <i>2.89</i>
Approximate Address <i>4157 W 2200 S</i> <i>Taylor UT 84401</i>		Land Serial Number(s) <i>Parcel # 15-199-0001</i>	
Proposed Use <i>Tinkering & Fixing</i>			
Project Narrative <i>44' x 64' Shop to fix cars build projects store stuff</i> <i>Natural Earth tone Siding (metal) and Roof (metal).</i> <i>Color pallet of Beige, Green, Red</i> <i>Roof Beige or white</i> <i>North Face Green</i> <i>West Face Beige</i> <i>East Face Red</i> <i>South Face Green</i>			

Property Owner Affidavit

I (We) David & Sheron M'Graw, 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.

David M'Graw
(Property Owner)

Sheron M'Graw
(Property Owner)

Subscribed and sworn to me this 12 day of June, 2020



Garrett Millward
(Notary)

Authorized Representative Affidavit

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

(Property Owner)

(Property Owner)

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

(Notary)



This site plan has been drawn to-scale in order to more accurately show the proposed structure in relation to the property boundaries and the existing dwelling.

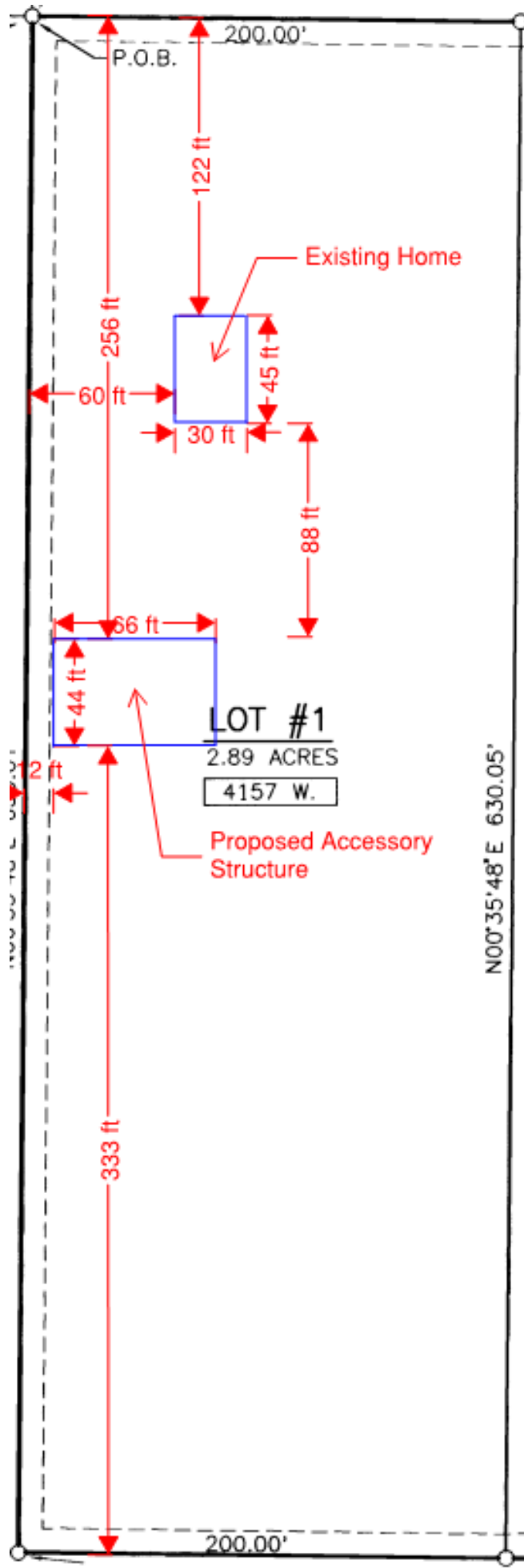
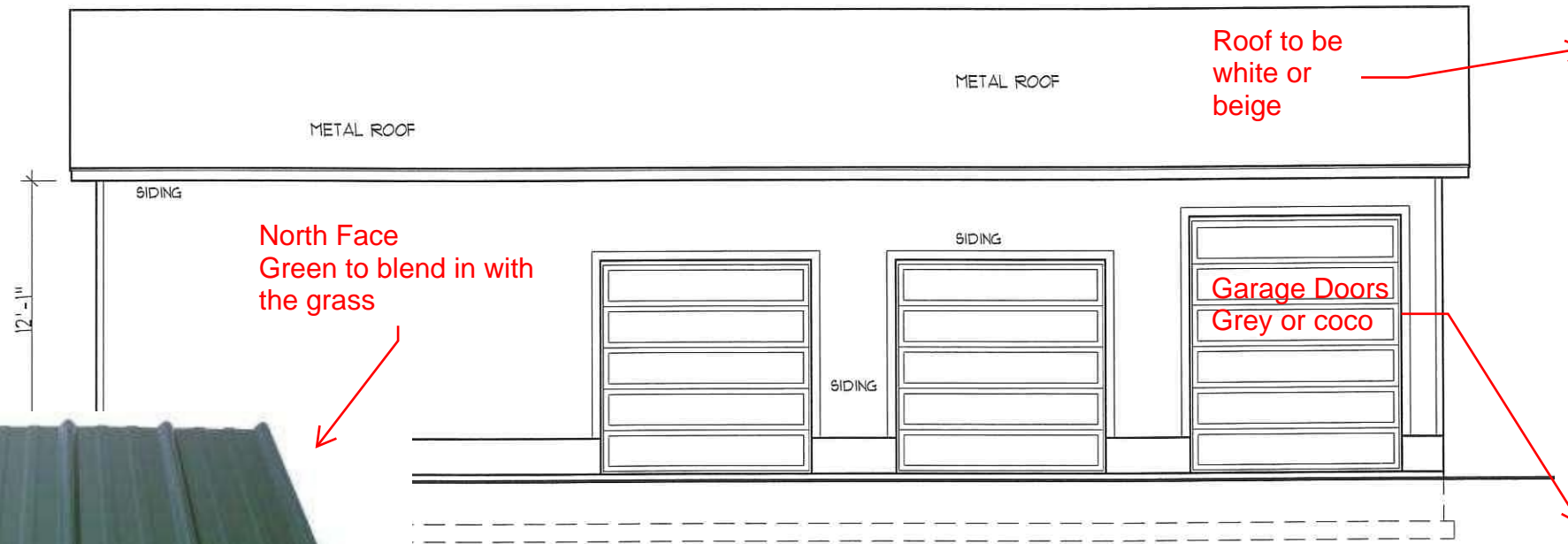
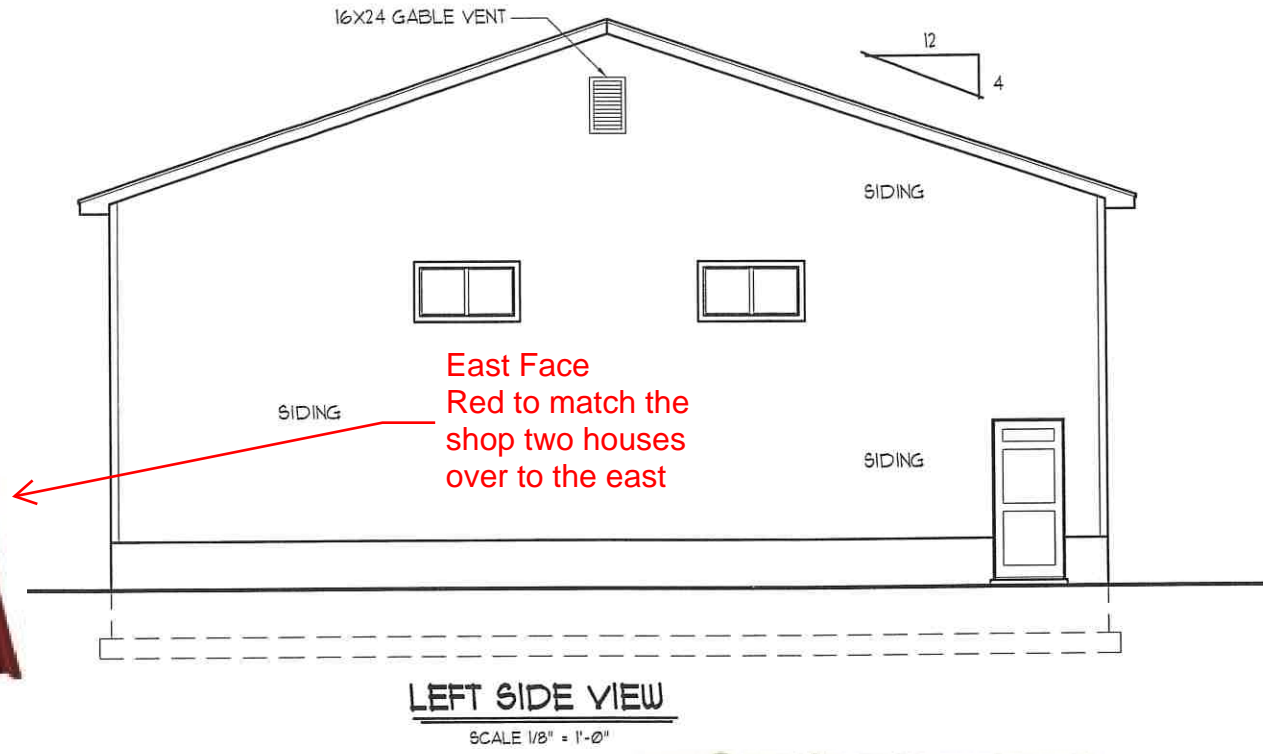


Exhibit C: Building Plans, Materials, & Colors

BRICK VENEER	R103.1
CORROSION RESISTANT ANCHOR TIES EMBEDDED IN MORTAR OR GROUT AND EXTENDING INTO THE VENEER A MINIMUM OF 1-1/2" INCH, WITH NOT LESS THAN 3/8" MORTAR OR GROUT COVER TO OUTSIDE FACE.	
CORROSION RESISTANT 22 GAGE X 1/8" OR NO. 9 GAGE WIRE SPACED NO MORE THAN 24" O.C. HORIZ. AND VERTICALLY AND SHALL SUPPORT NOT MORE THAN 20 SQUARE FEET OF WALL AREA.	
STEEL ANGLE - MIN. 6"x4"x3/8" WITH THE LONG LEG VERTICAL. COMPLY WITH SECTION R103.1.2.1	
ALL STONE AND MASONRY VENEER SHALL COMPLY WITH SECTION R103.1	
ATTIC VENTILATION	R806
ATTIC VENTILATION SHALL COMPLY WITH SECTION R806.	
THE NET FREE VENTILATION SHALL NOT BE LESS THAN 1/150th OF THE AREA OF THE SPACE VENTILATED, EXCEPT THAT THE AREA MAY BE 1/300th PROVIDED THAT AT LEAST 50% OF THE REQUIRED VENTILATING AREA IS LOCATED IN THE UPPER SPACE PORTION OF THE SPACE TO BE VENTILATED AND THE REMAINDER IS PROVIDED BY EAVES OR CORNICE VENTS. IRC R806.	
EXTERIOR WALL COVERING	R103
ALL EXTERIOR COVERINGS SHALL COMPLY WITH SECTION R103	
STUCCO(EIFS) - INSTALLATION SHALL COMPLY WITH ASTM E 2568	
FIBER CEMENT SIDING - PANEL AND LAP SIDING INSTALLATION SHALL COMPLY WITH ASTM C1186.	
VINYL SIDING - INSTALLATION SHALL COMPLY PER ASTM D 3619	
ASPHALT SHINGLES - INSTALLATION SHALL COMPLY WITH ASTM D 225 OR D 3462, CLASS "A"	
BUILDING ADDRESS	IRC R319.1
BUILDING NUMBERS SHALL BE A MIN. 4" HIGH WITH A MINIMUM STROKE WIDTH OF 3/8" INCH.	



The applicant has indicated that "landscaping will be simple, grade away from structure to prevent flooding, with grass in the areas of low travel. In high traveled area, I will have concrete or stone with weed preventative. Lighting will be minimal and motion activated."

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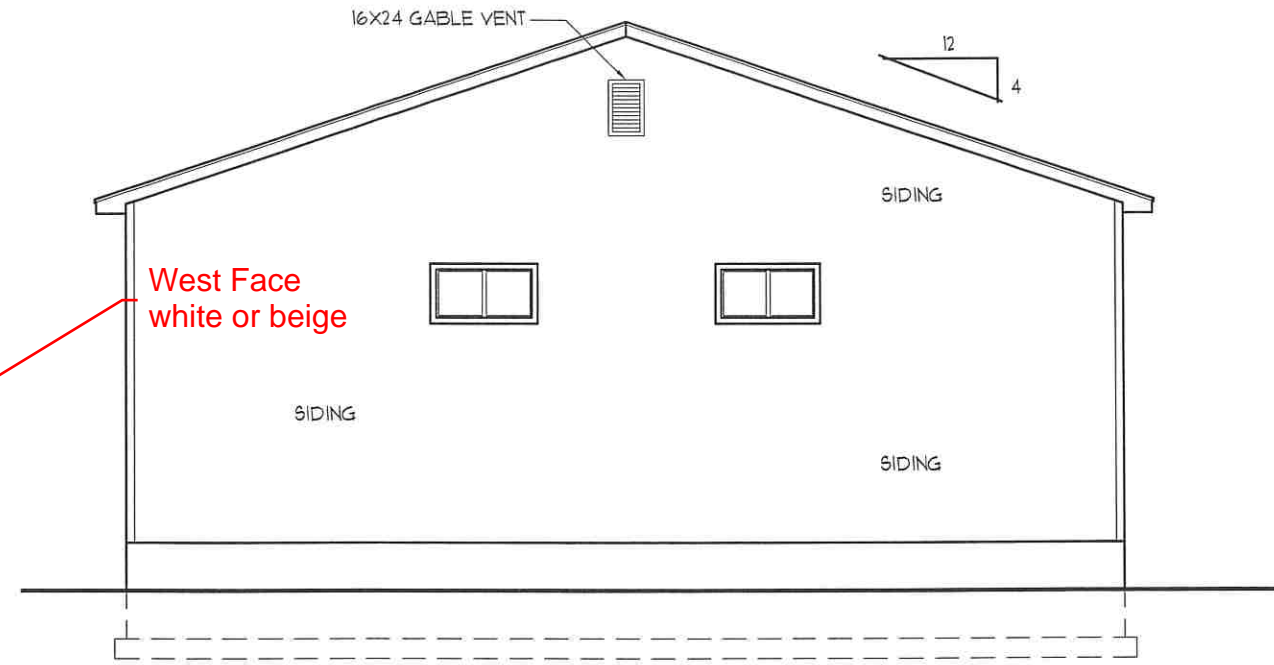
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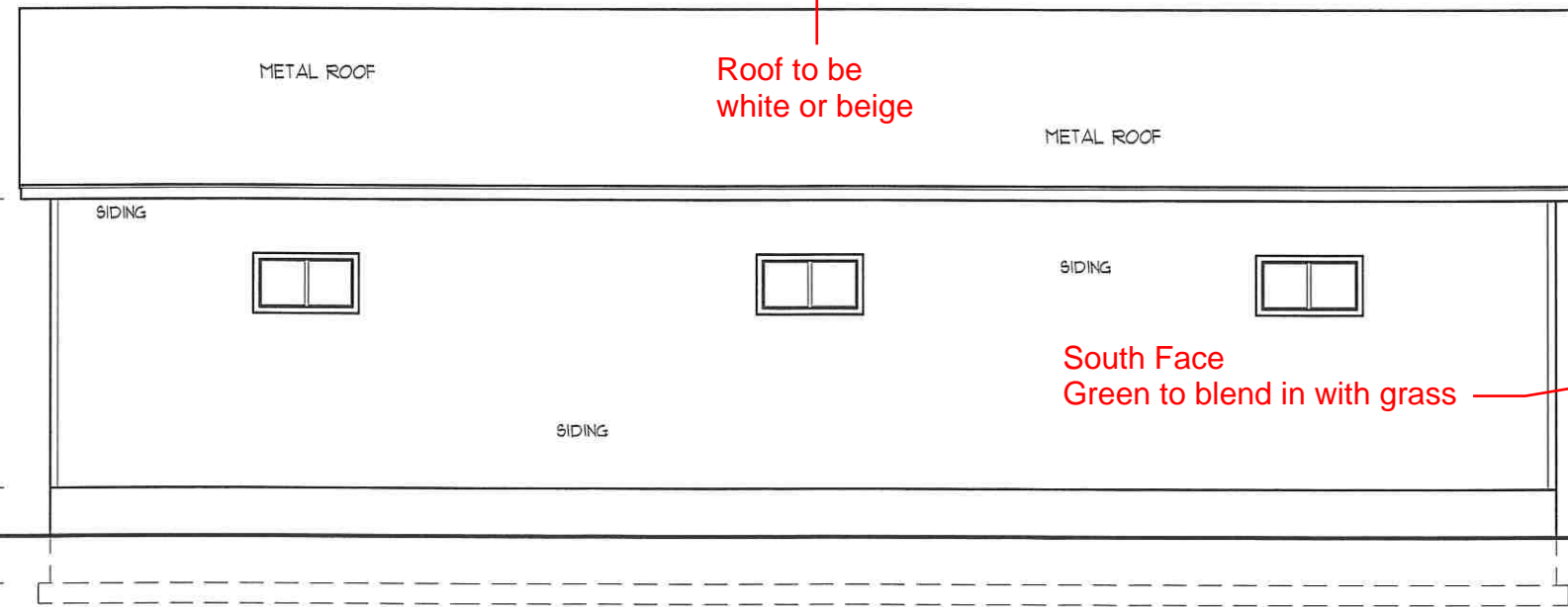
SCALE
1/8" = 1'-0" 11x17
1/4" = 1'-0" 24x36

Exhibit C: Building Plans, Materials, & Colors

BRICK VENEER	R103.1
CORROSION RESISTANT ANCHOR TIES EMBEDDED IN MORTAR OR GROUT AND EXTENDING INTO THE VENEER A MINIMUM OF 1-1/2" INCH, WITH NOT LESS THAN 3/8" MORTAR OR GROUT COVER TO OUTSIDE FACE.	
CORROSION RESISTANT 22 GAGE X 1/8" OR NO. 9 GAGE WIRE SPACED NO MORE THAN 24" O.C. HORIZ. AND VERTICALLY, AND SHALL SUPPORT NOT MORE THAN 20 SQUARE FEET OF WALL AREA.	
STEEL ANGLE - MIN. 6"x4"x2" WITH THE LONG LEG VERTICAL. COMPLY WITH SECTION R103.1.2.1	
ALL STONE AND MASONRY VENEER SHALL COMPLY WITH SECTION R103.1	
ATTIC VENTILATION	R206
ATTIC VENTILATION SHALL COMPLY WITH SECTION R206.	
THE NET FREE VENTILATION SHALL NOT BE LESS THAN 1/50th OF THE AREA OF THE SPACE VENTILATED, EXCEPT THAT THE AREA MAY BE 1/30th PROVIDED THAT AT LEAST 50% OF THE REQUIRED VENTILATING AREA IS LOCATED IN THE UPPER SPACE PORTION OF THE SPACE TO BE VENTILATED AND THE REMAINDER IS PROVIDED BY EAVES OR CORNICE VENTS. IRC R206.	
EXTERIOR WALL COVERING	R103
ALL EXTERIOR COVERINGS SHALL COMPLY WITH SECTION R103	
STUCCO(EIPS) - INSTALLATION SHALL COMPLY WITH ASTM E 2568	
FIBER CEMENT SIDING - PANEL AND LAP SIDING INSTALLATION SHALL COMPLY WITH ASTM C1286.	
VINYL SIDING - INSTALLATION SHALL COMPLY PER ASTM D 3619	
ASPHALT SHINGLES - INSTALLATION SHALL COMPLY WITH ASTM D 225 OR D 3462, CLASS "A"	
BUILDING ADDRESS	IRC R319.1
BUILDING NUMBERS SHALL BE A MIN. 4" HIGH WITH A MINIMUM STROKE WIDTH OF 1/8" INCH.	



RIGHT SIDE VIEW
SCALE 1/8" = 1'-0"



REAR ELEV. VIEW
SCALE 1/8" = 1'-0"



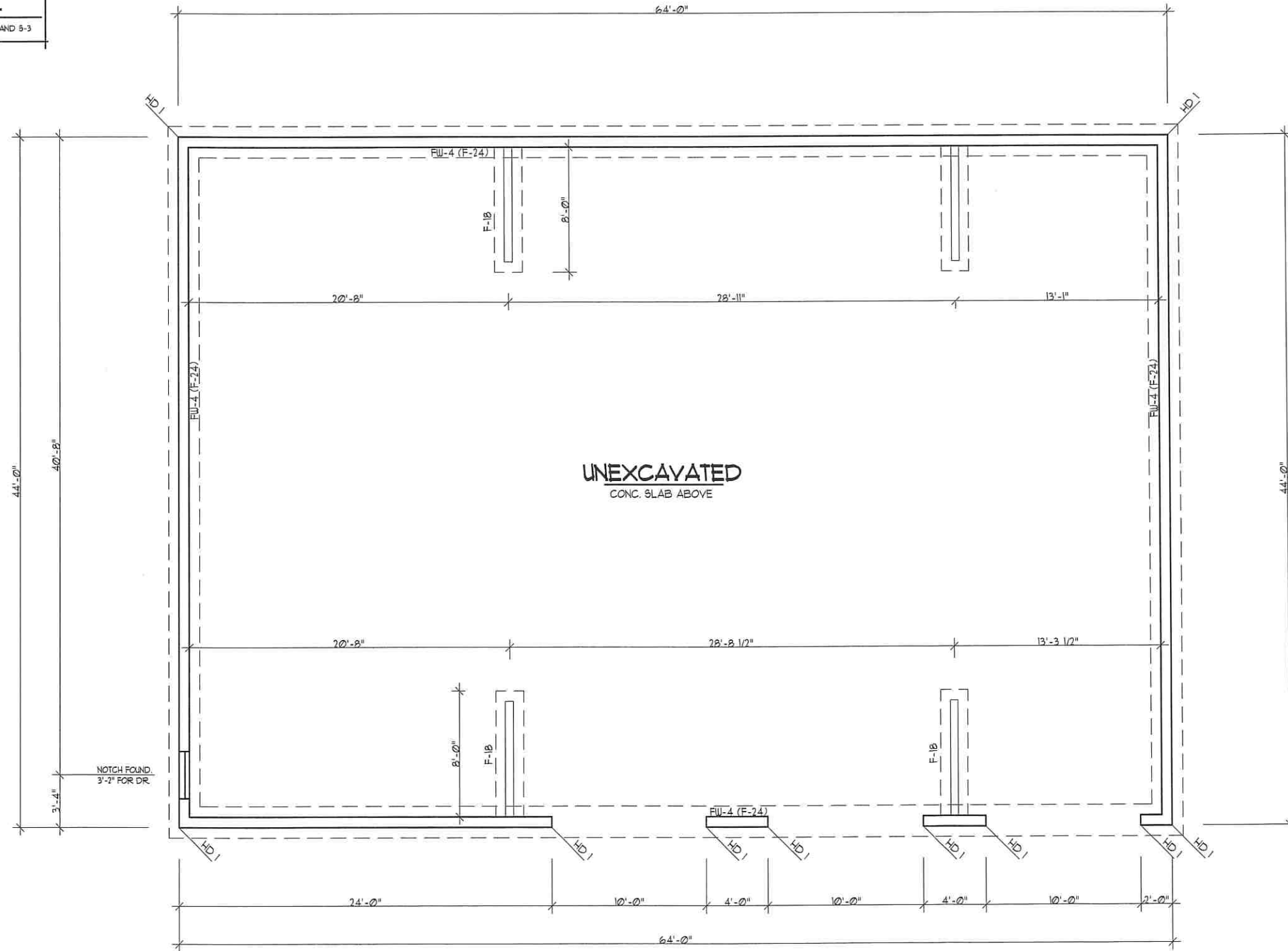
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NOTES: GENERAL

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3. ALL WORK IS TO BE DONE UNDER LOCAL AND STATE BUILDING CODES.
4. ELECTRICAL SHALL BE PER NATIONAL ELECTRIC CODE, LATEST EDITIONS.
5. HEATING/MECHANICAL WORK SHALL BE PER APPLICABLE CODES, LATEST EDITIONS.

NOTES: STRUCTURAL

SEE STRUCTURAL DETAILS - SHEET S-1, S-2, AND S-3



FOUNDATION PLAN
SCALE 1/8" = 1'-0"



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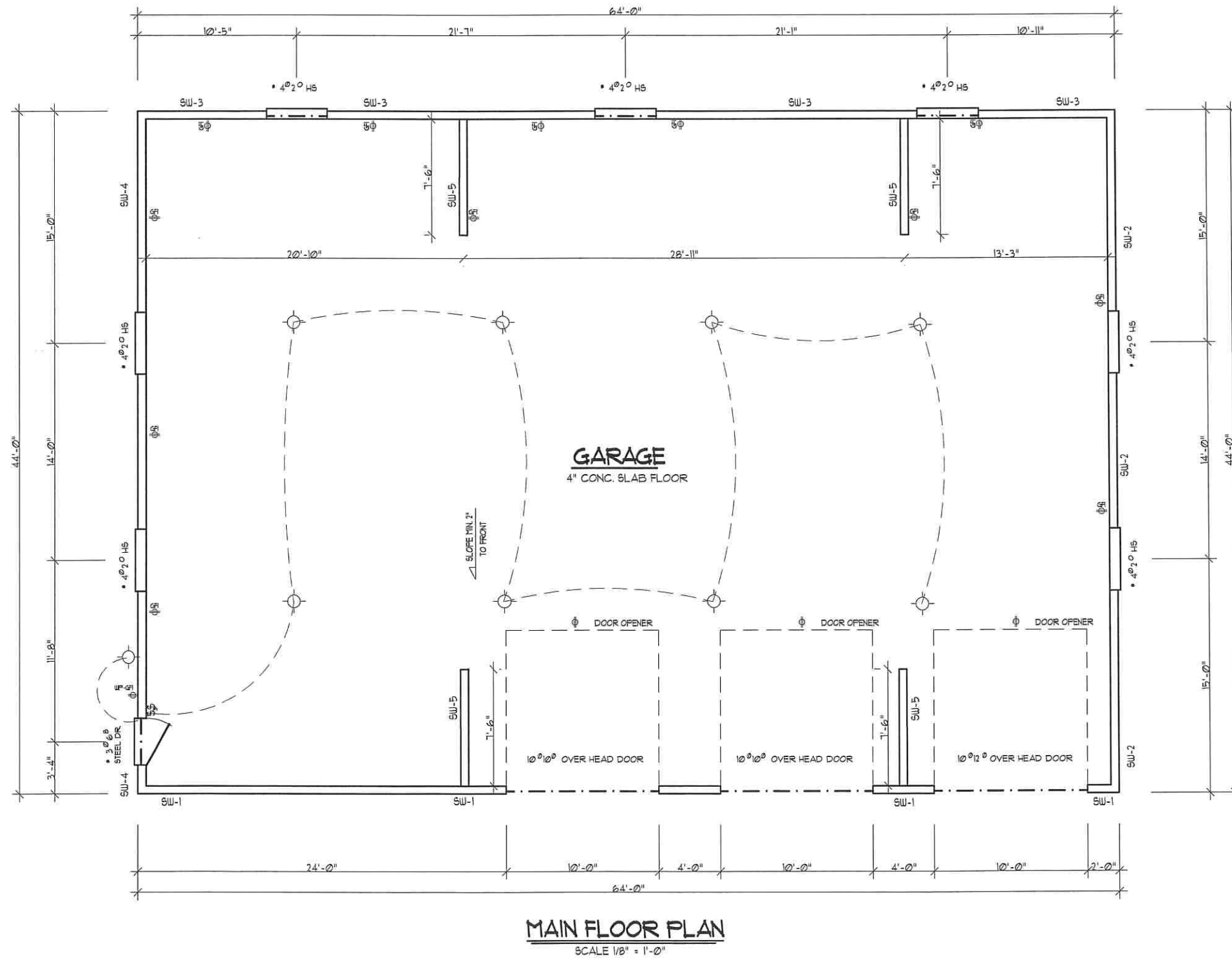
SCALE
1/8" = 1'-0" 11x17
1/4" = 1'-0" 24x36

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NOTES: STRUCTURAL

SEE STRUCTURAL DETAILS - SHEET S-1, S-2, AND S-3



MAIN FLOOR PLAN
SCALE 1/8" = 1'-0"

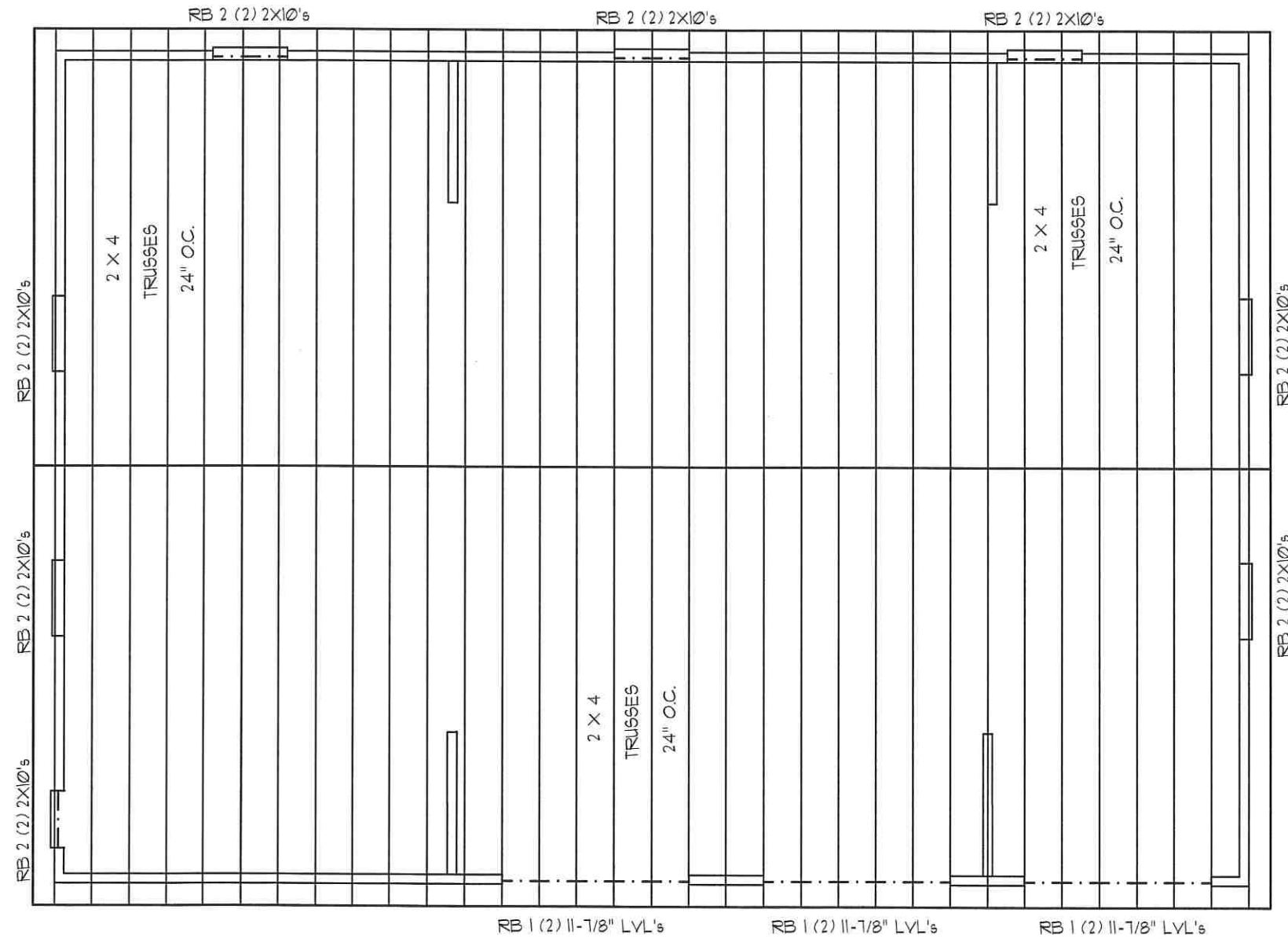


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SCALE
1/8" = 1'-0" 11x17
1/4" = 1'-0" 24x36



ROOF FRAMING PLAN
SCALE 1/8" = 1'-0"

NOTES: PRE-MANUFACTURE TRUSSES

PRE-MANUFACTURED TRUSSES SHALL CONFORM WITH SECTION R202.10 AND R502.11.

TRUSS MANUFACTURE SHALL PROVIDE DETAILS AND INSTRUCTION FOR HANDLING, INSTALLING, RESTRAINING, AND BRACING OF TRUSSES BEFORE AND AFTER CONSTRUCTION.

TRUSS DESIGN DRAWINGS SHALL BE PREPARED BY A REGISTERED PROFESSIONAL WHERE REQUIRED BY THE STATUTES OF THE JURISDICTION IN WHICH THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH SECTION R106.1.

NO ALTERATIONS SHALL BE MADE TO THE TRUSSES OR THE TRUSS LAYOUT.

ANY CHANGES TO THE ROOF FRAMING PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER PRIOR TO MANUFACTURING AND OR CONSTRUCTION OF SAID TRUSSES.

TRUSS DESIGN DRAWINGS SHALL COMPLY WITH SECTION R502.11.4 + R202.10.1.

NOTES: GENERAL

1. CONTRACTOR IS TO VERIFY DESIGN DIMENSIONS AND NOTES PRIOR TO BEGINNING OF CONSTRUCTION.
2. ALL WORK IS TO BE DONE UNDER THE SUPERVISION OF A LICENSED CONTRACTOR.
3. ALL WORK IS TO BE DONE UNDER LOCAL AND STATE BUILDING CODES.
4. ELECTRICAL SHALL BE PER NATIONAL ELECTRIC CODE, LATEST EDITIONS.
5. HEATING/MECHANICAL WORK SHALL BE PER APPLICABLE CODES, LATEST EDITIONS.

NOTES: STRUCTURAL

SEE STRUCTURAL DETAILS - SHEET S-1, S-2, AND S-3

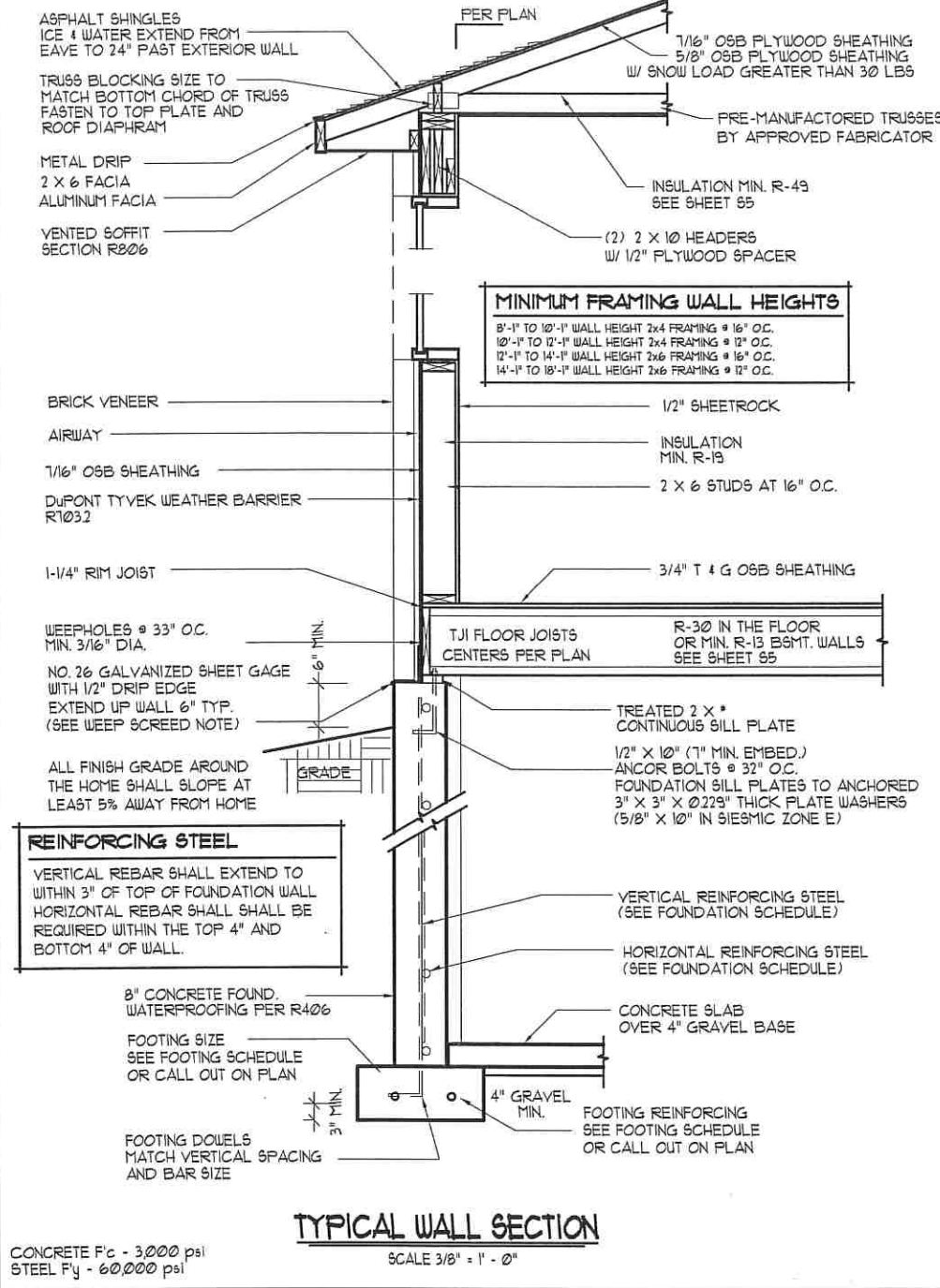


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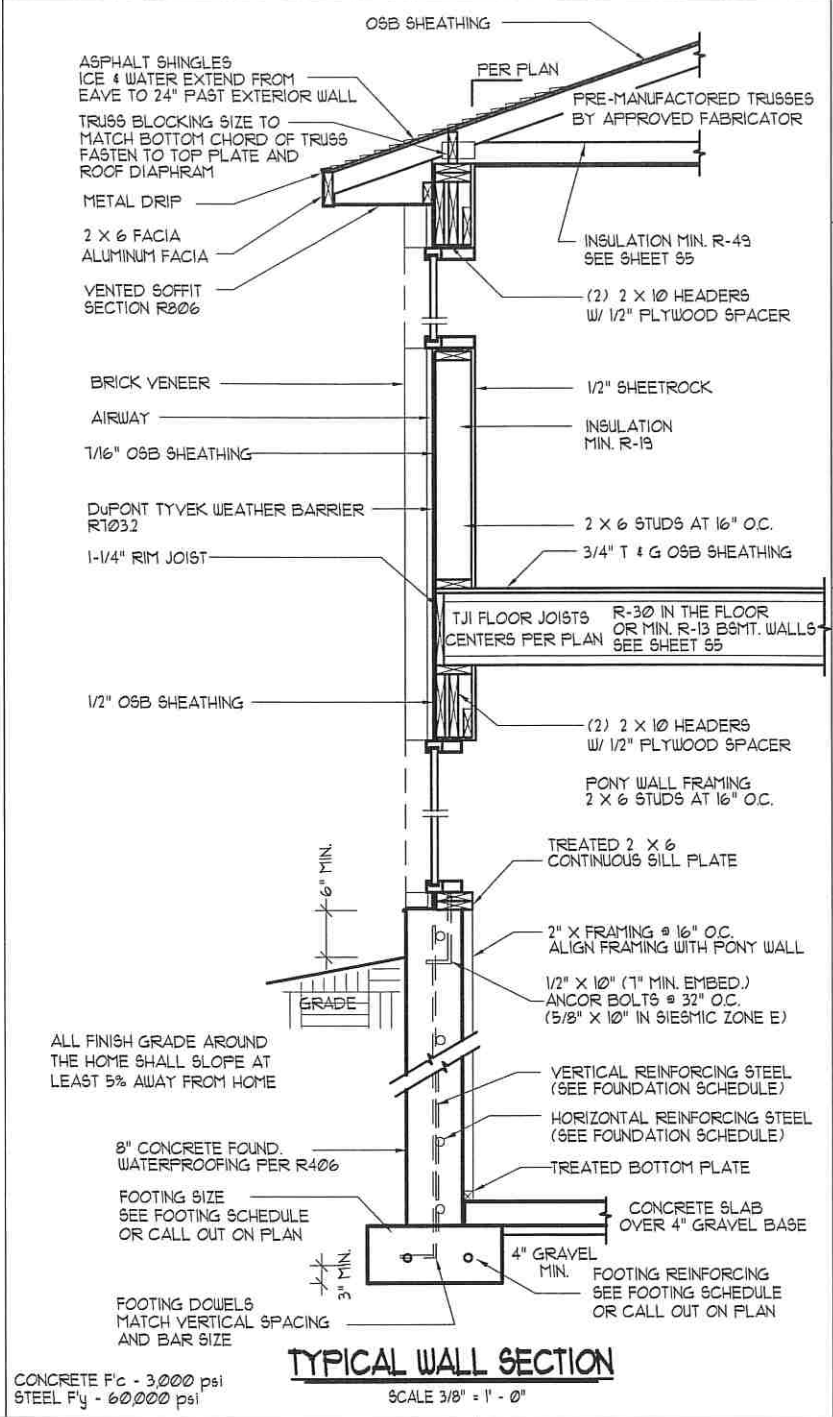
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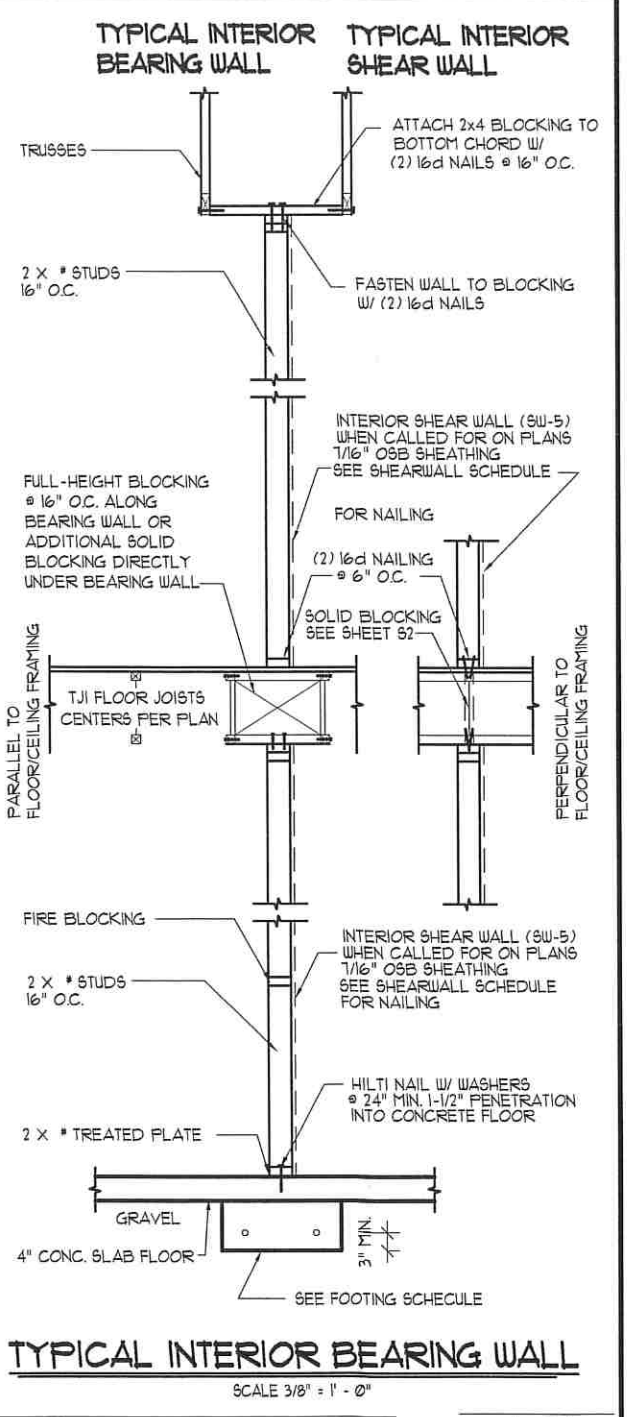
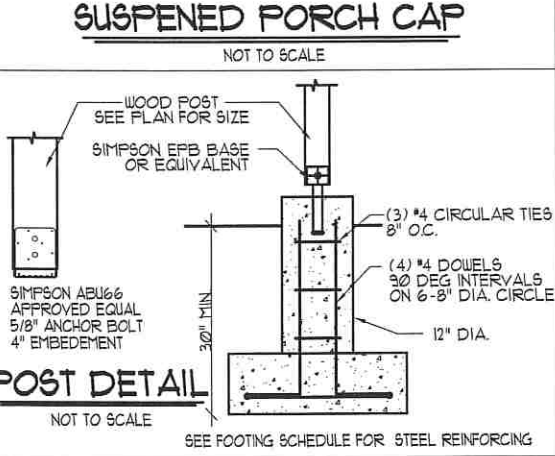
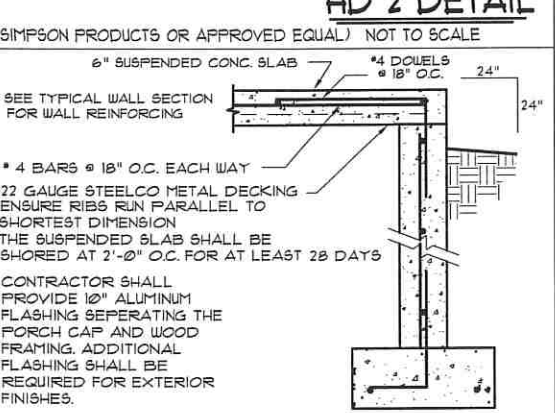
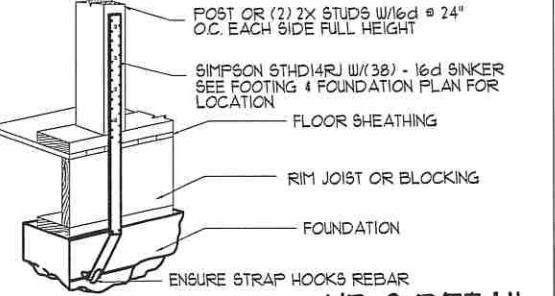
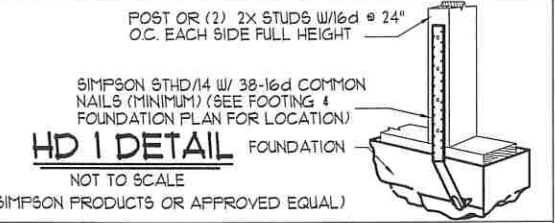
Exhibit C: Building Plans, Materials, & Colors



CONCRETE F_c - 3,000 psi
STEEL F_y - 60,000 psi



CONCRETE F_c - 3,000 psi
STEEL F_y - 60,000 psi



FOUNDATION WALL SCHEDULE

MARK	WALL HEIGHT	WIDTH	REINFORCING STEEL SPACING		NOTES	
			HORIZONTAL BAR	VERTICAL BAR		
FW-3	3'-0"	8"	* 4 BARS @ 9" O.C.	3	* 4 BARS @ 32" O.C.	PER STATE AMENDMENT (SEE WALL SECTION)
FW-4	3'-6"	8"	* 4 BARS @ 13" O.C.	4	* 4 BARS @ 24" O.C.	PER STATE AMENDMENT (SEE WALL SECTION)
FW-6	6'-0"	8"	* 4 BARS @ 18" O.C.	5	* 4 BARS @ 24" O.C.	(SEE WALL SECTION)
FW-8	8'-0"	8"	* 4 BARS @ 18" O.C.	6	* 4 BARS @ 24" O.C.	(SEE WALL SECTION)
FW-9	9'-0"	8"	* 4 BARS @ 18" O.C.	7	* 4 BARS @ 16" O.C.	(SEE WALL SECTION)

FOOTING SCHEDULE

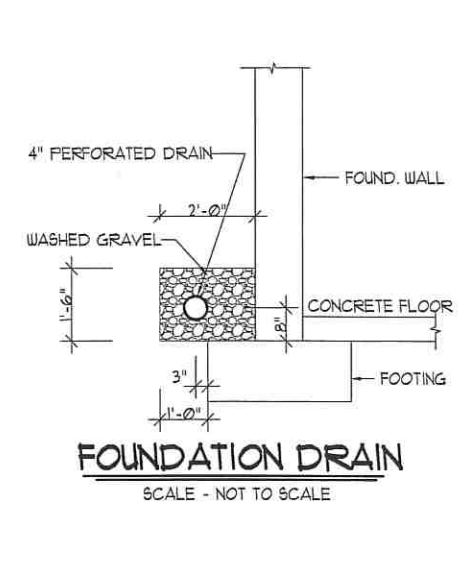
MARK	NOMINAL WIDTH	NOMINAL THICKNESS	LENGTH	REINFORCING STEEL			NOTES
				LENGTHWISE	CROSSWISE	* 2" BARS	
F-18	18"	9"	CONT.	* 4 BARS	2		(SEE WALL TYPICAL WALL SECTION)
F-20	20"	10"	CONT.	* 4 BARS	2		(SEE WALL TYPICAL WALL SECTION)
F-24	24"	10"	CONT.	* 4 BARS	3		(SEE WALL TYPICAL WALL SECTION)
F-30	30"	10"	CONT.	* 4 BARS	3		(SEE WALL TYPICAL WALL SECTION)
F-36	36"	12"	CONT.	* 4 BARS	4		(SEE WALL TYPICAL WALL SECTION)
P-24	24"	10"	24"	* 4 BARS	3	* 4 BARS	3 (SEE POST DETAIL)
P-30	30"	10"	30"	* 4 BARS	3	* 4 BARS	3 (SEE POST DETAIL)
P-36	36"	12"	36"	* 4 BARS	4	* 4 BARS	4 (SEE POST DETAIL)
P-48	48"	12"	48"	* 4 BARS	5	* 4 BARS	5 (SEE POST DETAIL)

GENERAL NOTES

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- ALL WORK IS TO BE DONE UNDER THE SUPERVISION OF A LICENSED CONTRACTOR.
- ALL WORK IS TO BE DONE UNDER LOCAL AND STATE BUILDING CODES.
- ELECTRICAL SHALL BE PER NATIONAL ELECTRIC CODE, LATEST EDITIONS.
- HEATING/MECHANICAL WORK SHALL BE PER APPLICABLE CODES, LATEST EDITIONS.

FOUNDATION WALL NOTES

- WALLS GREATER THAN 10'-0" SEE ENGINEERING
- REINFORCING STEEL SHALL BE PLACED IN CENTER OF WALL
- FOOTING DOUELS SHALL MATCH VERTICAL STEEL AND EXTEND A MIN. OF 24" INTO FOUNDATION WALL.
- MIN. SPLICE LENGTH
- * 4 BAR 24" INCHES - * 5 BAR 30" INCHES
- CORNER REINFORCING - LAP 24" INCHES
- OPENINGS - BARS SHALL BE PLACED WITHIN TWO INCHES OF OPENINGS AND EXTEND 24" BEYOND THE EDGE OPENING.



NOTES: FOUNDATION DRAINAGE - R405

LAND DRAIN - IF A LAND DRAIN IS AVAILABLE THE FOUNDATION DRAIN SYSTEM SHALL BE EXTENDED AND CONNECTED TO THE LAND DRAIN.

A SUMP SHALL BE PROVIDED TO DRAIN THE POROUS LAYER AND FOOTINGS. THE SUMP SHALL BE AT LEAST 24 INCHES IN DIAMETER OR 20 INCHES SQUARE, SHALL EXTEND AT LEAST 24 INCHES BELOW THE BOTTOM OF THE BASEMENT FLOOR AND SHALL BE CAPABLE OF POSITIVE GRAVITY OR MECHANICAL DRAINAGE TO REMOVE ANY ACCUMULATED WATER. THE DRAINAGE SYSTEM SHALL DISCHARGE INTO AN APPROVED SEWER SYSTEM OR TO DAYLIGHT.

EXCEPTION - A DRAINAGE SYSTEM IS NOT REQUIRED WHEN THE FOUNDATION IS INSTALLED ON WELL-DRAINED GROUND OR SAND GRAVEL MIXTURE SOILS ACCORDING TO THE UNITED SOIL CLASSIFICATION SYSTEM, GROUP I SOILS, AS DETAILED IN TABLE R405.1.

PORTIONS OF THE DWELLING THAT ARE BELOW GRADE SHALL BE AT A DEPTH SIMILAR TO THE SURROUNDING DWELLINGS. IF GROUND WATER IS OBSERVED AT TIME OF EXCAVATION, A GEOTECHNICAL ENGINEER SHALL EVALUATE THE SITE AND PROVIDE RECOMMENDATIONS. ALL RECOMMENDATIONS THAT ARE PROVIDED SHALL BE FOLLOWED.

GRAVEL OR CRUSHED STONE DRAINS SHALL EXTEND AT LEAST 1 FT BEYOND THE OUTSIDE EDGE OF THE FOOTING AND 6 INCHES ABOVE THE TOP OF THE FOOTING AND BE COVERED WITH AN APPROVED FILTER MEMBRANE MATERIAL. THE TOP OF OPEN JOINTS OF DRAIN TILES SHALL BE PROTECTED WITH STRIPS OF BUILDING PAPER. COVER THE WASHED GRAVEL OR CRUSHED ROCK COVERING THE DRAIN. DRAINAGE TILES OR PERFORATED PIPE SHALL BE PLACED ON A MINIMUM OF 2 IN. OF WASHED GRAVEL OR CRUSHED ROCK AT LEAST ONE SIEVE SIZE LARGER THAN THE TILE JOINT OPENING OR PERFORATION AND COVERED WITH NOT LESS THAN 6 INCHES OF THE SAME MATERIAL.

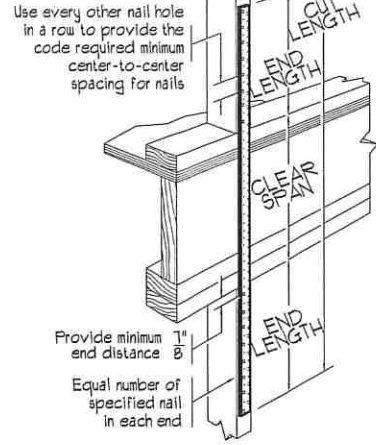
PROFESSIONAL STRUCTURAL ENGINEER
No. 353825
NATHAN JOHN KARRAS
3/24/2019

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NATE KARRAS P.E. (801) 786-0849 email: kustomNK@gmail.com

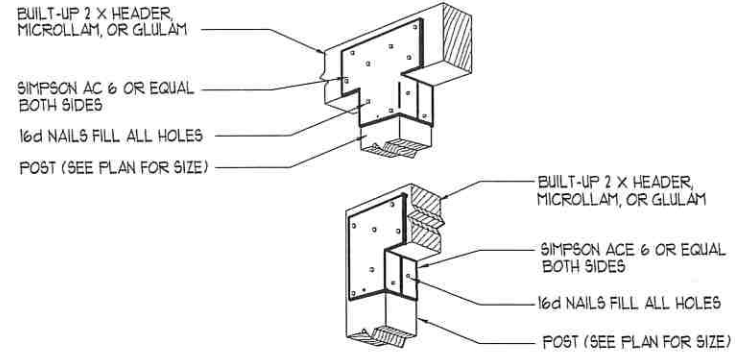
SCALE
1/8" = 1'-0" 11x17
1/4" = 1'-0" 24x36

Page 13 of 17
JAN 2019 S1

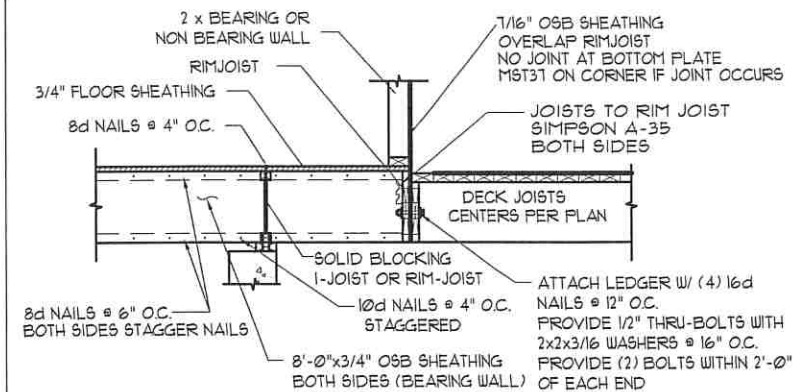
Exhibit C: Building Plans, Materials, & Colors



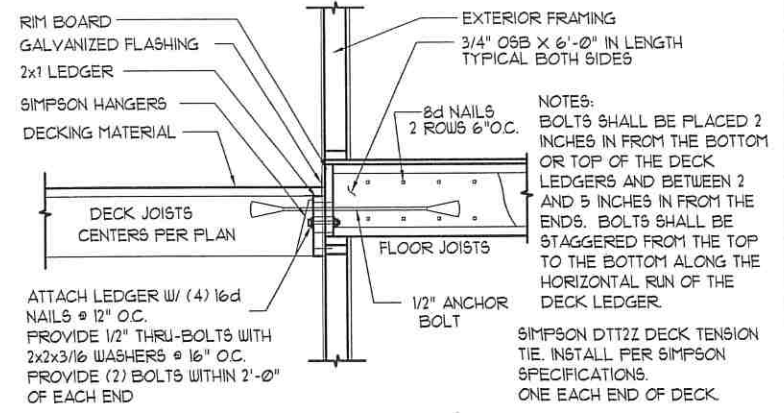
HD 3 DETAIL
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POST CAP DETAIL
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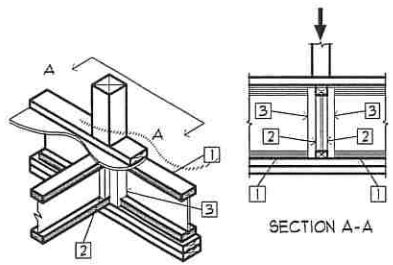
CANTILEVER / DECK DETAIL
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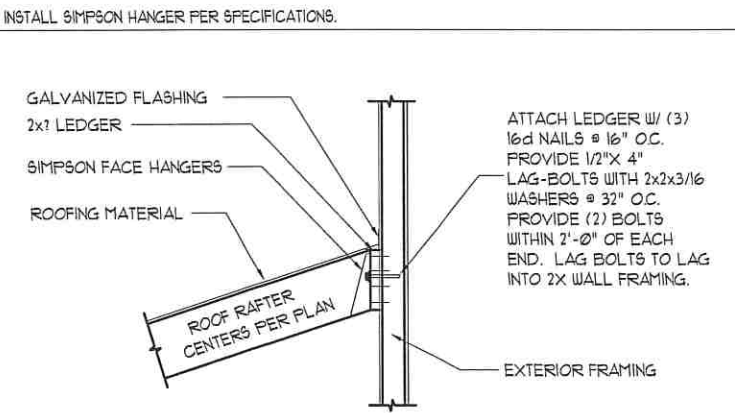
SIMPSON DTT2Z HOLDOWN - SPECIFICATIONS
 INSTALLATION - USE ALL SPECIFIED FASTENERS. 1/2" ANCHOR BOLT, 8-SDS 1/2"x1-1/2" SIMPSON SCREWS, STANDARD CUT WASHER INSTALLED BETWEEN THE NUT AND THE SEAT. SDS SCREWS INSTALL BEST WITH A LOW SPEED HIGH TORQUE DRILL WITH A 3/8" HEX. HEAD DRIVER. WHEN INSTALLING SCREWS PREVENT WOOD FROM SPLITTING.
 HOLDOWNS-ANCHOR BOLT - DO NOT OVER-TORQUE, FINGER TIGHT PLUS 1/2 TO 1 TURN WITH A HAND WRENCH.
 ATTACHMENT TO TJI FLOOR SYSTEM - INSTALL 3/4" OSB FLOOR SHEATHING BY 6'-0" WITH 8d COMMON NAILS TWO ROWS AT 6" O.C TO BOTH SIDES OF I-JOISTS.

DECK ATTACHMENT
NOT TO SCALE

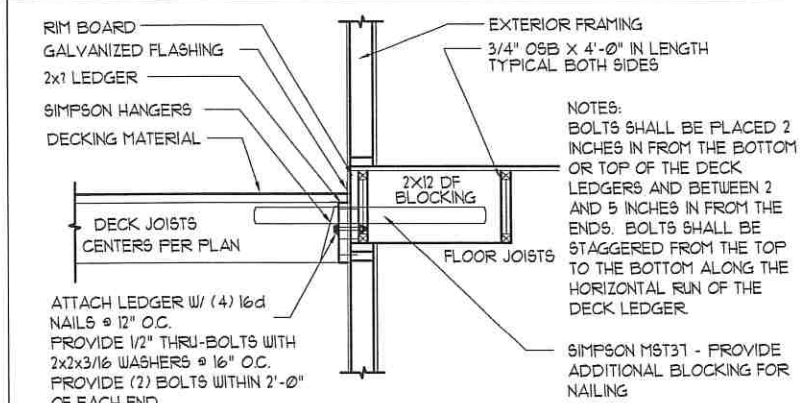
(SIMPSON PRODUCTS OR APPROVED EQUAL) SIMPSON MST48 STRAP TIE
 COLUMN LOADS CANNOT BE SUPPORTED BY WOOD I JOISTS



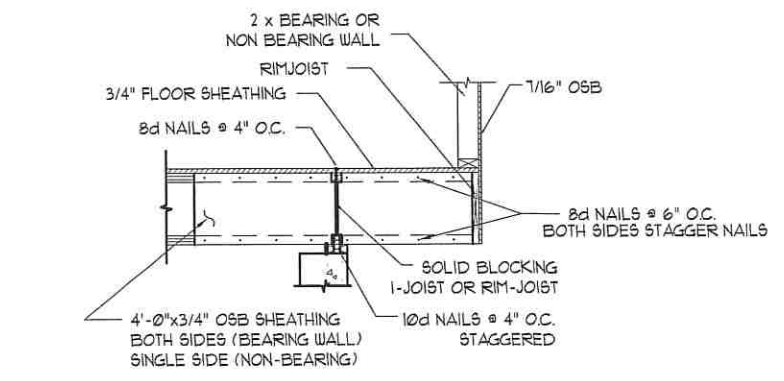
SOLID BLOCKING
NOT TO SCALE



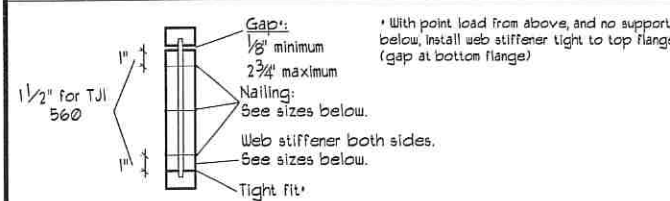
RAFTER ATTACHMENT
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DECK ATTACHMENT
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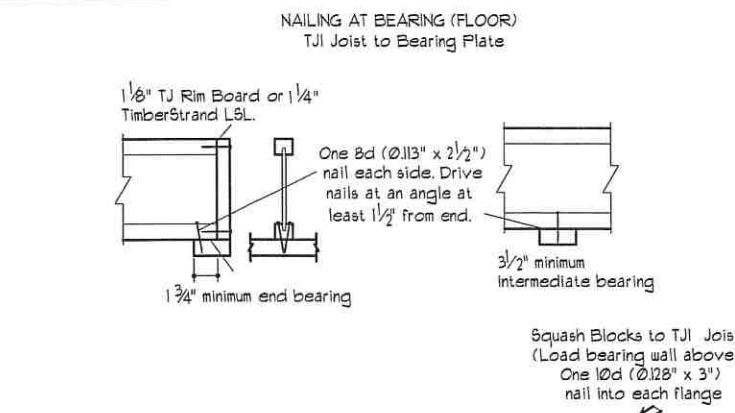


CANTILEVER DETAIL
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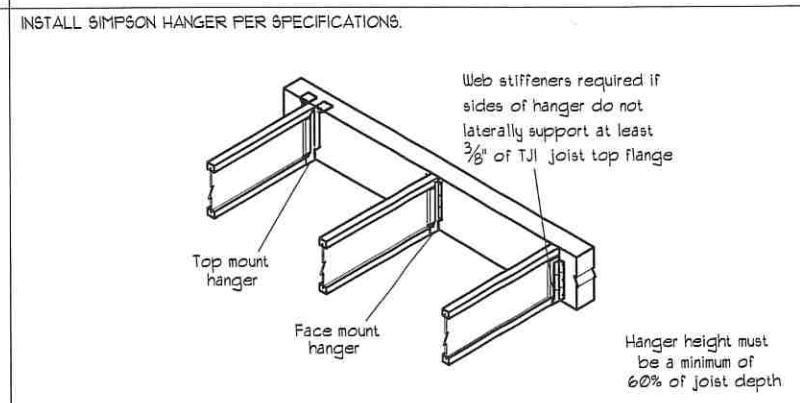


TJI Joist Series	Depth (in.)	Minimum Web Stiffener Size	Nailing Requirements	
			Type	Number Nails
110 210 230 & 360	All	3/8" x 2 5/16"	8d (Ø.113" x 2 1/2")	3
	All	3/4" x 2 5/16"		
	All	7/8" x 2 5/16"		
560	All	2x4	16d (Ø.135" x 3 1/2")	3

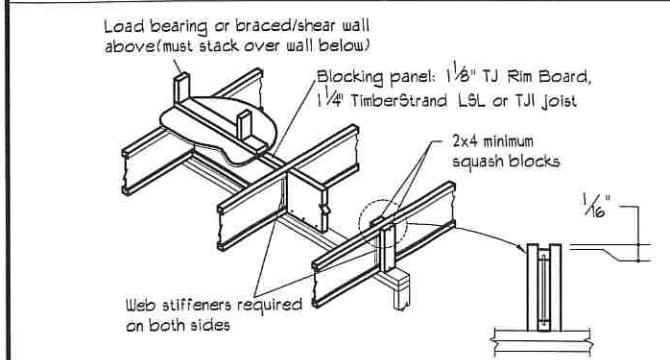
WEB STIFFENERS DETAIL
NOT TO SCALE



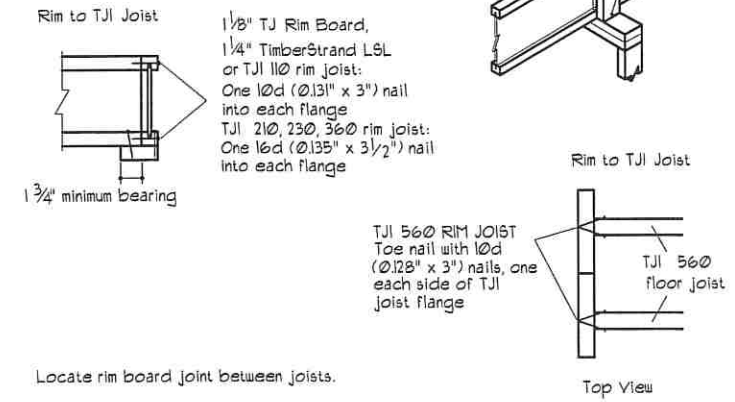
FLOOR JOIST NAILING DETAILS
NOT TO SCALE



FLOOR JOIST HANGERS
NOT TO SCALE



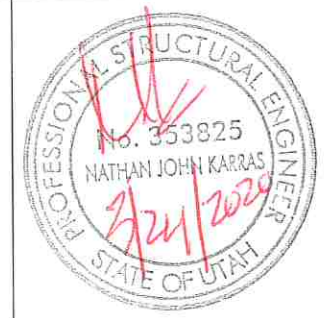
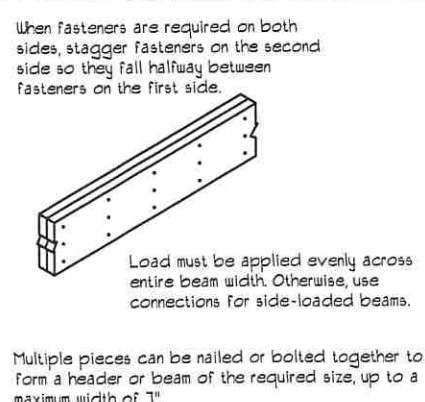
FLOOR JOIST SOLID BLOCKING
NOT TO SCALE



Multiple-Member Connections for Top-Loaded Beams
 Fastener Installation Requirements

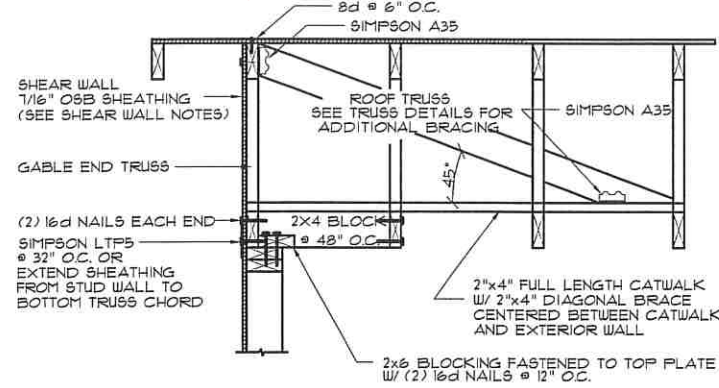
Plyce Width	# of Plies	Fastener				Location
		Type ⁽¹⁾	Min. Length	# Rows	O.C. Spacing	
1 3/4"	2	10d nails	3"	3 ⁽²⁾	12"	One side
		12d-16d nails	3 3/4"	2 ⁽²⁾	24"	
	3	10d nails	3"	3 ⁽²⁾	12"	Both sides
		12d-16d nails	3 3/4"	2 ⁽²⁾	24"	
4	3	Screws	3 3/8" or 3 1/2"	2	24"	Both sides
		10d nails ⁽³⁾	3"	3 ⁽²⁾	12"		One side (per ply)
	4	12d-16d nails ⁽³⁾	3 3/4"	2 ⁽²⁾	24"	Both sides
		Screws	5" or 6"	2	24"		One side

(1) 10d nails are Ø.128" diameter; 12d-16d nails are Ø.148" - Ø.162" diameter; screws are SDS, SDW, WS, or Truss-LCK-EWP.
 (2) An additional row of nails is required with depths of 14" or greater.
 (3) When connecting 4-ply members, nail each ply to the other and offset nail rows by 2" from the rows in the ply below.



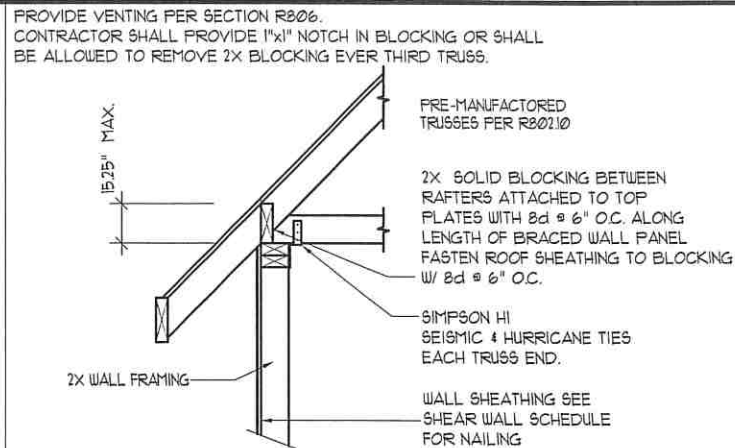
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Exhibit C: Building Plans, Materials, & Colors



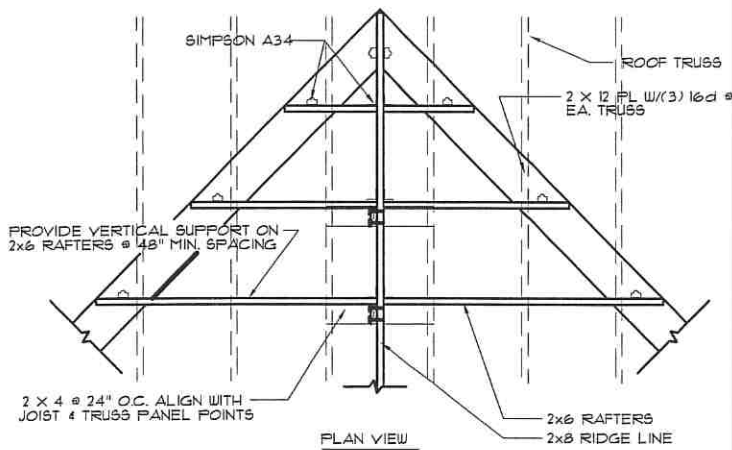
GABLE END DETAIL

NOT TO SCALE

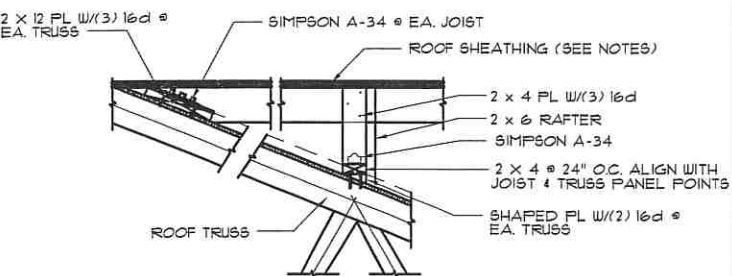


WALL TO ROOF TRUSS CONNECTION

NOT TO SCALE



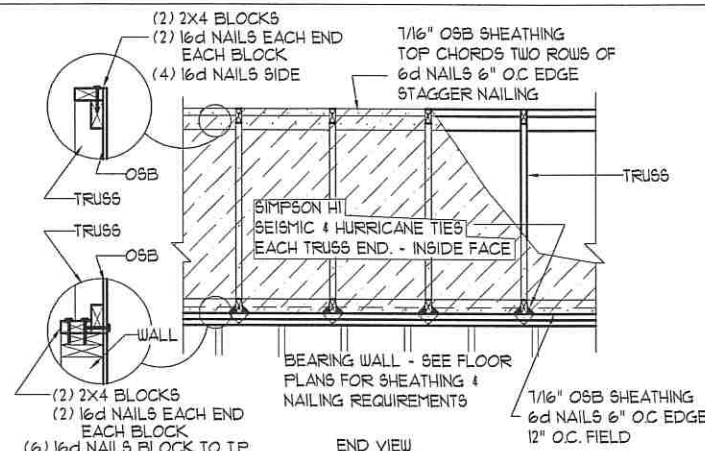
PLAN VIEW



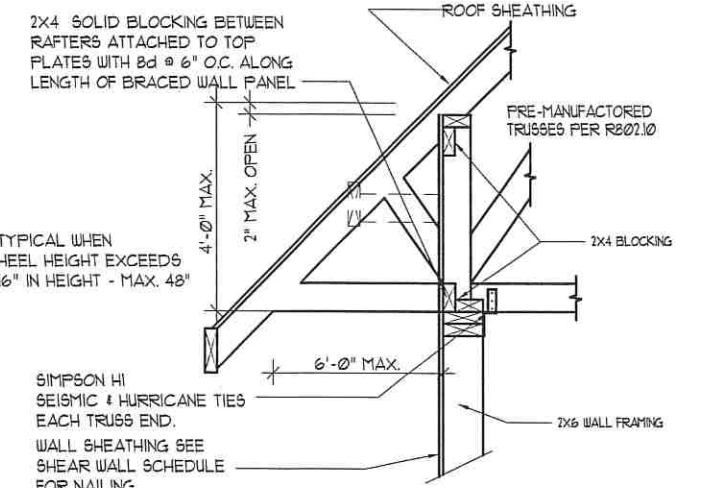
SIDE ELEVATION VIEW

OVERBUILD DETAIL

NOT TO SCALE



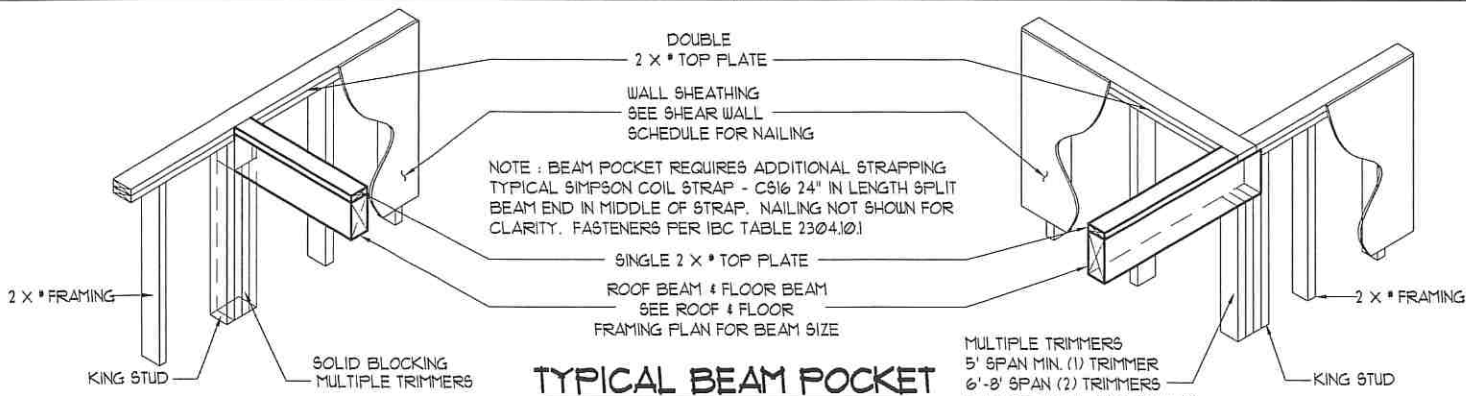
END VIEW



SIDE VIEW

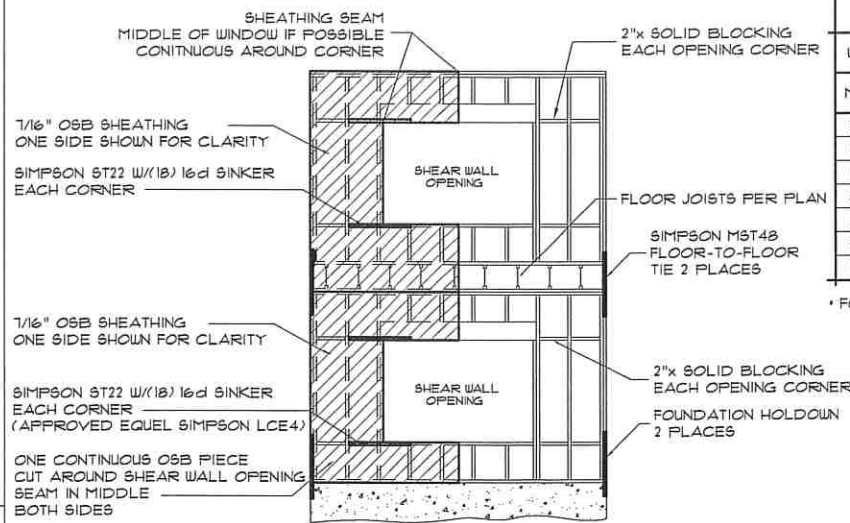
WALL TO RAISED HEEL ROOF TRUSS CONNECTION

NOT TO SCALE



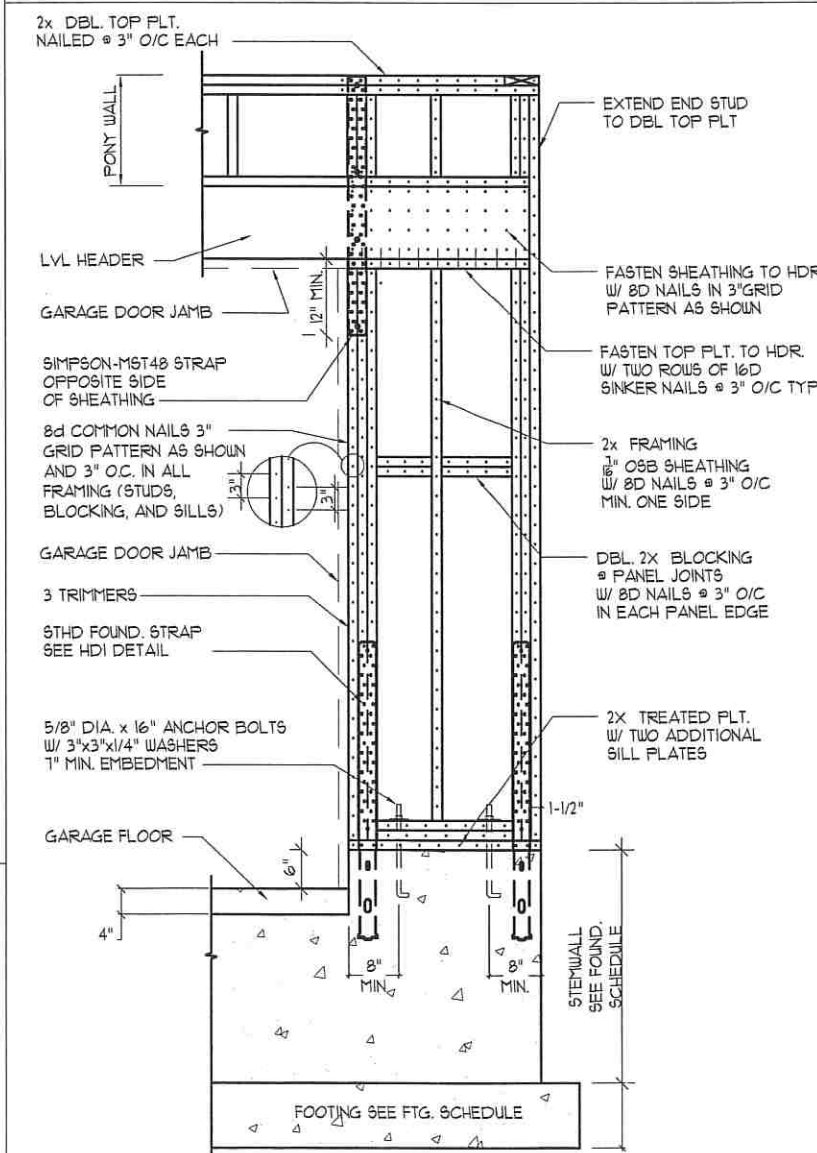
TYPICAL BEAM POCKET

NOT TO SCALE



PERFORATED SHEAR WALL FRAMING DETAIL

NOT TO SCALE



BRACED WALL PANEL DETAIL (BWP)

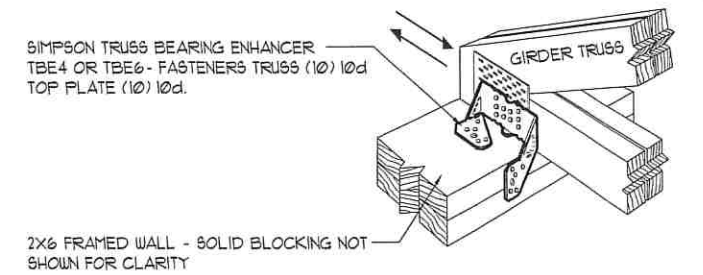
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INSTALL SIMPSON HANGER PER SPECIFICATIONS.

SHEAR WALL SCHEDULE									
WIND	115 MPH	EXPOSURE	C	SEISMIC			ZONE = D2, R = 6		
MARK	OSB SHEATHING	SIZE	EDGE	FIELD	DIA	LENGTH	SPACING	NOTES	
SW-1	7/16"	8d	4"	12"	1/2"	10"	32"		
SW-2	7/16"	8d	4"	12"	1/2"	10"	32"		
SW-3	7/16"	8d	4"	12"	1/2"	10"	32"		
SW-4	7/16"	8d	4"	12"	1/2"	10"	32"		
SW-5	7/16"	8d	6"	12"				INTERIOR SHEARWALL	
BWP	7/16"	8d	3"	3"	5/8"	16"	TWO	NO STAPLES	
PSW	7/16"	8d	3"	12"	1/2"	10"	32"	NO STAPLES	

* FOUNDATION SILL PLATES TO ANCHORED WITH 3" X 3" X 0.225" THICK PLATE WASHERS

TABLE OF EQUIVALENT FASTENERS					
* GAUGE					
** PENETRATION					
COMMON NAIL SPACING	STAPLE SPACING			T-NAIL SPACING	
	16"	15"	14"	13"	13"
	1 1/4"	1 1/4"	1 1/4"	1 1/4"	1 1/2"
*NO STAPLES EQUIVALENT FOR BWP & PSW SEE DETAILS FOR NAILING FOR BWP & PSW					
8d	4"	3 1/2"	4"	5"	4"
	6"	5"	6"	7"	7 1/2"
	8"	6 1/2"	8"	9 1/2"	10"
	10"	8 1/2"	10"	12"	12"
	12"	10"	12"	14 1/2"	14 1/2"
8d	4"	2 1/2"	3 1/2"	4"	3 1/2"
	6"	4"	5"	6"	6"
	8"	5 1/2"	6 1/2"	8"	6 1/2"
	10"	6 1/2"	8"	8"	10"
	12"	8"	10"	12"	9 1/2"



LATERAL BRACING - SIMPSON TBE4/6

NOT TO SCALE



Karras Engineering
 RESIDENTIAL / COMMERCIAL DESIGN & ENGINEERING
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2015 INTERNATIONAL BUILDING RESIDENTIAL CODE
Exhibit C Building Plans Materials & Colors

CONTRACTOR/OWNER SHALL COMPLY WITH BOTH IBC AND IRC BUILDING CODE REQUIREMENTS.

CONTRACTOR/OWNER SHALL COMPLY WITH UTAH ADMINISTRATIVE CODE RULE R196-56.

DESIGN CRITERIA

GOVERNING CODE	2015 IRC
SEISMIC	ZONE D1 Ss = 116.1 Fa = 123
WIND LOADS	
ULTIMATE WIND SPEED	115 MPH
ROOF LOADS	EXPOSURE C
DEAD	15 PSF
ROOF SNOW	30 PSF
FLOOR LOADS	
DEAD	10 PSF
LIVE	40 PSF
DECK LOADS	
DEAD	20 PSF
LIVE	40 PSF
SOIL BEARING PRESSURE	1500 PSF

STRUCTURAL STEEL

- FABRICATION AND CONSTRUCTION SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING CODES AND STANDARDS:
 - AMERICAN INSTITUTE OF STEEL CONSTRUCTION "SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS, WITH " COMMENTARY.
 - AISC "CODE OF STANDARD PRACTICE" EXCLUDING THE FOLLOWING: SECTION 3.4, SECTION 4.4, SECTION 4.4I.
 - AISC "SPECIFICATIONS FOR STRUCTURAL JOINTS USING ASTM A325 OR A490 BOLTS"
 - AMERICAN WELDING SOCIETY (AWS) STRUCTURAL WELDING CODE (SPECIFIC ITEMS DO NOT APPLY WHEN THEY CONFLICT WITH AISC REQUIREMENTS).
 - AISC "SEISMIC PROVISION FOR STRUCTURAL STEEL BUILDINGS"

CONCRETE

- ALL CONCRETE SHALL BE MIN. OF 3,000 PSI CONCRETE
- TYPE I/II CEMENT COMPLYING WITH ASTM C-150 SHALL BE USED FOR ALL CONCRETE.
- THE WATER/CEMENT RATIOS AND AIR ENTRAINMENT SHALL MEET THE REQUIREMENTS OF ACI 318.
- REINFORCEMENT SHALL HAVE THE FOLLOWING CONCRETE COVER:
 - CAST IN PLACE CONCRETE. CLEAR COVER
 - CAST AGAINST PERMANENTLY EXPOSED TO EARTH. 3"
 - FORMED CONCRETE EXPOSED TO EARTH OR WEATHER:
 #6 THRU #8 BARS. 2"
 #5 AND SMALLER BARS. 1-1/2"
 - CONCRETE NOT EXPOSED TO WEATHER OR IN CONTACT WITH GROUND:
 SLABS, WALLS, JOISTS; #11 BARS AND SMALLER. 3/4"
 BEAMS, COLUMNS; PRIMARY REINF, TIES, STIRRUPS,
 SPIRALS. 1/2"
- REINFORCING MIN. LAP SPLICE - #4 BARS 24" - #5 BARS 30"

FOOTING & FOUNDATION R403 & R404

FOOTINGS AND FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE TO SECTIONS R403 AND R404.

IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE SITE AND GEOTECHNICAL CONDITIONS ARE IN COMPLIANCE WITH THE DESIGN CRITERIA LISTED ABOVE.

- FOOTINGS HAVE BEEN DESIGNED TO THE SOIL BEARING PRESSURE SPECIFIED IN THE DESIGN CRITERIA.
- ALL FOOTINGS ARE TO REST ON UNDISTURBED SOIL AND SHALL BE A MINIMUM OF 30", OR LOCAL FROST DEPTH, BELOW THE FINISH GRADE.
- THE CONTRACTOR SHALL ENSURE THAT THE FOOTINGS ARE PROPERLY DRAINED AND THAT THE SOIL MOISTURE CONTENT MEETS THE IBC AND IRC REQUIREMENTS.
- ANY ANOMALOUS SOIL CONDITION ENCOUNTERED DURING EXCAVATION, SUCH AS SLIPPAGE, HIGH MOISTURE CONTENT, IMPROPER DRAINAGE, ETC., SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING.
- COMPACT BACKFILL AGAINST FOUNDATION WALL TO 85% OF MODIFIED PROCTOR DRY DENSITY TO REDUCE SETTING OF FILL.
- FOUNDATION ANCHOR BOLTS SHALL BE EMBEDDED IN AT LEAST 1" OF CONCRETE AND PLACED WITHIN 12" OF SILL PLATE END. IF MULTIPLE PLATES ARE USED, THE ANCHOR BOLTS SHALL EXTEND THROUGH ALL PLATES. THERE SHALL BE A MINIMUM OF 2 ANCHOR BOLT PER WALL SECTION. 3"x3"x0.225" SQUARE WASHERS SHALL BE USED BETWEEN ANCHOR BOLT AND PLATE. SEE CROSS SECTION FOR SIZE AND SPACING.
 - GRADE 60 REBAR SHALL BE USED FOR BOTH VERTICAL AND HORIZONTAL INSTALLATIONS.
 - HOLD-DOWNS SHALL BE EMBEDDED IN THE FOUNDATION PER MANUFACTURERS REQUIREMENTS. THE CONTRACTOR SHALL ENSURE THAT THE FASTENERS HOOK THE REBAR AND MEETS THE MINIMUM EDGE DISTANCE.

CONCRETE-ENCASED ELECTRODE E3608.12

AN ELECTRODE ENCASED BY AT LEAST 2 INCHES OF CONCRETE, LOCATED WITHIN AND NEAR THE BOTTOM OF A CONCRETE FOUNDATION OR FOOTING THAT IS IN DIRECT CONTACT WITH THE EARTH, CONSISTING OF AT LEAST 20 FEET OF ONE OR MORE BARE OR ZINC-GALVANIZED OR OTHER ELECTRICALLY CONDUCTIVE COATED STEEL REINFORCING BARS OR RODS OF NOT LESS THAN 1/2 INCH DIAMETER, OR CONSISTING OF AT LEAST 20 FEET OF BARE COPPER CONDUCTOR NOT SMALLER THAN 4 AWG SHALL BE CONSIDERED AS A GROUNDING ELECTRODE. REINFORCING BARS SHALL BE PERMITTED TO BE BONDED TOGETHER BY THE USUAL STEEL TIE WIRE OR OTHER EFFECTIVE MEANS.

FOOTINGS ON OR ADJACENT TO SLOPES R403.1.7

THE PLACEMENT OF BUILDINGS AND STRUCTURES ON OR ADJACENT TO SLOPES STEEPER THAN ONE UNIT VERTICAL IN THREE UNITS HORIZONTAL (33.3-PERCENT SLOPE) SHALL CONFORM TO SECTIONS R403.1.1 THROUGH R403.1.1.4

BUILDING CLEARANCES FROM ASCENDING SLOPE SURFACES R403.1.7.1

IN GENERAL, BUILDINGS BELOW SLOPES SHALL BE SET A SUFFICIENT DISTANCE FROM THE SLOPE TO PROVIDE PROTECTION FROM SLOPE DRAINAGE, EROSION AND SHALLOW FAILURES.

FOOTING SETBACK FROM DESCENDING SLOPE SURFACES R403.1.7.2

FOOTINGS ON OR ADJACENT TO SLOPE SURFACES SHALL BE FOUNDED IN MATERIAL WITH AN EMBEDMENT AND SETBACK FROM THE SLOPE SURFACE SUFFICIENT TO PROVIDE VERTICAL AND LATERAL SUPPORT FOR THE FOOTING WITHOUT DETRIMENTAL SETTLEMENT.

FOUNDATION ELEVATION R403.1.7.3

ON GRADED SITES, THE TOP OF ANY EXTERIOR FOUNDATION SHALL EXTEND ABOVE THE ELEVATION OF THE STREET GUTTER AT POINT OF DISCHARGE OR THE INLET OF AN APPROVED DRAINAGE DEVICE A MINIMUM OF 12 INCHES (305 MM) PLUS 2 PERCENT.

STRUCTURAL FILL

STRUCTURAL FILL SHALL BE IMPORTED FILL MATERIAL.

IMPORTED FILL MATERIAL SHALL CONSIST OF WELL-GRADED SANDY GRAVELS TO SILTY SANDS WITH A MAXIMUM SIZE OF 4" AND 5 TO 20 PERCENT FINES (MATERIALS PASSING NO. 200 SIEVE). THE LIQUID LIMIT OF THE FINES SHALL NOT EXCEED 35% AND THE PLASTICITY INDEX SHALL BE BELOW 15.

CLEAN GRAVEL RANGING FROM #4 GRAVEL TO #4" WITH LESS THAN 5 PERCENT FINES AND SAND COMBINED MAY ALSO BE USED AS STRUCTURAL FILL.

ALL FILL SOILS SHALL BE FREE FROM TOPSOIL, HIGHLY ORGANIC MATERIAL, FROZEN SOIL, AND OTHER DELETERIOUS MATERIALS.

THE THICKNESS OF EACH LIFT SHALL BE APPROPRIATE FOR THE COMPACTION EQUIPMENT BEING USED. MAX. 6" LIFT FOR HAND COMPACTION. MAX. 8" FOR TRENCH COMPACTORS.

THE FULL THICKNESS OF EACH LIFT OF STRUCTURAL FILL SHALL BE COMPACTED TO AT LEAST 95 PERCENT OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557.

CLEAN GRAVEL FILL MAY BE PLACED IN MAX. 24" LIFTS. THE GRAVEL WILL NEED TO BE COMPACTED WITH AT LEAST 4 PASSES OF A VIBRATORY PLATE OR DRUM COMPACTOR.

WOOD - GENERAL FRAMING NOTES R502 & R602

WOOD FRAMING SHALL BE CONSTRUCTED IN ACCORDANCE TO SECTIONS R502 AND R602. FASTENERS SCHEDULE FOR STRUCTURAL MEMBERS PER TABLE R602.3(1).

- FRAMING LUMBER SHALL BE #2 DOUGLAS FIR-LARCH OR BETTER UNLESS NOTED OTHER WISE.
- ALL WOOD IN CONTACT WITH CONCRETE, MASONRY OR SOIL SHALL BE PRESURE TREATED OR BE REDWOOD.
- ALL FRAMING ANCHORS, POST CAPS, HOLD DOWNS, COLUMN BASES, ETC. SHALL BE PROVIDED BY SIMPSON STRONG-TIE OR APPROVED EQUAL.
- ALL WALLS SHALL HAVE A MINIMUM OF TWO TOP PLATES. SPLICES IN TOP PLATES SHALL BE STAGGERED A MINIMUM OF FOUR FEET FROM THE NEAREST SPLICE IN ADJOINING TOP PLATE.
- ALL EXTERIOR AND LOAD BEARING WINDOW AND DOOR HEADERS SHALL HAVE (2) 2x10 DF No. 2 W/FILLER UNLESS NOTED OTHERWISE ON DRAWING.
- ALL HEADERS SUPPORTING A GIRDER TRUSS SHALL BE A MIN. OF (2) 1-3/4"x9-1/2" LVLs UNLESS NOTED OTHERWISE ON DRAWING.
- MULTIPLE BEAMS AND HEADERS SHALL BE NAILED TOGETHER ACCORDING TO DETAIL ON SHEET S2.
- ALL POINT LOADS SHALL BE SOLID BLOCKED TO THE FOUNDATION. SEE SHEETS S1-S3.
- MULTIPLE TRIMMERS - SEE TYPICAL BEAM POCKET SHEET 3.
- USE SIMPSON OR EQUIVALENT HARDWARE TO CONNECT BEAMS 6" AND LONGER TO STUDS OR POSTS.
- TALL WALL FRAMING SHALL BE BALLOON FRAMING - WALL FRAMING SHALL BE FULL HEIGHT AND CONTINUOUS FROM FLOOR TO CEILING. SEE TYPICAL WALL SECTION OR FLOOR PLANS FOR FRAMING MATERIAL AND SIZES.
- MULTI LEVEL FRAMING - MULTI LEVEL FRAMING SHALL BE STAKE AND VERTICALLY ALIGNED TO CREATE DIRECT LOAD PATH.

FLOOR SHEATHING NOTES R503

- TYPICAL FLOOR SHEATHING SHALL BE 3/4" T&G WAFFER BOARD NAILED W/ 8d NAILS @ 6" O.C. ON ALL EDGES, AND @ 12" O.C. ALONG INTERMEDIATE FRAMING MEMBERS.
- SOLID JOIST BLOCKING REQUIRED AT ALL BEARING POINTS.
- INSTALL FLOOR SHEATHING WITH FACE GRAIN AT RIGHT ANGLES TO FRAMING WITH END JOINTS STAGGERED.
- USE DOUBLE FLOOR JOISTS UNDER ALL LOAD BEARING WALLS RUNNING PARALLEL WITH FLOOR JOISTS.
- USE DOUBLE FLOOR JOISTS UNDER ALL SHEAR WALLS RUNNING PARALLEL WITH FLOOR JOISTS. NAIL BOTTOM PLATE TO JOISTS W/ 16d NAILS @ 3" O.C.
- USE DOUBLE JOISTS TO SOLID BLOCK UNDER ALL SHEAR WALLS RUNNING PERPENDICULAR TO FLOOR JOISTS. NAIL BOTTOM PLATE TO BLOCKING W/ 16d NAILS @ 3" O.C.
- FLOOR JOIST INSTALLATION PER MANUFACTURERS SPECIFICATIONS.

SHEAR WALL NOTES

- AS A MINIMUM, ALL EXTERIOR WALL SHALL BE SHEATHED WITH 7/16" APA RATED C-D OR C-C SHEATHING AND NAILED WITH 8d's 4" O.C. EDGE AND 12" O.C. FIELD. IF NOT INDICATED ON PLANS. SEE SHEARWALL SCHEDULE.
- SHEATHING SHALL EXTEND CONTINUOUS FROM MUD SILL TO TOP PLATE AND NAILED AT LEAST 1" O.C. ALONG SILL PLATE. SHEATHING SHALL EXTEND FROM FLOOR FRAMING TO HIGH ROOF FRAMING ON UPPER LEVEL EXTERIOR WALLS.
- NAILS SHALL BE PLACED NOT LESS THAN 1/2" FROM EDGE OF PANEL AND DRIVEN FLUSH. NAIL SHALL NOT FRACTURE THE SURFACE OF THE SHEATHING.

WOOD TRUSS NOTES R202.10

PRE-MANUFACTURED TRUSSES SHALL CONFORM WITH SECTION R202.10 AND R502.11.

TRUSS MANUFACTURE SHALL PROVIDE DETAILS AND INSTRUCTION FOR HANDLING, INSTALLING, RESTRAINING, AND BRACING OF TRUSSES BEFORE AND AFTER CONSTRUCTION.

TRUSS DESIGN DRAWINGS SHALL BE PREPARED BY A REGISTERED PROFESSIONAL WHERE REQUIRED BY THE STATUES OF THE JURISDICTION IN WHICH THE PROJECT IS TO BE CONSTRUCTED IN ACCORDANCE WITH SECTION R106.1.

NO ALTERATIONS SHALL BE MADE TO THE TRUSSES OR THE TRUSS LAYOUT.

ANY CHANGES TO THE ROOF FRAMING PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER PRIOR TO MANUFACTURING AND OR CONSTRUCTION OF SAID TRUSSES.

TRUSS DESIGN DRAWINGS SHALL COMPLY WITH SECTION R502.11.4 & R202.10.1.

DEFERRED TRUSS DESIGN SHALL BE SUBMITTED TO KARRAS ENGINEERING AND THE BUILDING OFFICIAL FOR REVIEW AND GENERAL CONFORMANCE PRIOR TO INSTALLATION IN ACCORDANCE WITH IBC 1013.4.1.

CONTRACTOR SHALL PROVIDE MINIMUM 22" X 30" ATTIC ACCESS. - FIELD LOCATE PROVIDE WEATHER STRIPPING AROUND OPENING. R202.11.

THE CONTRACTOR SHALL BLOCK BETWEEN TRUSSES AND CONNECT EACH TRUSS TO WALL TOP PLATE WITH SIMPSON HI CONNECTORS.

GABLE ENDS SHALL HAVE SIMPSON STRONGTIE STRAPS @ 32" O.C. CONNECTING GABLE TRUSS TO WALL FRAMING.

TRUSSES TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.

BLOCKING BETWEEN TRUSSES SHALL MATCH BOTTOM CHORD OF TRUSS.

BRACING - TRUSSES SHALL BE BRACED TO PREVENT ROTATION AND PROVIDE LATERAL STABILITY.

ROOF SHEATHING NOTES R203

- SHEATHING SHALL BE 7/16", 24/16, APA RATED SHEATHING. NAIL W/ 8d's @ 6" O.C. 3/8" FROM EDGE OF PANEL AT ALL PANEL ENDS, SUPPORTED EDGES, SHEARWALL TOPS, AND ALL BLOCKING. NAIL @ 12" O.C. ALONG INTERMEDIATE FRAMING MEMBERS. (5/8" SHEATHING WITH SNOW LOADS GREATER THAN 30 LBS)
- LAY SHEATHING WITH FACE GRAIN AT RIGHT ANGLES TO FRAMING WITH STAGGERED END JOINTS.

BRICK VENEER SUPPORT / LINTELS R103.12.1

A MINIMUM 6 INCHES BY 4 INCHES BY 1/2 INCH SLOPE ANGLE, WITH THE LONG LEG PLACED VERTICALLY, SHALL BE ANCHORED TO DOUBLE 2 INCHES BY 4 INCHES WOOD STUDS AT A MAXIMUM ON-CENTER SPACING OF 16 INCHES. ANCHORAGE OF THE STEEL ANGLE AT EVERY DOUBLE STUD SPACING SHALL BE A MINIMUM OF TWO 1/4" DIAMETER BY 4 INCH LAG SCREWS.

STEEL LINTELS SHALL BE SHOP COATED WITH RUST INHIBITIVE PAINT, EXCEPT FOR LINTELS MADE OF CORROSION-RESISTANT STEEL.

FASTENERS R317.3

FASTENERS AND CONNECTORS IN CONTACT WITH PRESERVATIVE - TREATED WOOD SHALL BE HOT DIPPEED ZINC-COATED GALVANIZED STEEL, STAINLESS STEEL, SILICON BRONZE OR COPPER. THE COATING WEIGHTS FOR ZINC-COATED FASTENERS SHALL BE IN ACCORDANCE WITH ASTM A 153. EXCEPTIONS 1/4" DIAMETER OR GREATER STEEL BOLTS.

DWELLING/GARAGE SEPERATION R302.6

STRUCTURAL MEMBERS SUPPORTING THE SEPARATION SHALL BE PROTECTED BY FIRE-RESISTIVE CONSTRUCTION. 1/2-INCH GYPSUM BOARD TYPICAL. 5/8-INCH TYPE X GYPSUM BOARD FOR HABITABLE ROOMS ABOVE THE GARAGE.

COMPLY WITH SECTION R302.6.

CEILING HEIGHT R305

HABITABLE SPACE, HALLWAYS, BATHROOMS, TOILET ROOMS, LAUNDRY ROOMS AND PORTIONS OF BASEMENTS CONTAINING THESE SPACES SHALL HAVE A CEILING HEIGHT OF NOT LESS THAN 7 FEET. BASEMENTS 6'-8" MIN. EXCEPTIONS UNDER BEAMS, GIRDERS, DUCTS OR OTHER OBSTRUCTIONS MAY PROJECT TO WITHIN 6'-4" OF THE FINISHED FLOOR.

WINDOW WELLS R310.2

WINDOW WELLS REQUIRED FOR EMERGENCY ESCAPE AND RESCUE SHALL HAVE HORIZ. DIMENSIONS THAT ALLOW THE DOOR OR WINDOW OF THE EMERGENCY ESCAPE AND RESCUE OPENING TO BE FULLY OPENED. THE HORIZONTAL DIMENSIONS OF THE WINDOW WELL SHALL PROVIDE A MINIMUM NET CLEAR AREA OF 9 SQUARE FEET WITH A MINIMUM HORIZONTAL PROJECTION AND WIDTH OF 36". WINDOW WELLS WITH A VERTICAL DEPTH GREATER THAN 44 INCHES SHALL BE EQUIPPED WITH A PERMANENTLY AFFIXED LADDER. COMPLY WITH SECTION R310.2.1

BASEMENT - WINDOW SILL HEIGHT R310.2.2

BASEMENT WINDOWS SHALL HAVE A SILL HEIGHT OF NO MORE THAN 44-INCHES ABOVE THE FLOOR. WHERE THE SILL HEIGHT IS BELOW GRADE THE WINDOW SHALL BE PROVIDED WITH A WINDOW WELL IN ACCORDANCE WITH R310.2.3.

WINDOW SILL HEIGHTS R312.2.1

IN DWELLING UNITS, WHERE THE OPENING OF AN OPERABLE WINDOW IS LOCATED MORE THAN 12 INCHES ABOVE THE FINISH GRADE OR SURFACE BELOW, THE LOWEST PART OF THE OPENING OF THE WINDOW SHALL BE A MINIMUM OF 24" INCHES ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED. OPERABLE SECTIONS OF WINDOWS SHALL NOT PERMIT OPENINGS THAT ALLOW PASSAGE OF A 4 INCH DIA. SPHERE WHERE SUCH OPENINGS ARE LOCATED WITHIN 24 INCHES OF THE FINISHED FLOOR.

MEANS OF EGRESS R311

THERE SHALL BE A LANDING OR FLOOR ON EACH SIDE OF EACH EXTERIOR DOOR. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE DOOR SERVED. EVERY LANDING SHALL HAVE A MINIMUM DIMENSION OF 36 INCHES MEASURED IN THE DIRECTION OF TRAVEL. EXTERIOR LANDINGS SHALL BE PERMITTED TO HAVE A SLOPE NOT TO EXCEED 0.25 UNIT VERTICAL IN 12 UNITS. (2%)

GUARDS AND WINDOW FALL PROTECTION R312

GUARDS SHALL BE LOCATED ALONG OPEN-SIDED WALKING SURFACES, INCLUDING STAIRS, RAMPS AND LANDINGS, THAT ARE LOCATED MORE THAN 30 INCHES MEASURED VERTICALLY TO THE FLOOR OR GRADE BELOW AT ANY POINT 36 INCHES HORIZONTALLY TO THE EDGE OF THE OPEN SIDE.

OPENING LIMITATIONS - REQUIRED GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT THAT ALLOW PASSAGE OF A SPHERE 4 INCHES IN DIAMETER.

SMOKE ALARMS R314

SMOKE ALARMS SHALL BE IN ACCORDANCE WITH SECTION R314.

ALL SMOKE ALARMS SHALL BE LISTED IN ACCORDANCE WITH UL 217 AND INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE AND THE HOUSEHOLD FIRE WARNING EQUIPMENT PROVISIONS OF NFPA 12.

SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS: IN EACH SLEEPING ROOM, OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS, ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS AND UNINHABITABLE ATTICS.

WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN AN INDIVIDUAL DWELLING UNIT THE ALARM DEVICES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT.

CARBON MONOXIDE ALARMS R315

CARBON MONOXIDE ALARMS SHALL BE IN ACCORDANCE WITH SECTION R315.

AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED ON EACH HABITABLE LEVEL WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN DWELLINGS UNITS THAT HAVE ATTACHED GARAGES.

SINGLE STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL 2034 AND SHALL BE INSTALLED IN ACCORDANCE WITH THIS CODE AND NFPA 720.

GLAZING R308

1. GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS AND SHOWERS. GLAZING IN ANY PART OF A BUILDING WALL ENCLOSING THESE COMPARTMENTS WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60 INCHES MEASURED VERTICALLY ABOVE ANY STANDING OR WALKING SURFACE.

2. GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE IS WITHIN A 24-INCH ARC OF THE DOOR IN A CLOSED POSITION AND WHOSE BOTTOM EDGE IS LESS THAN 60 INCHES ABOVE THE FLOOR OR WALKING SURFACE.

3. GLAZING IN WALLS ENCLOSING STAIRWAY LANDING OR WITHIN 60 INCHES OF THE TOP AND BOTTOM OF STAIRWAYS WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE.

WEATHER-RESISTANT BARRIER R103.6.3

WEATHER-RESISTANT BARRIERS SHALL BE INSTALLED AS REQUIRED IN SECTION R103.2 AND, WHERE APPLIED OVER WOOD-BASED SHEATHING, SHALL INCLUDE A WEATHER-RESISTANT VAPOR PERMEABLE BARRIER WITH A PERFORMANCE AT LEAST EQUIVALENT TO TWO LAYERS OF GRADE D PAPER.

WEEP SCREDS R103.6.2.1

A MINIMUM 0.013-INCH (NO. 26 GALVANIZED SHEET GAGE), CORROSION-RESISTANT WEEP SCREEN OR PLASTIC WEEP SCREED, WITH A MINIMUM VERTICAL ATTACHMENT FLANGE OF 3-1/2 INCHES SHALL BE PROVIDED AT OR BELOW THE FOUNDATION PLATE LINE ON EXTERIOR STUD WALLS IN ACCORDANCE WITH ASTM C 926. THE WEEP SCREED SHALL BE PLACED A MINIMUM OF 4 INCHES ABOVE THE EARTH OR 2" ABOVE PAVED AREAS AND SHALL BE OF TYPE THAT WILL ALLOW TRAPPED WATER TO DRAIN TO THE EXTERIOR OF THE BUILDING. THE WEATHER-RESISTANT BARRIER SHALL LAP THE ATTACHMENT FLANGE. THE EXTERIOR LATH SHALL COVER AND TERMINATE ON THE ATTACHMENT FLANGE OF THE WEEP SCREED.

ARC-FAULT PROTECTION E3902.12

ALL BRANCH CIRCUITS THAT SUPPLY 120-VOLT, SINGLE PHASE, 15- AND 20-AMPERE OUTLETS IN FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DENS, BEDROOMS, SUN-ROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, OR SIMILAR ROOMS OR AREAS SHALL BE PROTECTED BY A COMBINATION TYPE ARC-FAULT CIRCUIT INTERRUPTER INSTALLED TO PROVIDE PROTECTION OF THE ENTIRE BRANCH CIRCUIT.

TUB AND SHOWER R301

BATHTUB AND SHOWER SPACES - R301.2

BATHTUB AND SHOWER FLOORS AND WALLS ABOVE BATHTUBS WITH INSTALLED SHOWER HEADS AND IN SHOWER COMPARTMENTS SHALL BE FINISHED WITH A NONABSORBANT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO HEIGHT OF NOT LESS THAN 6 FEET ABOVE THE FLOOR.

LIMIT WATER TEMPERATURE TO A MAX. 120° F. PER SECTION F2108.3 AND F2113.3.

JETTED TUB ACCESS - 12"x12" ACCESS PER IRC F2120.

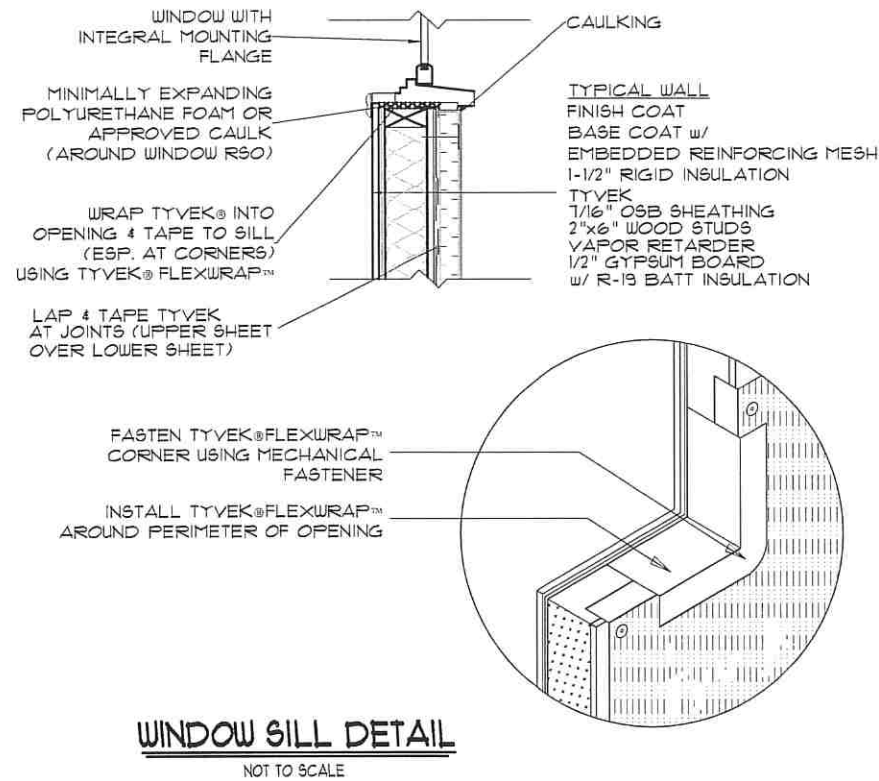
GENERAL NOTES

- CONTRACTOR IS TO VERIFY DESIGN, DIMENSIONS AND NOTES PRIOR TO BEGINNING OF CONSTRUCTION.
- ALL WORK IS TO BE DONE UNDER THE SUPERVISION OF A LICENSED CONTRACTOR.
- ALL WORK IS TO BE DONE UNDER LOCAL AND STATE BUILDING CODES.
- ELECTRICAL SHALL BE PER NATIONAL ELECTRIC CODE, LATEST EDITIONS.
- HEATING/MECHANICAL WORK SHALL BE PER APPLICABLE CODES, LATEST EDITIONS.



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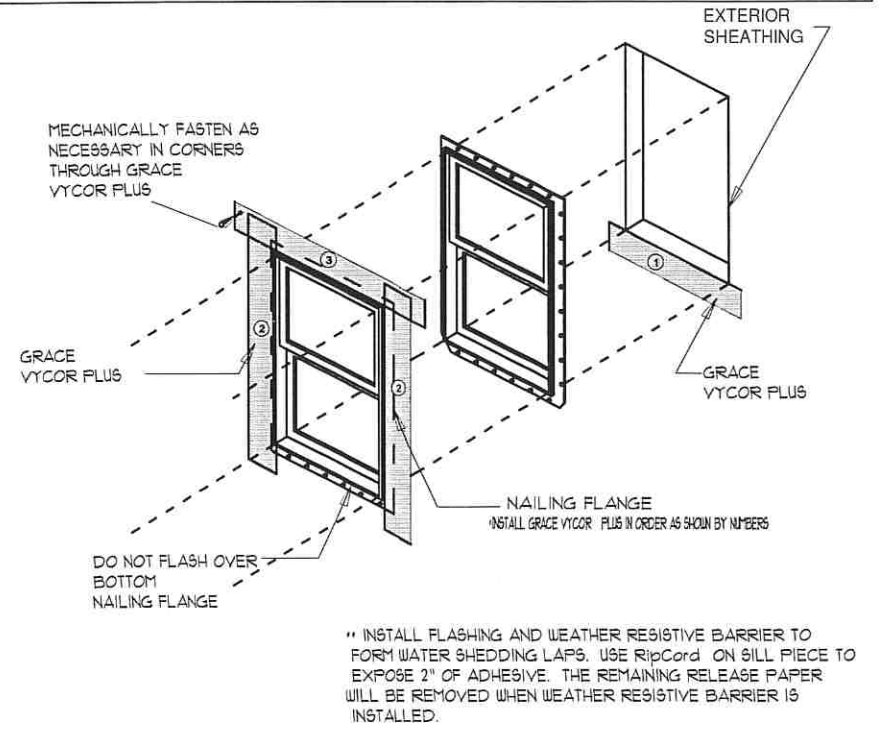
Exhibit C: Building Plans, Materials, & Colors
WEATHER RESISTIVE BARRIER (R103.2)



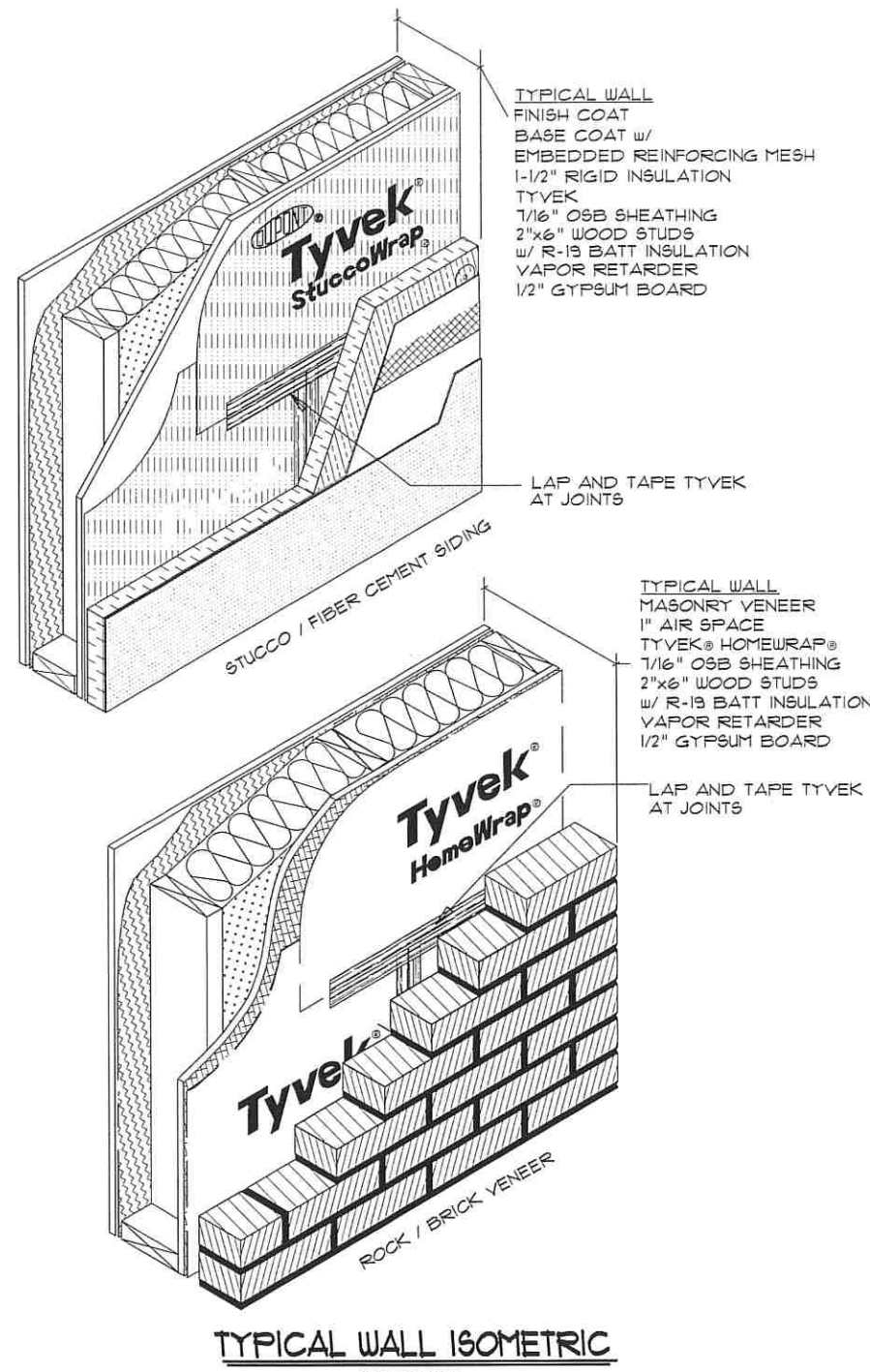
WINDOW SILL DETAIL
NOT TO SCALE

GENERAL NOTES

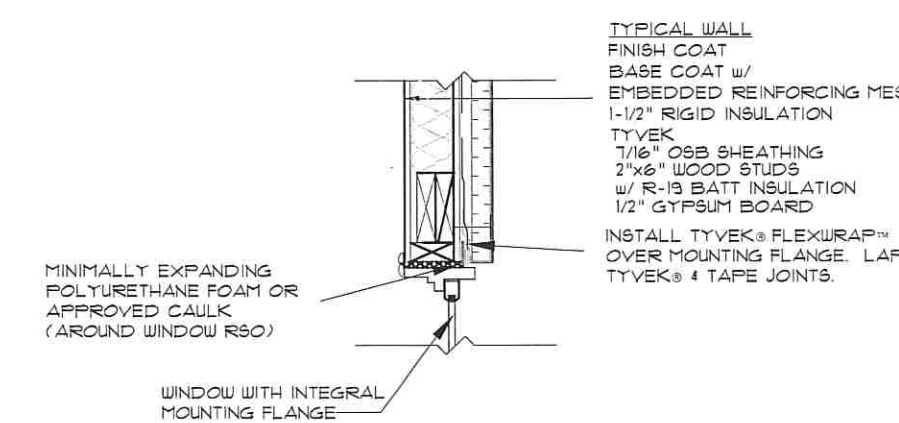
- SEAL ALL TYVEK JOINTS AND PENETRATIONS WITH APPROVED TAPE (ex. DUPONT CONTRACTOR TAPE)
- FASTEN TYVEK TO SHEATHING WITH LARGE HEAD NAILS OR USE NAILS WITH LARGE PLASTIC WASHER HEADS (ex. DUPONT WRAPCAPS)
- LOCAL LAWS, ZONING, AND BUILDING CODES VARY AND THEREFORE GOVERN OVER MATERIAL SELECTION AND DETAILING SHOWN BELOW
- INSTALL EIFS ACCORDING TO MANUFACTURER'S WRITTEN INSTRUCTIONS



WINDOW / DOOR HEAD DETAIL
NOT TO SCALE



TYPICAL WALL ISOMETRIC
NOT TO SCALE



WINDOW / DOOR HEAD DETAIL
NOT TO SCALE

2015 IECC REQUIREMENTS FOR UTAH HOMES

ZONE	WINDOWS		INSULATION				FOUNDATION		
	FENESTRATION U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE AND DEPTH	CRAWL SPACE WALL R-VALUE
ZONE 6	0.32	NR	49	20 + 5 OR 13 + 10	15/20	30	15/20	10, 4 FT	15/19
ZONE 5	0.32	NR	49	20 OR 13 + 5	13/17	30	13/17	10, 2 FT	15/19
ZONE 3	0.32	0.25	38	20 OR 13 + 5	8/13	19	8/13	0	5/13
ZONE 3	WASHINGTON		ZONE 5	BEAVER, DAVIS, EMERY, GARFIELD, GRAND, IRON, JUAB, KANE,					
ZONE 5	MILLARD, BLUTE, SALT LAKE, SAN JUAN, SANPETE, SEVIER, TOOELE UTAH, WAYNE, WEBER								
ZONE 6	BOX ELDER, CACHE, CARBON, DAGGETT, DUCHEGNE, MORGAN, RICH, SUMMIT, UTAH, WASATCH								

FENESTRATION (IECC SECTIONS R303.1.3, R402.3, R402.5)

FENESTRATION (INCLUDING ALL WINDOWS AND DOORS) AND SKYLIGHT U-FACTORS ARE MAXIMUM ACCEPTABLE LEVELS. THE GLAZED FENESTRATION SHGC MAXIMUMS APPLY TO ALL WINDOWS, SKYLIGHTS AND GLAZED DOORS. AN AREA-WEIGHTED AVERAGE OF FENESTRATION PRODUCTS IS PERMITTED TO SATISFY THESE REQUIREMENTS. (SEE IECC SECTION R402.3)

WINDOW, DOOR AND SKYLIGHT U-FACTORS AND SHGC'S MUST BE DETERMINED BY AN ACCREDITED, INDEPENDENT LABORATORY, AND LABELED AND CERTIFIED BY THE MANUFACTURER, IN ACCORDANCE WITH A NATIONAL FENESTRATION RATING COUNCIL (NFRG) RATING. PRODUCTS WITHOUT AN NFRG LABEL MUST USE THE DEFAULT VALUES IN IECC SECTION R303.1.3

WINDOWS, SKYLIGHTS, AND SLIDING GLASS DOORS MUST BE LABELED TO SHOW THAT THEY MEET THE IECC'S AIR INFILTRATION REQUIREMENTS.

UP TO 15 SQUARE FEET OF GLAZED FENESTRATION IS PERMITTED TO BE EXEMPT FROM THE U-FACTOR AND SHGC REQUIREMENTS. ONE SIDE HINGED OPAQUE DOOR ASSEMBLY UP TO 24 SQUARE FEET IS EXEMPTED FROM THE FENESTRATION U-FACTOR REQUIREMENTS IN THERMALLY ISOLATED SUNROOMS. (IECC SECTION R402.3.5)

INSULATION (IECC SECTIONS R303.1.4 AND R402.2)

INSULATION R-VALUES ARE MINIMUM ACCEPTABLE LEVELS AND MUST BE DETERMINED ACCORDING TO FEDERAL TRADE COMMISSION RULE.

R-VALUES FOR WALLS REPRESENT THE SUM OF CAVITY INSULATION PLUS INSULATED SHEATHING, IF ANY. THE SECOND R-VALUE FOR MASS WALLS APPLIES WHEN MORE THAN HALF THE INSULATION IS ON THE INTERIOR OF THE MASS WALL.

THE INSULATION FOR BASEMENT WALLS MUST BE FROM THE TOP OF THE WALL DOWN 10 FEET BELOW GRADE OR TO THE BASEMENT FLOOR, WHICHEVER IS LESS. BASEMENT WALL INSULATION IS NOT REQUIRED IN WARM-HUMID LOCATIONS AS DEFINED IN IECC FIGURE R301.1. INSULATION REQUIREMENTS FOR CRAWL SPACE WALLS ARE FURTHER SPECIFIED IN IECC SECTION R402.2.11

FLOOR INSULATION MUST BE INSTALLED TO MAINTAIN CONTACT WITH THE UNDERSIDE OF THE SUBFLOOR DECKING. REFER TO THE CODE FOR DETAILS ALLOWING INSULATION TO BE INSTALLED ON THE LOWER SIDE OF THE CEILING CAVITY.

ACCESS DOORS FROM CONDITIONED SPACES (EG. ATTICS AND CRAWL SPACES TO UNCONDITIONED SPACES) SHALL BE WEATHER STRIPPED AND INSULATED TO A LEVEL EQUIVALENT TO THE INSULATION ON THE SURROUNDING SURFACES. VERTICAL ACCESS DOORS ARE PERMITTED TO MEET THE FENESTRATION REQUIREMENTS.

INSULATION REQUIREMENTS FOR SLAB ON GRADE FLOORS ARE FURTHER SPECIFIED IN IECC SECTION R402.2.10. R-5 SHALL BE ADDED TO THE REQUIRED SLAB EDGE R-VALUES FOR HEATED SLABS.

SPECIAL INSULATION EXCEPTIONS RELATED TO CEILINGS WITH OR WITHOUT ATTIC SPACES, MASONRY VENEER AND THERMALLY ISOLATED SUNROOMS ARE SET FORTH IN IECC SECTION R402.

DUCTS (IECC SECTION R403.3)

DUCTS MUST BE TESTED AND VERIFIED TO HAVE TOTAL LEAKAGE OF NO MORE THAN 4cfm/100 SQ. FT. (OR 3cfm IF AIR HANDLER IS NOT INSTALLED), EXCEPT WHERE AIR HANDLER AND ALL DUCTS ARE LOCATED INSIDE CONDITIONED SPACE. AIR HANDLERS AND FILTER BOXES MUST ALSO BE PROPERLY SEALED.

SUPPLY AND RETURN DUCTS SHALL BE SEALED AND INSULATED AS FOLLOWS:

DUCT LOCATION	LESS THAN 3 INCHES IN DIAMETER	GREATER THAN 3 INCHES IN DIAMETER
ATTIC	R-6	R-8
OTHER PORTIONS OF THE BUILDING	R-4.2	R-6
COMPLETELY INSIDE CONDITIONED SPACE	EXEMPT	EXEMPT

AIR SEALING (IECC SECTION R402.4)

THE BUILDING ENVELOPE IS REQUIRED TO BE PROPERLY SEALED AND TESTED, AND VERIFIED AS HAVING AN AIR LEAKAGE RATE NO HIGHER THAN 3 ACH AT 0.2 INCH WG. (50 PASCAL) IN CLIMATE ZONES 3, 5 AND 6. RECESSED LIGHTING MUST ALSO BE SEALED TO LIMIT AIR LEAKAGE.

DOCUMENTATION (IECC SECTIONS R103, R303.3, R401.3)

THE APPROPRIATE CONSTRUCTION DOCUMENTS AND PREVENTATIVE MAINTENANCE INFORMATION MUST BE PROVIDED, ALONG WITH A PERMANENT CERTIFICATE LISTING CERTAIN INSULATION, WINDOW AND HVAC PERFORMANCE INFORMATION.

SYSTEMS (IECC SECTION R403)

HVAC SYSTEM MUST BE PROPERLY SIZED IN ACCORDANCE WITH ACCA MANUAL S BASED ON BUILDING LOADS CALCULATED IN ACCORDANCE WITH ACCA MANUAL J OR OTHER APPROVED METHODOLOGIES. NEW OR REPLACEMENT HEATING AND COOLING EQUIPMENT MUST MEET OR EXCEED FEDERAL MINIMUM EFFICIENCY REQUIREMENTS FOR GEOGRAPHIC LOCATION IN WHICH IT IS INSTALLED.

TEMPERATURE CONTROLS MUST BE INSTALLED, INCLUDING A PROGRAMMABLE THERMOSTAT WHERE REQUIRED.

MECHANICAL SYSTEM PIPING MUST BE INSULATED TO A MINIMUM OF R-3. HOT WATER PIPING MUST BE INSULATED TO R-3, WITH CERTAIN EXCEPTIONS.

SPECIFIC REQUIREMENTS APPLY TO CIRCULATING HOT WATER SYSTEMS, MECHANICAL VENTILATION, SNOW MELT SYSTEMS, AND POOLS.

LIGHTING (IECC SECTIONS R202 AND R404.1)

A MINIMUM OF 75% OF LAMPS IN PERMANENTLY INSTALLED FIXTURES MUST BE HIGH-EFFICACY AS DEFINED IN THE IECC.



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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a conditional use permit application for an Agri-Tourism operation identified as the Happy Pumpkin Maze.
Agenda Date:	Tuesday, July 14, 2020
Type of Decision:	Administrative
Applicant:	Verla G. McFarland
Authorized Agent:	Blair McFarland
File Number:	CUP# 2020-10

Property Information

Approximate Address:	3462 W 2900 S, Ogden, UT
Project Area:	50 Acres
Zoning:	Agricultural Zone (A-2)
Existing Land Use:	Agricultural
Proposed Land Use:	Agri-Tourism
Parcel ID:	15-092-0003
Township, Range, Section:	Township 6 North, Range 2 West, Section 34

Adjacent Land Use

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

Staff Information

Report Presenter:	Felix Lleverino flleverino@co.weber.ut.us 801-399-8767
Report Reviewer:	SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Chapter 7 Agricultural Zone (A-2)
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations
- Title 108, Chapter 21 Agri-Tourism
- Title 110, Chapter 1 Western Weber Signs

Summary and Background

The applicant is requesting approval of a conditional use permit for an Agri-Tourism operation known as “Happy Pumpkin Maze”. The operation will consist of approximately 50 acres and lies in the Agricultural (A-2) Zone which allows Agri-Tourism only when authorized by a conditional use permit. The proposed Agri-Tourism operation will be considered an accessory use to the existing agricultural uses located on all parcels involved. The Planning Division is recommending approval based on the findings and conditions outlined in this report.

The McFarland land currently qualifies as a “Large Farm” as outlined, the Uniform Land Use Code of Weber County, Utah (LUC) §108-21-4 which includes agriculturally productive property consisting of 40 acres or more but fewer than 80 acres. The proposed use will allow the owner to continue utilizing the farm as it has been historically operated and to allow for some additional commercial and education abilities to be implemented while promoting the preservation of agricultural property.

Conditional use permits should be approved as long as any harmful impact is mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application meets these standards. The following is the staff’s evaluation of the request.

Analysis

General Plan: The West Central Weber County General Plan identifies agriculture as a prominent feature of the County and has the desire to preserve the openness by promoting and protecting working farms (see the West Central Weber County General Plan adopted September 23, 2003 pages 1.3, 2.4 & 2.).

Zoning: The subject property is located within the A-2 zone which is categorized as "Agricultural Zones".

The purpose and intent of the A-2 Zone are further described in LUC §104-7-1 as follows:

"The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved."

The A-2 Zone has specific standards identified in LUC §104-7-6 that shall be met as part of the development process. The agri-tourism operation has been reviewed for compliance with these standards.

Conditional Use Review: Agri-tourism is conditionally allowed in the A-2 Zone. A Planning Division review has been conducted to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects.

Agri-tourism Applicability and Review: A narrative describing the activities that will take place are described in a narrative prepared by the applicant attached as exhibit B. Additional documents prepared by the applicant describe site preparation to accommodate for visitor services and activities in exhibit C.

The 50-acre farm parcel produces a yearly crop of corn, alfalfa, and pumpkins.

The activities available to visitors of the operation include:

1. Corn Maze
2. Pumpkin Patch
3. Slides
4. Music and dancing
5. Concessions
6. Playground
7. Petting Zoo

The above-listed activities are permitted under the agri-tourism code for operations that range from 40 to 80 acres.

- **Hours of operation:** LUC §108-21-3(9) states that "Agri-tourism uses/activities, not including residential overnight accommodations and/or those conducted within a completely enclosed building, shall be limited to operating during the daily hours of 8:00 AM to 10:00 PM. Below are the proposed hours of operation:

September-October:

Monday - Friday: 4-10 PM

Saturday: 10 AM - 10 PM

Haunted Maze: Monday through Friday: 8-10 PM

Sunday: Closed

Special hours for school tours and field trips as needed.

- **Development agreement:** Prior to the construction of any structure intended for the purpose of accommodating non-agricultural uses, the applicant will be required to record a farm stay and a commercial development agreement provided by Weber County on all parcels utilized as a part of an approved agri-tourism operation. A single-family dwelling or farmhouse and/or any number of structures that qualify for an agricultural exemption are exempted from this requirement. The applicant will need to amend the site plan for any structures that are not currently identified on the site plan (see Exhibit C). A condition of approval has been added to ensure that a development agreement is executed and recorded prior to the issuance of any non-agricultural building permits as a part of the approved conditional use permit.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2020-10, a conditional use permit for an agri-tourism operation identified as Happy Pumpkin Maze located at 3462 W 2900 S, Ogden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. A farm stay and a commercial development agreement will be executed and recorded prior to any construction of any structure intended for the purpose of accommodating non-agricultural uses.

This recommendation is based on the following findings:

1. The proposed use conforms to the West Central Weber County General Plan.
2. The proposed use will protect and preserve agricultural property in Weber County.
3. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application
- B. Narrative
- C. Site Plan

Area Map



Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed March 31, 2020	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Verla G. McFarland		Mailing Address of Property Owner(s) 3153 W 1800 S West Haven, UT 84401	
Phone 801-731-0664	Fax		
Email Address (required) sandra.mcfarland48@gmail.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) Blair McFarland		Mailing Address of Authorized Person 3462 W 2900 S Ogden UT 84401	
Phone 801-458-1870	Fax		
Email Address blairmcfarland64@gmail.com		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Happy Pumpkin Maze by Prairie Lane Recreation, LLC		Total Acreage 50	Current Zoning Agriculture
Approximate Address 3462 W 2900 S Ogden, UT 84401		Land Serial Number(s) 150920003	
Proposed Use Corn Maze			
Project Narrative We plan to have a corn maze very similar corn mazes in the area. A portion of the property will be the corn maze, another portion will be a pumpkin patch, and another portion will be parking and concessions with fun farm activities.			

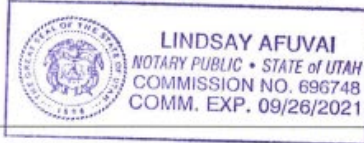
Property Owner Affidavit

I (We), Verla G. McFarland 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.

x Verla G. McFarland
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 31st day of march, 20 20.



Lindsay Afuvai
(Notary)

Authorized Representative Affidavit

I (We), Verla G. McFarland the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Blair McFarland 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.

x Verla G. McFarland
(Property Owner)

Blair McFarland
(Property Owner)

Dated this 31st day of march, 20 20, personally appeared before me Verla G. McFarland and Blair McFarland, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Lindsay Afuvai
(Notary)

June 11, 2020

Re. Happy Pumpkin Maze by Prairie Land LLC.

Farm Description & History: Land Serial no. 150920003

The farm boundaries are the north side of 2900 South and the East side of 3500 West (Taylor, Weber County) in a parcel consisting of approximately 55 acres. This parcel of land has been owned and actively farmed by the McFarland family for at least 50 years. The current McFarland family residing on the property have lived there for the past 25 years approximately, upgrading the conditions of the land to be able to include crop farming as well as cattle pasturing activities. The proposed Agri-Tourism Operation is designed to accommodate the raising and harvesting of this year's vegetable crops without any consequent damages or reduction to crop size.

Proposed Agri-Tourism Operation:

We propose to create an agri-tourism event site including the following:

1. **7 acre Corn Maze:** for entertainment and educational purposes. Friday and Saturday evenings only there will be an optional feature added to a small portion of the corn maze for adults and older children, described as a Haunted Maze, with "scary" characters and costumes.;

2. **2 acre Pumpkin Patch:** for educational and marketing purposes;

3. **Playground:** for children 2 years and above, accompanied by parents, or responsible adult;

4. **Natural Haybale Slides:** of 3 different sizes: small, medium and large, to accommodate all ages of Patrons.

5. **Entertainment Area:** this is a covered facility with seating and extra emergency exits – to hold musical or other educational and entertainment presentations or shows.

6. **Petting Zoo:** consisting of fenced corrals for calves, cows, sheep, etc., which Patrons will be able to observe through the barriers; No Patrons will be allowed to go into the corrals;

7. **Eating Tent:** a covered area consisting of: covered Picnic Tables where Patrons will be welcome to sit to eat refreshments;

8. **Concession Area:** Food and Drink Refreshments & 'Other' Products will be available for purchase at Concession Booths located within a storage container (similar to a large shipping container), painted and decorated appropriately so that it blends in with the surrounding farmland. The specific agricultural products available for purchase in the Concession Area will be the following Gossner Foods items: Muenster Cheese Melts & a variety of Flavored Milks. Non-agricultural products available for sale will be "Glo Stick" items for children which will help them to be seen in the evening hours.

9. **Parking Area and Event Access:** a 5 acre grassed lot, well lit for evening hours is available adjacent to the Event Area at the East side of the property. Access to the Parking Area is an already established driveway at the east side of the residential yard off of 2900 South.

10. **Ticket Booth:** Located at the south-west corner of the Event Area, where Patrons purchase tickets for Entry and Events.;

11. **Proposed Additional Activity:** a Transporting vehicle, possibly themed as a train ride, with multiple sections, to give children a slow and gentle ride around the perimeter of the Event Area;

12. **Music:** will play throughout the Event Area during all operational hours.

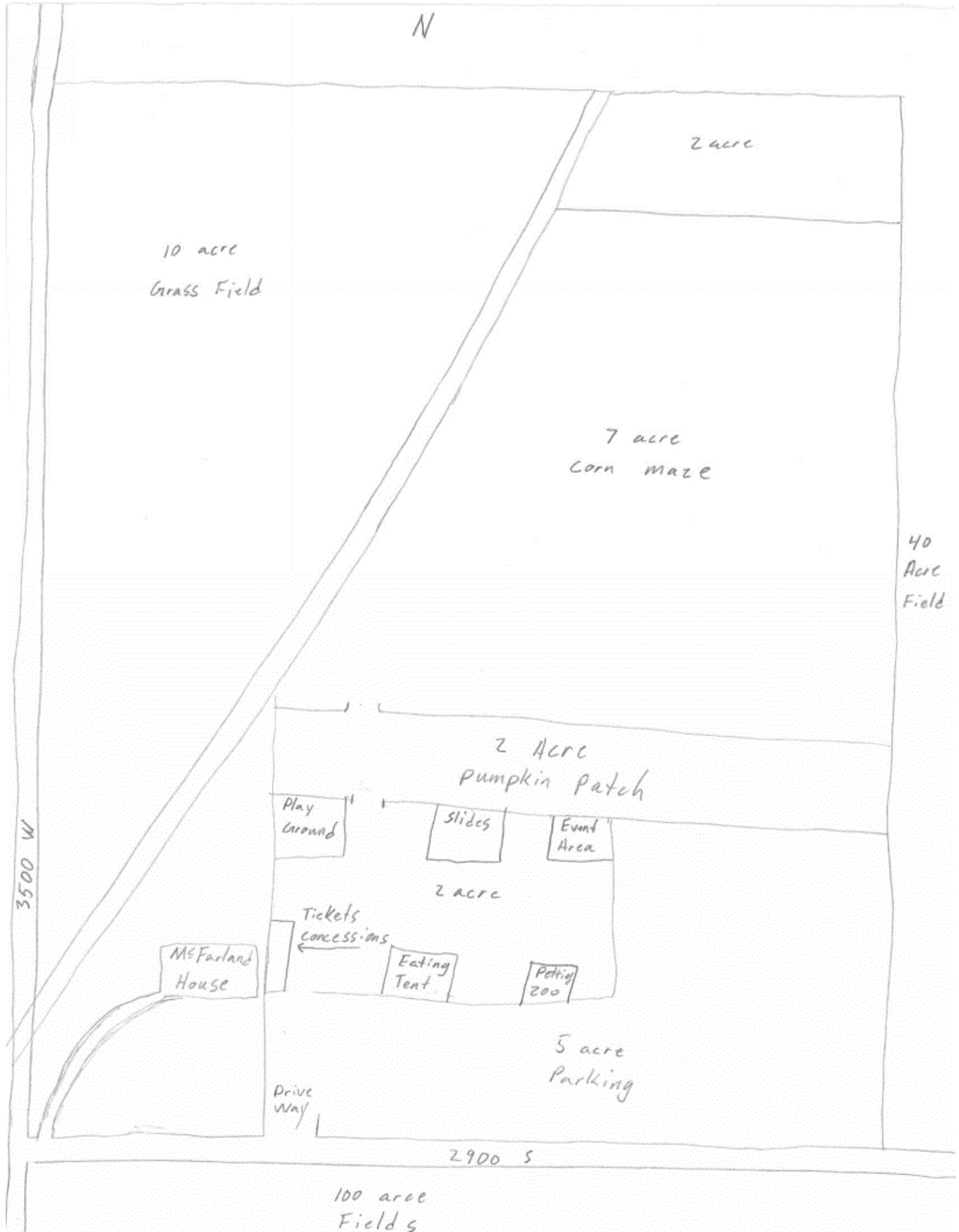
13. **Hours of Operation:** The Happy Pumpkin Maze plans to operate from 4:00 pm to 10:00 pm, Monday through Friday; Saturdays 10:00 a.m. - 10:00 p.m., with the “Haunted Maze” portion available Fridays and Saturdays only: 8 pm – 10 p.m.

14. **Daily Patron Attendance:** based upon the attendance at a neighboring ‘Maze operation’, we hope to have an attendance of up to 200 – 300 participants through an average day’s event.

15. **Employees:** Most of the staffing will be done by members of the McFarland family, with part-time paid “employees” for some entertainment venues, such as the Haunted Maze, some Concession Booths and the Play areas, such as the Slides, for Safety measures.

16. **Hygiene Facilities:** Multiple PortaPotties and Hand Washing Facilities will be installed before the start of the Operational Event and continuously available to all Patrons until the Operation has closed at the end of the season.

Exhibit C





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: An applicant proposed amendment to Weber County Code § 104-7 and 108-7 to allow the cultivation and processing of cannabis cultivation in the A-2 zones provided compliance with specific standards.

Agenda Date: Friday, July 10, 2020

Staff Report Date: Tuesday, July 14, 2020

Applicant: Weber County Planning Division

File Number: ZTA 2020-06

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§ 104-7: AGRICULTURAL A-2 ZONE
 § 108-7: 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.

Executive Summary and Brief Overview

In February of this year, the County Commission passed an ordinance allowing cannabis facilities to be located in the A-3, M-1, M-2, and M-3 zones. This ordinance applied specific standards to these facilities, and prohibited medical cannabis cultivation in the M-1 and M-2 zone.

Weber County Planning Division has received an application to amend the A-2 zone in a manner that will allow a cannabis cultivation facility. Cannabis cultivation activities are similar in nature to other crop cultivation activities. Governed by State law differently than processing or testing. Under state regulations, cultivation must be conducted within a secure building. The applicant's originally desired amendment can be found on page 10 of 23 of the application, attached as Exhibit B. Exhibit B also contains the applicant's full narrative for the requested change.

In the Planning Commission's June 9, 2020 meeting, the Planning Commission held a public hearing for this item. They then tabled the item pending further ordinance revisions and additional contemplation. The primary concern revolved around whether the use should be allowed to expand to the A-2 zone when the original ordinance, adopted only half a year ago, was designed to prohibit it.

It may be of worth for the Planning Commission to consider that when the original ordinance was adopted it was intended to provide for the minimum requirement under state law. Under that minimum requirement, the County is required to allow a "cannabis production establishment" in a manufacturing zone and an agricultural zone. "Cannabis production establishment" is defined as a "cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory."¹ As can be seen here, the term allows for three different component uses incidental to cannabis production. When the original medical cannabis ordinance was considered, the Planning Commission did not consider the potential that the three uses could be proposed separate and independent of each

¹ UCA 4-41a-102

other. This is significant, since the impact of each varies.

The applicant is asking that only the cultivation component of cannabis production be allowed in the A-2 zone. The applicant is further proposing that it only be allowed if inside a secure building.

Given that the purpose of the A-2 zone is to support agricultural pursuits, and given that a cannabis production establishment can be exclusive to cultivation only, the Planning Commission may desire to find that allowing cultivation in the A-2 zone is keeping with the purpose and intent of the zone.

The attached Exhibit A provides the changes requested by the Planning Commission, and other clerical edits.

Planning staff are recommending that the Planning Commission forward a positive recommendation to the County Commission for the amendment. The high security requirements, enclosed building requirements, and general nature of the use is appropriate for the purpose of the A-2 zone.

Conformance to the General Plan

The West Central Weber County General Plan offers not explicit direction on this subject, but generally supports agricultural and manufacturing pursuits in their respective zones.

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

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission on the proposed amendments (attached Exhibit A). The Planning Commission's recommendation could come with the following findings, or as otherwise amended by the Planning Commission's motion:

1. The amendment will expand the right to cultivate cannabis, as strictly governed by state law, to farmers owning land in the A-2 zone.
2. Limiting the onsite cannabis activities to cultivation and other activities reasonably related to cannabis cultivation assist in reducing the little risk that may be associated with the plant.
3. The amendment is not contrary to the effect of the general plan
4. The changes are not detrimental to the general health and welfare of county residents.

Exhibits

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

Last edited 7/10/2020 10:08 AM

1 **Sec. 108-7-34. – Medical cannabis production establishment.**
2

3 In addition to any other site development standard or use regulation, a medical cannabis production
4 establishment, where allowed by the zone, is governed as follows:
5

- 6 (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis
7 odor or other foul odor is exhausted.
8
- 9 (2) In the M-1 and M-2 zones, a medical cannabis production establishment shall not include
10 medical cannabis cultivation, as defined by state code, ~~shall not be allowed in the M-1 and~~
11 M-2 zones.
12
- 13 (3) In the A-3 and A-2 zones, the following standards shall apply to the medical cannabis
14 production facility establishment:
15
- 16 a. In the A-3 zone, ~~T~~the minimum lot area required is 20 acres. In the A-2 zone, the
17 minimum lot area required is 75 acres.
18
 - 19 b. The minimum setback from any lot line is 100 feet. This setback may be reduced to
20 50 feet for an indoor medical cannabis cultivation facility.
21
 - 22 c. The architectural, landscape, and screening design standards of Title 108 Chapter 2
23 are ~~required~~ applicable to the use.
24
 - 25 d. The facility shall be located on land that can provide the facility access from a street
26 that meets currently adopted street standards.
27
 - 28 e. If a residential use exists, or is later located within, 500 feet of the facility, the site
29 shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the
30 view of the facility from the residential properties, except where interruption is
31 necessary to provide vehicle access to the facility.
32
 - 33 e.f. Outdoor cultivation of plants, as defined by state code, is not permitted.
34

35 ...
36 **Sec 104-7-3 Permitted Uses**

37 The following uses are permitted in the Agriculture Zone A-2:
38

- 39 a) Accessory building incidental to the use of a main building; main building designed or used to
40 accommodate the main use to which the premises are devoted; and accessory uses customarily
41 incidental to a main use.
- 42 b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- 43 c) Animals or fowl kept for family food production as an accessory use.
- 44 d) Cemetery; chinchilla raising, convalescent or rest home
- 45 e) Church, synagogue or similar building used for regular religious worship.
- 46 f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- 47 g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not
48 less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- 49 h) Fruit or vegetable stand for produce grown on the premises only.
- 50 i) Golf course, except miniature golf course.

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- 51 j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail
52 shop operation.
- 53 k) Home occupations—with no visiting clientele.
- 54 l) Household pets.
- 55 ~~h)m)~~ Medical cannabis production establishment, as defined by state code, but restricted to a medical
56 cannabis cultivation facility only. Compliance with Section 108-7-34 is required.
- 57 ~~m)n)~~ _____ Parking lot accessory to uses allowed in this zone.
- 58 ~~n)o)~~ Private park, playground or recreation area, but not including privately owned commercial
59 amusement business.
- 60 ~~o)p)~~ Private stables, horses for private use only and provided that not more than two horses may be
61 kept for each one-half acre within any lot.
- 62 ~~p)q)~~ Public building; public park, recreation grounds and associated buildings; public school; private
63 education institution having a curriculum similar to that ordinarily given in public schools.
- 64 ~~q)r)~~ Single-family dwelling.
- 65 ~~r)s)~~ Sugar beet loading or collection station and dump sites.
- 66 ~~s)t)~~ Temporary buildings for use incidental to construction work. Such building shall be removed upon
67 completion or abandonment of the construction work.



Weber County

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

General Plan, Rezoning & Text Amendments

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

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

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

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

A pre-application meeting is required prior to application submittal; please call (801) 399-8791 to make an appointment. Date of pre-application review meeting: 5/19/2020; 5/28/2020 Time: _____

- **Staff member assigned to process application:** Charles Ewert and Ann J. Morby

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

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

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

Application Submittal Checklist

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

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

- Complete Application Form
- A non-refundable fee made payable to Weber County (See *Fee Schedule*)
- Obtain signature of the owner(s) on the application and any authorized representatives
- All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.



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

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

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

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

Fee Schedule

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



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Approval Criteria

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

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

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

Destination and Recreation Resort Zone have additional approval criteria:

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

For Your Information

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

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

Weber County Zoning Map Amendment Application

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

Date Submitted May 28, 2020	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Pineae Greenhouses, Inc.		Mailing Address of Property Owner(s) 1901 South 5100 West Ogden, Utah 84401-9070
Phone (801) 633-6295	Fax	
Email Address bgold@pineae.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) Seth S. Gomm, Esq. and Spaulding Law, LLP		Mailing Address of Authorized Person 1955 West Grove Parkway, Suite 250 Pleasant Grove, UT 84062
Phone (801) 871-3657	Fax (801) 877-4318	
Email Address sgomm@spauldinglaw.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name A-2 Zone Ordinance Revision	Current Zoning A-2	Proposed Zoning A-2 (unchanged)
Approximate Address 1901 South 5100 West Ogden, Utah 84401-9070	Land Serial Number(s) 150810031	
Total Acreage 83.49	Current Use greenhouse agriculture	Proposed Use greenhouse agriculture (unchanged)

Project Narrative

Describing the project vision.

Since 1952, Pineae Greenhouses has been a Utah family-owned premium quality regional grower of wholesale annuals, perennials, nursery products, and holiday plants. In March 2019, the company was granted a license by the Utah Department of Agriculture and Food to produce industrial hemp cannabis starter plants at its 83-acre property west of Ogden, Utah. Pineae's state-of-the-art automated greenhouse and nursery operation is comprised of 25 acres of greenhouse and 20 acres of nursery production. Pineae has worked closely with Utah State University and many other greenhouse growers from across the country to develop low-impact, yet effective, production techniques for industrial hemp cannabis.

As a regional leader in industrial hemp greenhouse and nursery plant production, Pineae is extremely well positioned to use its techniques to assist the State of Utah in meeting the growing patient demand for medical cannabis. While the program continues to develop and mature, licensed medical cannabis cultivators need established and responsible partners like Pineae to meet the medicinal needs of Utah's patients.

Industrial hemp and medical cannabis plants are identical in nearly every way except for the chemical composition of their cannabinoids, which can only be identified in a laboratory setting. Therefore, the County should see none or nominal increased impact, when compared to Pineae's current hemp production. Pineae is located in an A-2 zone. In order to assist the state with the medical cannabis program, Pineae requests the attached proposed revisions to County Ordinances 108-7-34 and 104-7-3 to include medical cannabis cultivation as a permitted use in the A-2 zone.

Project Narrative (continued...)

How is the change in compliance with the General Plan?

The West Central Weber County General Plan offers no explicit direction on the subject of medical cannabis cultivation, but it generally supports agricultural and manufacturing pursuits in their respective zones.

The minor proposed revisions to County Ordinances 108-7-34 and 104-7-3 will clarify that only medical cannabis cultivation (as opposed to medical cannabis processing) will be a permitted use in the A-2 zone, and adjusts minimum setback language to be consistent with other County standards.

Ordinance 104-7-1 states the purpose and intent of "[t]he A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible." Like the A-3 zone that currently permits medical cannabis cultivation, the A-2 zone has very limited residential use.

Ordinance 104-7-2 further states that "[a]griculture is the preferred use in the A-2 Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone."

The proposed revisions maintain the County's desire to proceed with caution in designating certain areas that are zoned primarily for agriculture use, and that are distant from dense residential centers. Since the Ordinances mandate that "all agricultural operations shall be permitted at any time ... and [that] no agricultural use shall be subject to restriction," like the preexisting permitted industrial hemp cannabis cultivation, medical cannabis cultivation should also be a permitted use in the A-2 zone.

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

The applicant does not advocate a change in zoning. It only proposes minor revisions to County Ordinances 108-7-34 and 104-7-3 to include medical cannabis cultivation as a permitted use in the A-2 zone.

Project Narrative (continued...)

How is the change in the public interest?

The popularity and appreciation of medical cannabis among Utah patients has been greater than what many Utah legislators, regulators, physicians, and statisticians had previously anticipated. The state has expressed an urgent need for additional existing turn-key cultivation facilities to contribute to the responsible cultivation of medical cannabis in order to meet patient demand.

Pineae employs as many as 185 people that live or work in Weber County. The company pays competitive wages that are largely spent in or around the County. Permitting Pineae to also cultivate medical cannabis will create more steady jobs for locals - in a time when many residents have lost jobs because of COVID-19 impacts on the economy.

Because of the state's strict background check requirements for the industry, any jobs created must be provided to non-felon citizens over the age of 21 who have not been recently convicted of drug misdemeanor charges. Following an intensive interviewing, screening, and onboarding process, hundreds of hours of training will be provided to such personnel.

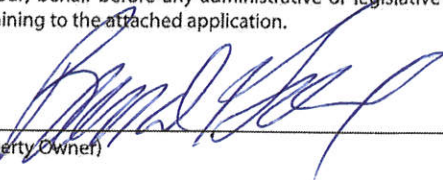
What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?

As previously stated, the West Central Weber County General Plan offers no explicit direction on the subject of medical cannabis cultivation, but it generally supports agricultural and manufacturing pursuits in their respective zones.

After the General Plan was adopted, Utah voters demanded that medical cannabis be made available, and the Utah legislature responded with the Utah Medical Cannabis Act. Weber County has adopted a cautious and measured approach to the inclusion of medical cannabis facilities within its jurisdiction, and the minor revisions proposed in this application preserves that responsible restraint while also serving the increased medical needs of the County's and state's registered patients.

Authorized Representative Affidavit

I (We), Brian D. Gold, CEO, Pineae Greenhouses, Inc., the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Seth S. Gomm, Esq. and Spaulding Law, LLP, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

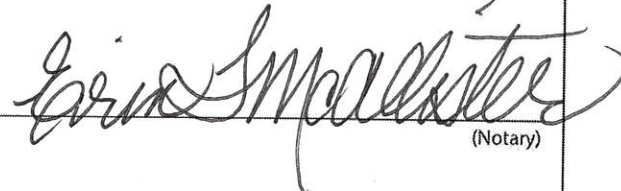


(Property Owner)

(Property Owner)

Dated this 28 day of May, 2020, personally appeared before me Brian GOLD, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.





(Notary)

Project Narrative (continued...)

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

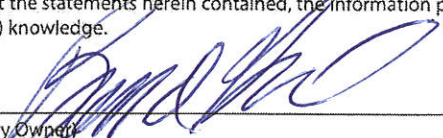
Because industrial hemp and medical cannabis plants are almost identical in appearance, scent, and resource consumption, the County and its residents should see very little, if any, increased impact, when compared to Pineae's current industrial hemp cannabis production. The company is constantly beautifying its 83 acre site and upgrading its greenhouses with clean and safe state-of-the-art technology.

As mandated by state law, the site will be extremely secure and constantly monitored. Daily inventory counts and digital plant tracking is required using the state's software to prevent diversion or theft. State regulators will conduct regular stringent audits and inspections, unlike any other industry in Utah.

Only following Utah and Salt Lake Counties, Weber County currently has the largest number of registered medical cannabis patients in the state. Among many other qualifying diseases, treatment of chronic pain is the overwhelming primary qualifying condition of Utah cannabis patients. Most of these patients have been able to supplement, or even eliminate their use of opiates by using medical cannabis. Unlike the death and devastation that opiates have wrecked on society, there are no recorded overdose deaths caused by medical cannabis. As Weber County's citizens become more comfortable with medical cannabis, more lives will be saved.

Property Owner Affidavit

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



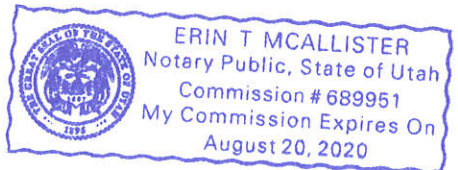
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 28 day of May, 20 20



(Notary)



Sec. 108-7-34. – Medical cannabis production establishment.

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility; and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is ~~400~~50 feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required for any cannabis processing facility located in the A-3 zone.
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- c) Animals or fowl kept for family food production as an accessory use.
- d) Cemetery; chinchilla raising, convalescent or rest home
- e) Church, synagogue or similar building used for regular religious worship.
- f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- h) Fruit or vegetable stand for produce grown on the premises only.
- i) Golf course, except miniature golf course.
- j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- k) Home occupations—with no visiting clientele.
- l) Household pets.
- l)m) Medical cannabis cultivation facility, as defined by state code, in compliance with 73 Section 108-7-34.
- m)n) Parking lot accessory to uses allowed in this zone.
- n)o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- o)p) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- p)q) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- q)r) Single-family dwelling.
- r)s) Sugar beet loading or collection station and dump sites.
- s)t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Sec. 108-7-34. – Medical cannabis production establishment.

In addition to any other site development standard or use regulation, a medical cannabis production establishment, where allowed by the zone, is governed as follows:

- (1) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other foul odor is exhausted.
- (2) Medical cannabis cultivation, as defined by state code, shall not be allowed in the M-1 and M-2 zones.
- (3) In the A-3 zone, the following standards shall apply to the medical cannabis production facility; and in the A-2 zone, the following standards shall apply to the medical cannabis cultivation facility:
 - a. The minimum lot area required is 20 acres.
 - b. The minimum setback from any lot line is 50 feet.
 - c. The architectural, landscape, and screening design standards of Title 108 Chapter 2 are required for any cannabis processing facility located in the A-3 zone.
 - d. The facility shall be located on land that can provide the facility access from a street that meets currently adopted street standards.
 - e. If a residential use exists, or is later located within, 500 feet of the facility, the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view of the facility from the residential properties, except where interruption is necessary to provide vehicle access to the facility.

Sec 104-7-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-2:

- a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- b) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- c) Animals or fowl kept for family food production as an accessory use.
- d) Cemetery; chinchilla raising, convalescent or rest home
- e) Church, synagogue or similar building used for regular religious worship.
- f) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- g) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- h) Fruit or vegetable stand for produce grown on the premises only.
- i) Golf course, except miniature golf course.
- j) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- k) Home occupations—with no visiting clientele.
- l) Household pets.
- m) Medical cannabis cultivation facility, as defined by state code, in compliance with 73 Section 108-7-34.
- n) Parking lot accessory to uses allowed in this zone.
- o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- p) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- q) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- r) Single-family dwelling.
- s) Sugar beet loading or collection station and dump sites.
- t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Craig Warren Appraisal

File # R19214011

JAAR®

Map Addendum

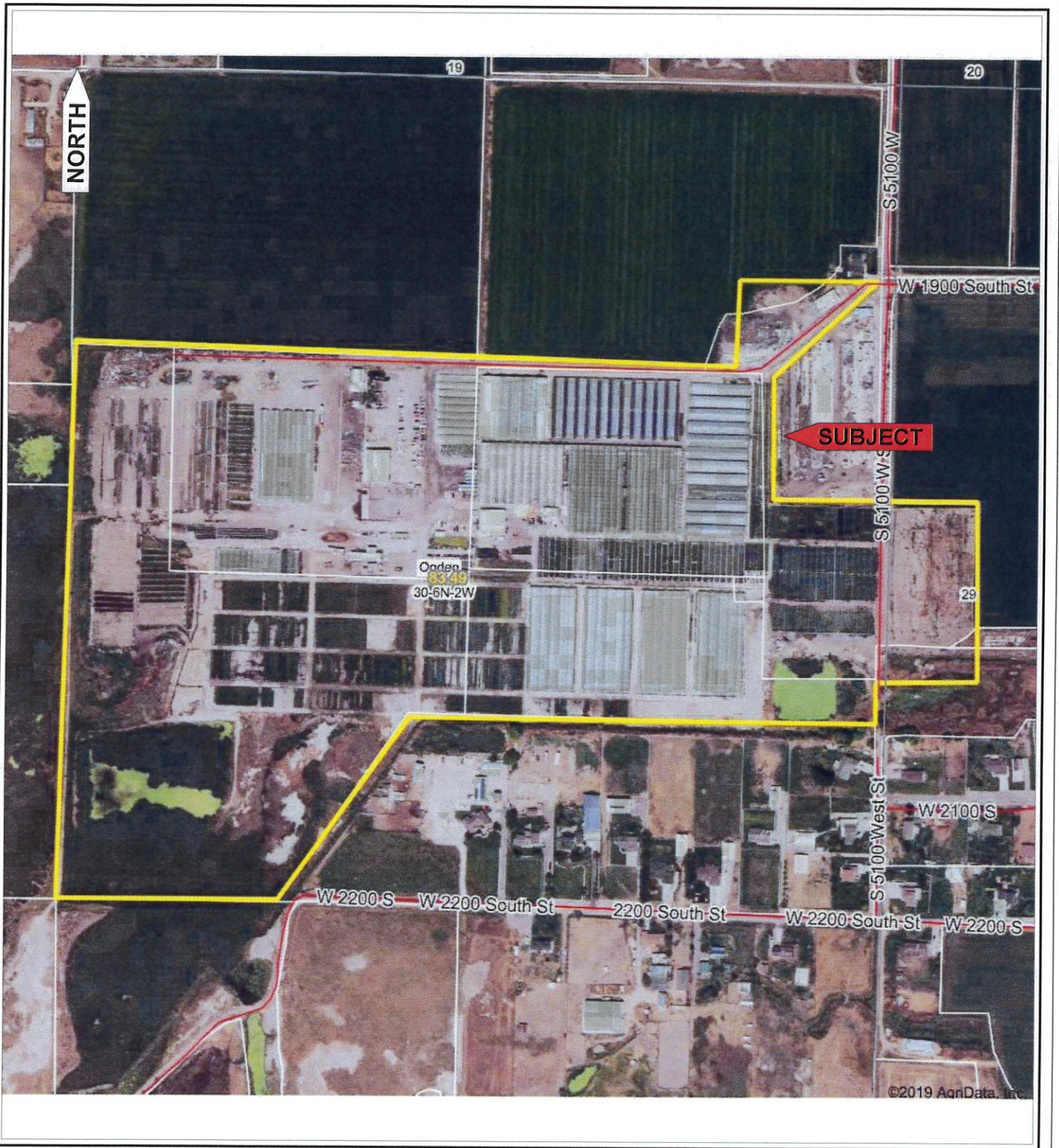


Craig Warren Appraisal

UAAR®

File # R19214011

Map Addendum



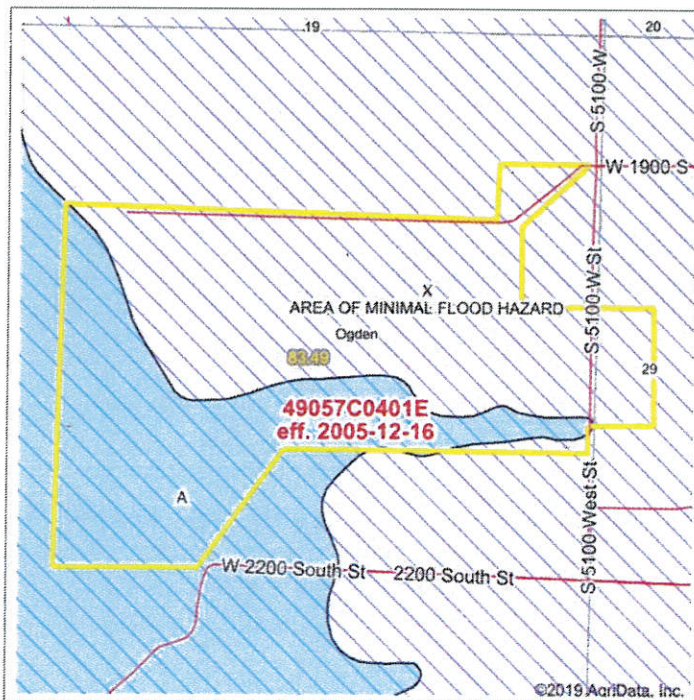
Craig Warren Appraisal

UAAR®

File # R19214011

Map Addendum

FEMA Report



State: UT Acres: 83.49
 County: Weber Date: 10/2/2019
 Location: 30-8N-2W
 Township: Ogden



Name	Number	County	NFIP Participation	Acres	Percent
Weber County	490187	Weber	Regular	83.49	100%
Total				83.49	100%

Map Change	Date	Case No.	Acres	Percent
No			83.49	100%

Zone	SubType	Description	Acres	Percent
X	AREA OF MINIMAL FLOOD HAZARD	Outside 500-year Floodplain	50.4	60.4%
A		100-year Floodplain	33.09	39.6%
Total			83.49	100%

Panel	Effective Date	Acres	Percent
49057C0401E	12/16/2005	83.49	100%
Total		83.49	100%

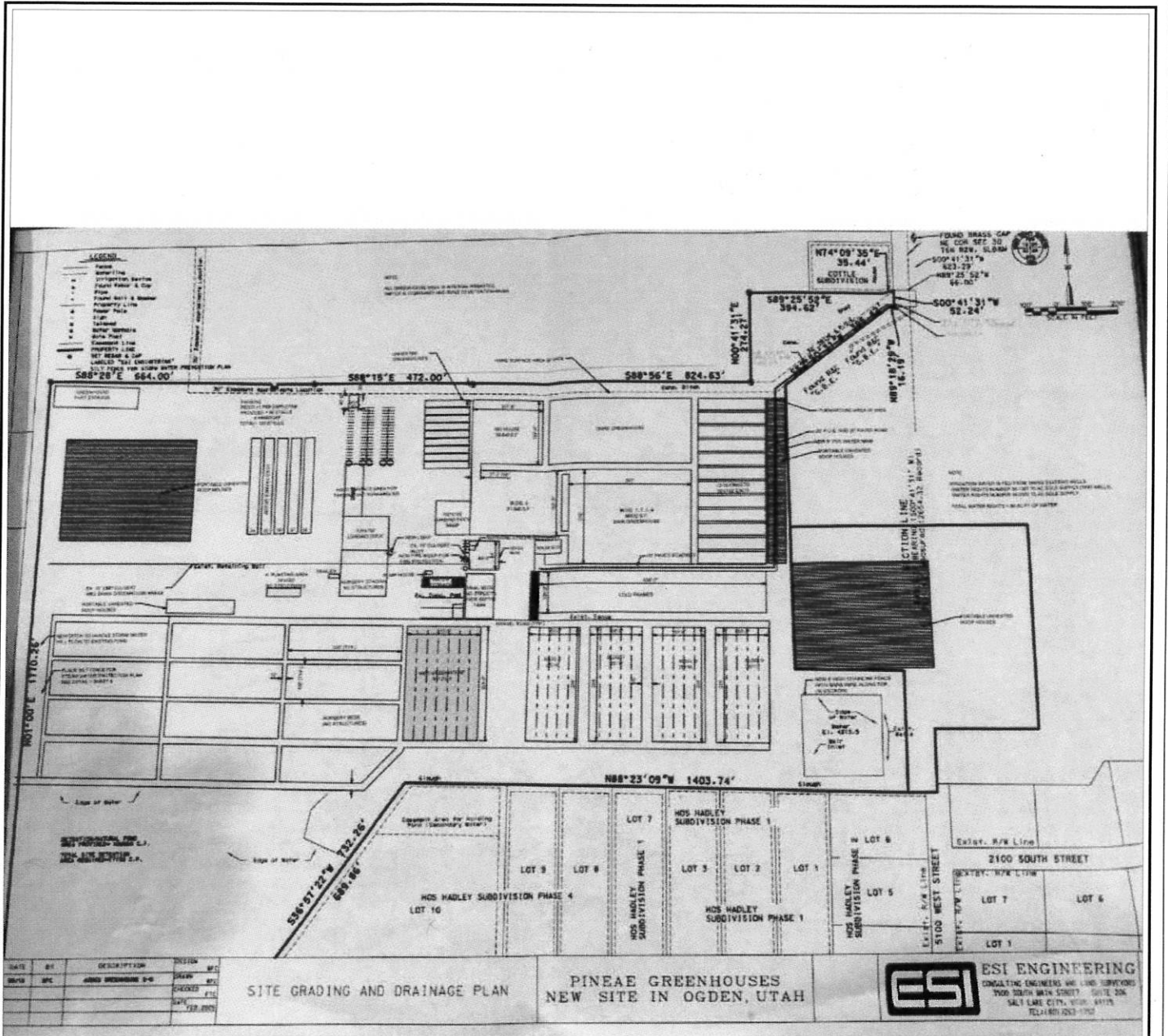
Flood related information provided by FEMA

Craig Warren Appraisal

File # R19214011

UAAR®

Map Addendum



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UAAR®

File #

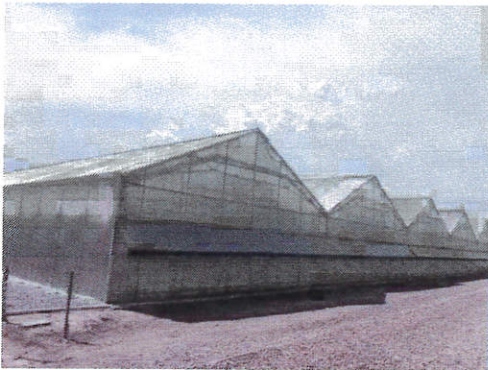
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View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse



View of Greenhouse

Craig Warren Appraisal

UAAR®

File #

R19214011



View of Production House



View of Production House



View of Production House



View of Table House



View of Table House



View of Table House

Craig Warren Appraisal

UAAR®

File #

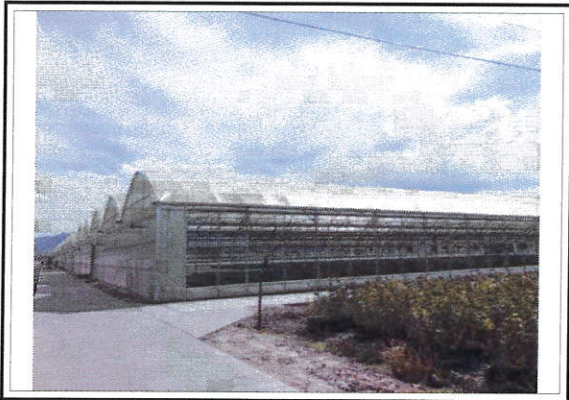
R19214011



View of Quad House



View of Peak House



View of S-0 to S-4 Houses



View of S-1 Interior



View of S-2 Interior



View of S-3 Interior



Weber County Incoming Application Processing Form

Project Name: zTA Medical Cannabis ~~Process~~ Cultivation Facility
 Date Submitted: 5/22/2020 Zoning: A2 Received by: Scott Parker
 Culinary Water Provider: N/A Secondary Water Provider: N/A Waste Water Provider: N/A

Project Type:

- | | |
|--|---|
| <input type="checkbox"/> Alternative Access | <input type="checkbox"/> Subdivisions: |
| <input type="checkbox"/> Board of Adjustment | <input type="radio"/> Subdivision (Small/Amendment) |
| <input type="checkbox"/> Building Parcel Designation | <input type="radio"/> Subdivision-(Prelim/Final) |
| <input type="checkbox"/> Conditional Use Permit | <input type="radio"/> Subdivision-Cluster |
| <input type="checkbox"/> Design Review | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Hillside Review | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Land Use Permit | <input type="checkbox"/> Zoning Development Agreement |
| | <input type="checkbox"/> Vacation |
| | <input type="checkbox"/> Other _____ |

Project Description: Allow Medical Cannabis Cultivation Facility in the A-2 zone as an allowed use.

Applicable Ordinances:

- | | | |
|--|--|---|
| <input type="checkbox"/> Accessory Apartments | <input type="checkbox"/> Nonconforming Buildings, Uses and Parcels | <input type="checkbox"/> Petitioner Requirements-Rezoning Procedure Development Agreement |
| <input type="checkbox"/> Airport Zones and Height Regulations | <input type="checkbox"/> Ogden Valley Architectural, Landscape and Screening Standards | <input type="checkbox"/> Planned Residential Unit Development |
| <input type="checkbox"/> Cluster Subdivision | <input type="checkbox"/> Ogden Valley Lighting | <input type="checkbox"/> Public Buildings and Public Utility Substations and Structures |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Ogden Valley Pathways | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Drinking Water Source Protection | <input type="checkbox"/> Ogden Valley Sensitive Lands Overlay District | <input type="checkbox"/> Standards for Single Family Dwellings |
| <input type="checkbox"/> Hillside Development Review and Procedures and Standards | <input type="checkbox"/> Ogden Valley Signs | <input type="checkbox"/> Supplementary & Qualifying Reg |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Parking and Loading Space, Vehicle Traffic and Access Regulations | <input checked="" type="checkbox"/> Time Share |
| <input type="checkbox"/> Land Use Permit, Building Permit and Certificate of Occupancy | | <input checked="" type="checkbox"/> Zones & Districts |
| <input type="checkbox"/> Natural Hazards Overlay Districts | | |

Weber County Review Agencies:

- | | | |
|---|--|---|
| <input type="checkbox"/> Weber-Morgan Health Department-Drinking Water Division | <input type="checkbox"/> Weber County Economic Development Partnership | <input type="checkbox"/> Weber County School District-Transportation Division |
| <input type="checkbox"/> Weber-Morgan Health Department-Waste Water Division | <input type="checkbox"/> Weber County Engineering Division | <input type="checkbox"/> Weber County Sheriff |
| <input type="checkbox"/> Weber County Addressing Official | <input type="checkbox"/> Weber County GIS | <input type="checkbox"/> Weber County Special Events |
| <input type="checkbox"/> Weber County Animal Services | <input type="checkbox"/> Weber County CED | <input type="checkbox"/> Weber County Surveyor's Office |
| <input type="checkbox"/> Weber County Assessor's Office | <input checked="" type="checkbox"/> Weber County Planning Division | <input type="checkbox"/> Weber County Treasurer's Office |
| <input type="checkbox"/> Weber County Board of Adjustment | <input type="checkbox"/> Weber County Recorder's Office | <input type="checkbox"/> Weber Fire District |
| <input type="checkbox"/> Weber County Building Inspection | <input type="checkbox"/> Weber County Recreation Facilities | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Weber County Commission | <input type="checkbox"/> Weber County Roads Division | |

Outside Review Agencies:

- | | | |
|--|---|--|
| <input type="checkbox"/> Bona Vista Water Improvement District | <input type="checkbox"/> Ogden Valley Starry Nights | <input type="checkbox"/> Utah Department of Transportation |
| <input type="checkbox"/> Causey Estates Lot Owners Assoc. | <input type="checkbox"/> Powder Mountain Water & Sewer District | <input type="checkbox"/> Utah Division of Air Quality |
| <input type="checkbox"/> Central Weber Sewer Improvement | <input type="checkbox"/> Dominion Energy | <input type="checkbox"/> Utah Division of Drinking Water |
| <input type="checkbox"/> Cole Canyon Water Company | <input type="checkbox"/> Rocky Mountain Power | <input type="checkbox"/> WC3 |
| <input type="checkbox"/> Centurylink | <input type="checkbox"/> State of Utah Dept of Ag & Food | <input type="checkbox"/> Weber Pathways |
| <input type="checkbox"/> Eden Irrigation Company | <input type="checkbox"/> Taylor Geotechnical | <input type="checkbox"/> West Warren-Warren Water & Sewer |
| <input type="checkbox"/> Hooper Irrigation Company | <input type="checkbox"/> Taylor-West Weber Water District | <input type="checkbox"/> Wolf Creek Water and Sewer Improvement District |
| <input type="checkbox"/> Hooper Water Improvement District | <input type="checkbox"/> Uintah Highlands Water & Sewer Dist | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Nordic Mountain Water Inc. | <input type="checkbox"/> US Forest Service | |



Weber County Corporation

Weber County Planning
2380 Washington Blvd, Ste 240

Planning Commission Staff Report -- Text Amendment -- Cannabis Cultivation in A-2 Zone Page 27 of 27
Exhibit B: Application -- Cannabis Cultivation in the A-2 Zone Page 23 of 23

Customer Receipt

Receipt Number **135563**

Receipt Date

05/28/20

Received From:

SPAULDING LAW

Time: 13:59:2

Clerk: amartin

Description	Comment	Amount
ZONING FEES	ORD. REVISION	\$1,104.00

Payment Type	Quantity	Ref	Amount
CHECK		1783	

AMT TENDERED: \$1,104.00

AMT APPLIED: \$1,104.00

CHANGE: \$0.00



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 a request amend Weber County Code to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.

Agenda Date: Tuesday, ~~May 12, 2020~~ July 14, 2020

Staff Report Date: Tuesday, May 5, 2020

Applicant: Weber County

File Number: ZTA 2020-04

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§ Sec 106-2-4 Lots
§ Sec 106-4-1 General Requirements

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

Recent development in a cluster subdivision in Western Weber County has brought to our attention that requiring a ten foot public utility easement on every side lot line does not support the reduced sideyard setback of the cluster code. Further, we have found that a number of subdivision plat designers will place ten foot public utility easements along every lot line as their standard mode of operation. These arbitrary and unused easements often lead to problems for resulting landowners who cannot utilize the area in the easement. The attached proposal allows flexible public utility easement widths along with affirmative consent from the County Engineer or Land Use Authority (who is the planning commissions on all subdivisions except small subdivisions) for their placement.

Policy Analysis

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan.

General plan. Neither the Ogden Valley General Plan nor the West Central Weber General Plan address public utility easements or substandard streets in the context of this proposal. It can be determined, however, that the proposal will have a positive effect on both plans, since both plans strongly advocate for clustering development onto smaller lots, and an easement on every lot line causes unnecessary hardship on the use of the land. The effect of allowing development to continue along a substandard street, provided a traffic engineer deems it safe, will decrease street impacts and stormwater runoff. Requiring a substandard road agreement will assist the county to obtain a standard street at some point in the future.

Ordinance. Requiring that the County maintain control over what and where public utility easements are required is necessary because, through plat dedication, the County becomes the owner of those easements. The majority of

the time, public utility entities want to locate only across the front of the lot. Side and rear easement may be necessary on a case by case basis given the uniqueness of specific subdivisions and the specific utility, but to enable a surveyor or engineer to arbitrarily place them in an arbitrary or impracticable location on a subdivision plat leads to the county inheriting a host unnecessary private land encumbrances.

Recommending additional development to occur on a substandard dead-end street is atypical in more urban environments. However, there are a number of long substandard dead-end streets in rural areas that exist today as an evolutionary effect of age-old wagon trails, and not as a deliberate and intentional result of new street construction. Thus the public street right of way construction standards have never been applied to many unincorporated streets, and rather, the county has only provided operations, maintenance, and occasional safety improvements. The current ordinance does not allow development along a substandard public street. The proposal will allow development to occur provided traffic safety and road capacity is not reduced to unacceptable levels. It also builds-in a method by which the County can ensure the street is brought to standard over time without significant cost to the general public.

Past Action on this Item

The Western Weber Planning Commission considered this item and offered staff direction in their April 14, 2020 work session.

The Ogden Valley Planning Commission considered this item and offered staff direction in their April 7, 2020 work session.

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

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2020-04, a proposal to require PUE's to be as specified by the County Engineer and to enable development along substandard streets under specific conditions.

This comes with the following findings:

1. That the proposal does not have negative effect on the general plans.
2. The proposal will not place unnecessary burden for offsite street improvements on any single land developer.
3. The proposal will ensure thoughtful and deliberate acquisition of public utility easements in a manner less impactful to land owners.
4. That the proposal is in the best interest of the health, safety, and welfare of the public.

Exhibits

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

Revised July 10, 2020

1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec 106-2-4 Lots**

6 ...

7 (i) *Easements.* Lots shall have a ten-foot public utility easement abutting the public street right-
8 of-way and spanning the lot width, except that this easement is not required in zones that
9 allow ~~no a zero~~ front setback. Other public utility easements shall ~~only~~ be provided ~~whereif,~~
10 ~~and only if,~~ authorized ~~or required~~ by the County Engineer ~~or Land Use Authority, who shall~~
11 ~~specify the easement's location and width, with a minimum width no less than five feet. If the~~
12 ~~applicant cannot demonstrate that surface water runoff onto adjacent lots or parcels will not~~
13 ~~exceed historic runoff rates, the land use authority may require that a land drain easement be~~
14 ~~provided by the applicant. The land drain shall be installed as a part of the subdivision~~
15 ~~improvements. easements for drainage through the subdivision and adjoining property be~~
16 ~~provided by the applicant. Easements for water, sewer, drainage, power lines and other~~
17 ~~utilities shall be provided where required, and at a width specified, by the County Engineer,~~
18 ~~but never a width less than five feet. .~~ ~~Where a subdivision is adjacent to a parcel with an~~
19 ~~agricultural use, and the agricultural use is at a lower elevation than the subdivision, a~~
20 ~~perimeter land drain easement shall be provided and a land drain shall be installed as part of~~
21 ~~the subdivision improvements in a manner that protects the agricultural use from surface water~~
22 ~~infiltration.~~

Commented [CE31]: New language

23

24 ...

25

26 **Sec 106-4-1 General Requirements**

27 ...

28 (h) New subdivisions with sole access from a terminal substandard public street ~~system, whether~~
29 ~~directly connected or connected via streets that meet county standard,~~ shall not be approved
30 until the substandard street is fully improved to county public work standards and adopted
31 right-of-way width.

32 (1) This requirement shall be waived if a traffic study, conducted by a qualified professional,
33 demonstrates that the existing substandard public street ~~system~~ from which the new
34 subdivision will gain access is adequate ~~and safe, or can be made adequate and safe with~~
35 ~~improvements from the applicant,~~ for the increased traffic demand of the new subdivision,
36 and if the Planning Director and County Engineer can mutually make the following
37 findings:

38 (4)a. That due to topographic or other environmental characteristics of the area, it is
39 unlikely that the terminal substandard street system will make a second connection to
40 the public street network within the next 10 years; ~~and~~

Revised July 10, 2020

41 ~~(2)~~b. That not providing a secondary connection to the public street network does not
42 conflict with a general plan, small area plan, master streets plan, or similar adopted
43 planning document; ~~and~~.

44 (2) In order for the provisions of (h)(1) to apply, owners having interest in the proposed
45 subdivision ~~have executed~~shall execute a ~~deferral~~substandard road agreement and notice
46 to new owners. The content of the substandard road agreement and notice shall be as
47 specified by the county. At a minimum, it shall:

48 a. require a deferral agreement that specifies that the owner or their successors and heirs
49 are responsible for their roughly proportionate share of improving the substandard
50 public street system at a time the county deems it necessary; ~~and~~

51 b. cause for the governing authority, at their option, to withhold any written protest filed
52 by the owner under the State Code's Assessment Area Act, provisions for local
53 districts, or any similar government revenue generation mechanism, from the final tally
54 of collected protests. bind the owners and their successors and heirs to not file a
55 written protest as otherwise allowed in State Code under the creation of a special
56 assessment area, special improvement district~~Assessment Area Act, the provisions~~
57 ~~for local districts, or any similar government revenue generation mechanism, intended~~
58 ~~to improve the terminal fund improvements to the substandard public street system.~~
59 ~~This requirement applies regardless of whether the terminal substandard public street~~
60 ~~later makes a second connection to the public street network. The revenue generated~~
61 by the mechanism shall be:

62 1. limited to the actual value, adjusted for market changes over time, of improving the
63 substandard public street to the standards applicable at the time of the
64 agreement's execution; and

65 2. only reinvested into improving the substandard street to the standards applicable
66 at the time of the agreement's execution, or applied to the total cost of improving
67 the street to an updated or better standard; and

68 c. be recorded to the property at the time of subdivision recordation, or sooner.

69 (3) No precise mathematical calculation is required to determine the roughly proportionate
70 share of improving the substandard public street, as provided in Section 106-4-1(h)(2).
71 However, an individualized determination shall be conducted for each lot. In determining
72 what is roughly proportionate, the following guidelines apply:

73 a. The individualized determination is required to show that the established roughly
74 proportionate share is related in both nature and extent to the impact of the developed
75 lot.

76 b. For each lot, the following factors shall be considered to determine their relevance to
77 the calculation: the minimum lot width of the applicable zone, the actual lot width,
78 average daily distance travelled, number of actual trips, the uses on the lot, average
79 daily trips related to those uses, weight of a typical vehicle related to those uses,
80 longevity of current ownership and longevity of existing development or uses as they

Commented [CE22]: Ogden Valley forwarded a positive recommendation for this text amendment, but asked the County Commission to pay particular attention to the way this paragraph was written, as it didn't sit comfortably with a number of them, but the majority were not ready to say it isn't needed.

I have rewritten this paragraph after their discussion to try to mitigate some of the discomfort. It is now reads less heavy handed in terms of a landowner's ability to file a protest, gives the governing authority more leniency, and limits the governing authority's scope on what can be assessed in one of these taxing areas and on what the additional tax can be spent. Hopefully this mitigates concerns that this provision can lead to the runaway government effect.

Commented [CE23]: New section desired by the Ogden Valley Planning Commission to help quantify what roughly proportionate means. "rough proportionality" has been tested through several court cases. There is no set method to calculate, but the governing authority needs to make the case that through individual development evaluations their determination of roughly proportionate needs to be related both in nature and extend to the impact of the existence of the development.

Revised July 10, 2020

81 relate to historical taxes paid, and any other consideration deemed necessary relative
82 to the lot's impact on the substandard street.

83 c. A lot owner may provide the county with a third-party study, conducted by a qualified
84 professional as defined in Section 101-1-7, to assist in determining the nature and
85 extent of the impact of the lot on the substandard street, or to analyze the financial
86 obligation of the lot owner, or both.

Revised July 10, 2020

1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec 106-2-4 Lots**

6 ...

7 (i) *Easements.* Lots shall have a ten-foot public utility easement abutting the public street right-
8 of-way and spanning the lot width, except that this easement is not required in zones that
9 allow a zero front setback. Other public utility easements shall be provided if, and only if,
10 authorized or required by the County Engineer or Land Use Authority, who shall specify the
11 easement's location and width, with a minimum width no less than five feet. If the applicant
12 cannot demonstrate that surface water runoff onto adjacent lots or parcels will not exceed
13 historic runoff rates, the land use authority may require that a land drain easement be provided
14 by the applicant. The land drain shall be installed as a part of the subdivision improvements.
15 Where a subdivision is adjacent to a parcel with an agricultural use, and the agricultural use
16 is at a lower elevation than the subdivision, a perimeter land drain easement shall be provided
17 and a land drain shall be installed as part of the subdivision improvements in a manner that
18 protects the agricultural use from surface water infiltration.

19 ...

20 ...

21 **Sec 106-4-1 General Requirements**

22 ...

23 (h) New subdivisions with sole access from a terminal substandard public street, whether directly
24 connected or connected via streets that meet county standard, shall not be approved until the
25 substandard street is fully improved to county public work standards and adopted right-of-way
26 width.

27 (1) This requirement shall be waived if a traffic study, conducted by a qualified professional,
28 demonstrates that the existing substandard public street from which the new subdivision
29 will gain access is adequate and safe, or can be made adequate and safe with
30 improvements from the applicant, for the increased traffic demand of the new subdivision,
31 and if the Planning Director and County Engineer can mutually make the following
32 findings:

33 a. That due to topographic or other environmental characteristics of the area, it is unlikely
34 that the terminal substandard street system will make a second connection to the
35 public street network within the next 10 years; and

36 b. That not providing a secondary connection to the public street network does not
37 conflict with a general plan, small area plan, master streets plan, or similar adopted
38 planning document.

39 (2) In order for the provisions of (h)(1) to apply, owners having interest in the proposed
40 subdivision shall execute a substandard road agreement and notice to new owners. The
41 content of the substandard road agreement and notice shall be as specified by the county.
42 At a minimum, it shall:

Revised July 10, 2020

- 43 a. require a deferral agreement that specifies that the owner or their successors and heirs
44 are responsible for their roughly proportionate share of improving the substandard
45 public street system at a time the county deems it necessary;
- 46 b. cause for the governing authority, at their option, to withhold any written protest filed
47 by the owner under the State Code's Assessment Area Act, provisions for local
48 districts, or any similar government revenue generation mechanism, from the final tally
49 of collected protests. . The revenue generated by the mechanism shall be:
- 50 1. limited to the actual value, adjusted for market changes over time, of improving the
51 substandard public street to the standards applicable at the time of the
52 agreement's execution; and
- 53 2. only reinvested into improving the substandard street to the standards applicable
54 at the time of the agreement's execution, or applied to the total cost of improving
55 the street to an updated or better standard; and
- 56 c. be recorded to the property at the time of subdivision recordation, or sooner.
- 57 (3) No precise mathematical calculation is required to determine the roughly proportionate
58 share of improving the substandard public street, as provided in Section 106-4-1(h)(2).
59 However, an individualized determination shall be conducted for each lot. In determining
60 what is roughly proportionate, the following guidelines apply:
- 61 a. The individualized determination is required to show that the established roughly
62 proportionate share is related in both nature and extent to the impact of the developed
63 lot.
- 64 b. For each lot, the following factors shall be considered to determine their relevance to
65 the calculation: the minimum lot width of the applicable zone, the actual lot width,
66 average daily distance travelled, number of actual trips, the uses on the lot, average
67 daily trips related to those uses, weight of a typical vehicle related to those uses,
68 longevity of current ownership and longevity of existing development or uses as they
69 relate to historical taxes paid, and any other consideration deemed necessary relative
70 to the lot's impact on the substandard street.
- 71 c. A lot owner may provide the county with a third-party study, conducted by a qualified
72 professional as defined in Section 101-1-7, to assist in determining the nature and
73 extent of the impact of the lot on the substandard street, or to analyze the financial
74 obligation of the lot owner, or both.



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: §102-1-5 and §102-5, regarding rezoning procedures and legislative amendments.
Agenda Date:	Tuesday, July 14, 2020
Report Presenter:	Steve Burton sburton@co.weber.ut.us 801-399-8766
Report Reviewer:	CE

Applicable Ordinances

- Weber County Land Use Code, Title 102, Chapter 1 (General Provisions)
- Weber County Land Use Code, Title 102, Chapter 5 (Rezone Procedures)

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 Planning Division is proposing the attached changes in order to clarify the rezone procedures and to bring the land use code into compliance with state code regarding legislative recommendations from the Planning Commission. The proposed changes will also clarify requirements and procedures for a development agreement. Finally, the proposed changes will allow planning staff to require a concept development plan as part of a rezone application when deemed necessary.

Conformance to the General Plan

This proposal is meant to provide clear and concise rezone procedures which can help to effectively implement the county's general plans.

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 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.

Exhibits

- A. Proposed Ordinance – Track Change Copy.

1 ~~Sec 102-1-5 Hearing And Publication Notice For County Commission~~

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

7 ...

8
9 Sec 102-5-1 Purpose And Intent

10 Every property in the unincorporated area of the county is legally zoned as a result of
11 comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the
12 1960s. The purpose of this chapter is to establish a legislative means by which applications to the
13 county are processed to change zoning. Rezoning is intended to implement the adopted general
14 plans for the different planning areas of the county.

15
16 Sec 102-5-2 Development To Be In Conformance To The General Plan

17 ~~Since the purpose of zoning regulations is to promote the general welfare, safety, health,~~
18 ~~convenience and economic prosperity of the county, it is county policy that rezoning of property,~~
19 ~~should further this purpose, by complying with the county's general plans.~~ Rezoning of property
20 should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's
21 Land Use Code by complying with the county's general plans.

22
23 ~~Sec 102-5-3 Approval Criteria~~

24 ~~(a) To promote compatibility and stability in zoning and appropriate development of~~
25 ~~property within the county, no application for rezoning shall be approved unless it is~~
26 ~~demonstrated that the proposed rezoning promotes the health, safety and welfare of the~~
27 ~~county and the purposes of this chapter.~~

28 ~~(b) The planning commission and the county commission will consider whether the~~
29 ~~application should be approved or disapproved based upon the merits and compatibility~~
30 ~~of the proposed project with the general plan, surrounding land uses, and impacts on the~~
31 ~~surrounding area. The commissions will consider whether the proposed development, and~~
32 ~~in turn the application for rezoning, is needed to provide a service or convenience~~
33 ~~brought about by changing conditions and which therefore promotes the public welfare.~~

34 ~~The county commission may require changes in the concept plan in order to achieve~~
35 ~~compatibility and may impose any conditions to lessen or eliminate adverse impacts.~~

36 ~~(c) Supplementary approval criteria for a destination and recreation resort zone.~~

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Commented [B1]: See 102-5-6 (c)

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- 37 ~~(1) The proposed resort can be developed in a manner that will not substantially degrade~~
38 ~~natural/ecological resources or sensitive lands as identified in title 104, chapter 28,~~
39 ~~the Ogden Valley Sensitive Lands Overlay District, of the Weber County Land Use~~
40 ~~Code.~~
- 41 ~~(2)(1) A professional and empirical study has provided substantial evidence determining~~
42 ~~that the proposed resort is viable and contributes to the surrounding community's~~
43 ~~economic well-being.~~
- 44 ~~(3)(1) A professional and empirical study has provided substantial evidence determining~~
45 ~~that proposed traffic mitigation plans will prevent transportation corridors, serving the~~
46 ~~resort, from diminishing below an acceptable level of service.~~
- 47 ~~(4)(1) The natural and developed recreational amenities, provided by the resort, shall~~
48 ~~constitute a primary attraction and provide an exceptional recreational experience by~~
49 ~~enhancing quality public recreational opportunities.~~
- 50 ~~(5)(1) The proposed resort's seasonal workforce housing plan will provide a socially,~~
51 ~~economically and environmentally responsible development.~~
- 52 ~~(6)(1) The proposed resort can demonstrate that public safety services are and/or will be~~
53 ~~feasible and available to serve the project in a manner that is acceptable to the county~~
54 ~~commission.~~

Commented [B2]: See 102-5-6 (d)

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56 Sec 102-5-34 Application Submittal

- 57 (a) A pre-application meeting is required prior to the application submittal.
- 58 (b) An application for a rezoning shall be submitted on forms provided by the planning
59 division and shall expire 18 months after submittal, if not acted upon, provided however,
60 that the director may extend the application for six months for just cause. The application
61 shall be accompanied with the following information:
- 62 (1) The application shall be signed by the landowner or ~~his~~their duly authorized
63 representative and shall be accompanied by the necessary fee as shown within the
64 applicable fee schedule.
- 65 (2) A rezoning may be initiated by an owner of any property or any person, firm or
66 corporation with the written consent of the owner of the property, or be county-
67 initiated.
- 68 (3) A proposed rezone to any zone. An application for a rezoning shall may be required to
69 be accompanied by a concept development plan in accordance with Section 102-5-5
70 of this chapter. A detailed site plan, in lieu of a concept development plan, may be
71 required.
- 72 (4) Letters of feasibility from the appropriate state or county agencies for water and
73 wastewater.
- 74 (5) A narrative from the project engineer discussing the feasibility for the mitigation of
75 stormwater runoff.
- 76 (6) The applicant shall provide a narrative addressing the following information:
77 a. How is the change in compliance with the general plan?

- 78 b. Why should the present zoning be changed to allow this proposal?
79 c. How is the change in the public interest?
80 d. What conditions and circumstances have taken place in the general area since the
81 general plan was adopted to warrant such a change?
82 e. How does this proposal promote the health, safety and welfare of the inhabitants
83 of the county?
84 f. Project narrative describing the project vision.
85 (c) Destination and recreation resort zone supplementary requirements.
86 (1) Due to the anticipated scale and potential impact of a destination and recreation resort
87 on the county and other surrounding areas, additional information, shall be required to
88 accompany any application submitted for consideration of a destination and
89 recreation resort zone approval. The additional information shall consist of the
90 following:
91 a. Concept development plan showing sensitive land areas as described/mapped in
92 title 104, chapter 28, Ogden Valley Sensitive Lands Overlay Districts.
93 b. Traffic impact analysis.
94 c. Cost benefit analysis.
95 d. Recreation facilities plan.
96 e. Seasonal workforce housing plan.
97 f. Emergency services plan including a letter of feasibility from the Weber fire
98 district and Weber County sheriff's office.
99 g. Letter of feasibility from the electrical power provider.
100 h. Density calculation table showing proposed density calculations.
101 i. Thematic renderings demonstrating the general vision and character of the
102 proposed development.
103 (2) All documents submitted as part of the application shall be accompanied by a
104 corresponding PDF formatted file.

105 ~~(2)~~ —

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107 Sec 102-5-~~4~~5 Concept Development Plan

- 108 (a) ~~A~~The concept development plan ~~shall~~ may be required to be submitted with a rezoning
109 application ~~to any, and zone, according to section 102-5-5 (a) of this chapter. The concept~~
110 development plan shall supply sufficient information about the development to assist the
111 Planning Commission and County Commission in making a decision on the rezoning
112 application. ~~Seven copies~~A copy of plans shall be submitted on 11- by 17-inch paper ~~and~~
113 ~~two copies of plans shall be submitted~~ on 24- by 36-inch paper, at a readable scale. All
114 concept plans (including but not limited to architectural elevations/renderings, etc.), and
115 subsequent submittals and revisions, shall be accompanied by a full-scale set of PDF,
116 DWF and JPEG files of the respective plans. Information supplied shall include text and
117 illustration:

- 118 (1) Inventory of general land use types located within the project and the surrounding
119 area.
120 (2) Approximate locations and arrangements of buildings, structures, facilities and open
121 space.
122 (3) Architectural rendering of proposed buildings, structures, facilities and open space
123 within the project.
124 (4) Access and traffic circulation patterns and approximant location of parking.
125 (5) A written description explaining how the project is compatible with surrounding land
126 uses.
127 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands,
128 etc.).
129 (7) Written explanation and visual illustration showing project density and mass/scale in
130 comparison to the existing developed area adjacent to the proposed rezone.
131 (8) Legal description of the property being proposed for rezone.
132 (b) The applicant/owner and any assigns or successors in interest, is required to develop only
133 in accordance with the proposals outlined in the plan. Any materially different concept,
134 use, building arrangement, etc., will not be approved nor will building permits be issued
135 by the county until such plan is amended by the county commission after
136 recommendation of the planning commission. Minor changes may be approved by the
137 planning director. If the county denies such changes or amendments and/or the concept
138 plan is abandoned, the county may institute steps to revert the zoning to its former or
139 other appropriate zone. The information shown on the concept plan may vary in detail
140 depending on the size of projects.

141

142 Sec 102-5-56 County Zoning Procedure

143 ~~The county commission after considering the recommendations of the planning commission,~~
144 ~~holding the required public hearing, and making findings as to whether or not the application~~
145 ~~meets the criteria found in section 102-5-3, may take any of the following actions:~~

- 146 ~~(a) The county commission may approve the proposed rezoning and concurrently approve a~~
147 ~~concept plan for the development, in whole or in part, with or without changes or~~
148 ~~conditions and adopt an ordinance rezoning the property;~~
149 ~~(b) The county commission may deny a rezoning application;~~
150 ~~(c) The county commission may rezone the subject land to any other less intensive zone~~
151 ~~deemed more appropriate~~
152 (a) Prior to submittal of a rezone application, the applicant shall attend a pre-application
153 meeting in which the proposal is discussed with County planning staff. After the pre
154 application meeting, the Planning Director or designee may require a concept
155 development plan to be submitted with the application. After application submittal, if no
156 concept plan was previously required, the Planning Director or designee, the Planning
157 Commission, or the County Commission may require a concept development plan or any
158 other information to address emerging impacts.

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159 (b) When a rezoning application meets the requirements outlined in 102-5-3 of this Chapter,
160 and when the application is deemed complete by the Planning Director or designee, the
161 application will be processed in the following manner:

162 (1) Upon receiving a recommendation from staff regarding an amendment to the zoning
163 map, and after holding the required public hearing for which 14 days notice shall be
164 provided as required by Utah State Code, the Planning Commission shall review the
165 amendment and prepare its recommendation. The Planning Commission may
166 recommend approval, approval with modifications, or denial of the proposed
167 amendment and shall submit its recommendation to the County Commission for
168 review and decision.

169 (2) Upon receiving a recommendation from the Planning Commission regarding an
170 amendment to the zoning map, the County Commission shall schedule and hold a
171 public hearing to review and make a decision on the application. Following the public
172 hearing the County Commission may approve, approve with modifications, or deny
173 the proposed amendment. Prior to making a decision that goes contrary to the
174 Planning Commission's recommendation, the County Commission may, but is not
175 obligated to, remand the amendment to the Planning Commission with a request for
176 another recommendation with additional or specific considerations. The Planning
177 Commission shall review such request as specified in subsection 1 of this section.

178 (3) A decision to amend the zoning map is a matter committed to the legislative
179 discretion of the County Commission and is not controlled by any one standard.
180 However, in making an amendment, the County Commission and Planning
181 Commission should ~~may~~ consider the following factors:

- 182 1. Whether the proposed amendment is consistent with goals, objectives, and
183 policies of the County's general plan;
- 184 2. Whether the proposed amendment is ~~harmonious~~ with the overall character of
185 existing development in the vicinity of the subject property;
- 186 3. The extent to which the proposed amendment may adversely affect adjacent
187 property; and
- 188 4. The adequacy of facilities and services intended to serve the subject property,
189 including, but not limited to, roadways, parks and recreation facilities, police
190 and fire protection, schools, stormwater drainage systems, water supplies,
191 wastewater, and refuse collection.
- 192 5. Whether the ~~proposed rezoning can~~ be developed in a manner that will not
193 substantially degrade natural/ecological resources or sensitive lands.
- 194 6. Whether proposed traffic mitigation plans will prevent transportation corridors
195 from diminishing below an acceptable level of service.

196
197 (4) Supplementary approval ~~criteria~~ for a destination and recreation resort zone: The
198 Planning Commission and County Commission ~~should~~ also consider the following
199 factors when making an amendment to Resort zoning:

200 ~~The proposed resort can be developed in a manner that will not substantially~~
201 ~~degrade natural/ecological resources or sensitive lands as identified in title~~

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incompatible.

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104, chapter 28, the Ogden Valley Sensitive Lands Overlay District, of the Weber County Land Use Code.

1. Whether a professional and empirical study has provided substantial evidence determining that the proposed resort is viable and contributes to the surrounding community's economic well-being.

~~A professional and empirical study has provided substantial evidence determining that proposed traffic mitigation plans will prevent transportation corridors, serving the resort, from diminishing below an acceptable level of service.~~

2. Whether the natural and developed recreational amenities, provided by the resort, will constitute a primary attraction and provide an exceptional recreational experience by enhancing quality public recreational opportunities.

3. Whether the proposed resort's seasonal workforce housing plan will provide a socially, economically, and environmentally responsible development.

~~The proposed resort can demonstrate that public safety services are and/or will be feasible and available to serve the project in a manner that is acceptable to the county commission.~~

(5) Where an application for a rezone has been denied the County shall not accept the same zoning amendment application within one (1) year of a denial unless there is a substantial change of conditions since the earlier application. A new application, with applicable fee, shall be required and processed in accordance with the procedure outlined in this section.

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Commented [B10]: Enhancing opportunities to the community

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Sec 102-5-6~~7~~ Processing Approved Development Proposals

After rezoning is granted, applications for development within the rezoned area ~~a development proposal shall be processed and specific plans for all or a phase of the development on the rezoned land shall be reviewed~~ as required by the Land Use Code, as part of its (site plan design review, conditional use approval, subdivision and/or building permit) approval process. The plans shall be in accordance with the approved concept development plan or development agreement, if required as part of the approved rezone. ~~and any conditions attached.~~

Sec 102-5-7~~8~~ Development Agreement

~~(a)~~ The county commission may require an applicant, at the time of zoning approval, to enter into a zoning development agreement as outlined in NEW CHAPTER. ~~which specifies and details the applicant's responsibilities and commitments in carrying out the development contained in an approved concept development plan and which lists the conditions and limitations of development imposed by the county and also the contemplated action of the county in case of default by an applicant or any successors in interest in the rezoned property.~~

242 ~~(b) The agreement shall also contain the applicant's acknowledgment that the commitment of~~
243 ~~zoning is predicated upon the good faith accomplishment of the approved development~~
244 ~~and if not started or constructed within the specified periods of time, the county may take~~
245 ~~steps to rescind zoning approval and revert the zoning to its former or other appropriate~~
246 ~~zone.~~

247 ~~(c) A development agreement, which has been executed as part of a rezoning process, shall~~
248 ~~be recorded in the county recorder's office as a covenant running with the land,~~
249 ~~concurrently with adoption of an ordinance implementing a rezoning application.~~

250
251
252 ~~Sec 102-5-9 Reversion To Original Zoning Designation~~

253 ~~(a) If development does not occur as proposed at the time of zoning approval, the public~~
254 ~~benefits expected from the development cannot be realized and the effect of the rezoning~~
255 ~~is therefore without merit in terms of improving the public economic prosperity, general~~
256 ~~welfare, safety, health and convenience. If in such cases the county finds that the zoning~~
257 ~~purpose has not been attained, the county then may declare its intent to revert the zoning~~
258 ~~to its former or other appropriate zone so future opportunities for similar development in~~
259 ~~the same general area may be shared by other properties deemed suitable.~~

260 ~~(b) If building permits have not been obtained and construction of the development or an~~
261 ~~agreed upon phase thereof, in accordance with the approved concept and final~~
262 ~~development plans, has not commenced within two years from the date of zoning~~
263 ~~approval or other time period as set by the county commission, the county may examine~~
264 ~~the reasons for the delay and the progress of the development to that point and may either~~
265 ~~extend the time period or initiate steps to revert the zoning designation of the previously~~
266 ~~rezoned land to its former or other appropriate zone. The reversion of zoning shall follow~~
267 ~~the same procedure established by law for amending the zoning map.~~

268
269 ~~Sec 102-5-9-10 Disconnect From Incorporated Cities~~

270 Properties that disconnect from incorporated cities shall submit a rezone application and fees to
271 the county planning division. Prior to any disconnection, the subject property needs to comply
272 with its current city zoning and approved site plan.

273

274 [Development Agreements](#)

275 [Sec 102-6-1 Purpose and Intent](#)

276 [The purpose of this chapter is to provide procedures and minimum standards for the review,](#)
277 [consideration, and possible approval of development agreements by the county commission. A](#)

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278 development agreement may only be approved, if in the opinion of the county commission, such
279 development agreement is found:

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281 (a) To recognize the nature of the subject property by tailoring development standards and
282 requirements that provide a more desirable land use planning and regulatory scheme than
283 would be possible under the county's existing land use ordinances; or

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285 (b) To advance the policies of the county.

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287 Sec 102-6-2 Eligibility

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288 All persons entering into a development agreement with the county must have a legal or
289 equitable interest in the property that is the subject of the development agreement.

290

291 Sec 102-6-3 Scope

292 Unless expressly required elsewhere in this title, a development agreement is an optional land
293 use regulatory tool that may be used, at the discretion of the county commission, as provided in
294 section 102-21-1 of this chapter. No provision herein shall obligate the county commission to enter
295 into a development agreement.

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297 The provisions and requirements of this chapter shall be determined to be minimum standards.
298 ???? The county commission may require additional provisions and requirements depending on
299 the nature and scope of the land(s) affected and the particular purposes and intent(s) of the
300 development agreement.

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301 Sec 102-6-4 Minimum Requirements

302 All development agreements entered into by the county shall, at a minimum, be found to comply
303 with the following minimum standards:

304 (a) Be in writing.

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305 (b) Provide an accurate legal description of the subject property and the names of all legal
306 and equitable owners.

307 (c) Provide a conceptual subdivision layout or site plan including, but not limited to, the
308 location and arrangement of all allowed uses, circulation patterns, and all required
309 dedications and improvements.

310 (d) Provide the terms of the agreement, and any term extension requirement(s).

311 (e) Identify all allowed uses for the subject property and the procedures required for the
312 approval of each identified use.

313 (f) Identify all applicable development standards, including the timing and obligations
314 associated with the provision of necessary infrastructure and services.

- 315 (g) Provide for the provision and installation of required public infrastructure and services.
- 316 (h) Provide a listing of all features and facilities being voluntarily provided to the county, or
- 317 other public or private agency, as applicable if any, in addition to those typically required
- 318 by the county's land use ordinances.
- 319 (i) Provide a description of any reservation or dedication of lands for public purposes.
- 320 (j) Provide a description of any conditions, terms, restrictions, or other requirements
- 321 determined to be necessary to promote the public health, safety, or welfare or the
- 322 purposes of the development agreement.
- 323 (k) Identify enforcement mechanisms determined necessary to ensure compliance.
- 324 (l) Provide for the recording of the approved development agreement in the office of the
- 325 Weber County recorder. The signed and recorded copy of the development agreement
- 326 shall be considered the official executed copy of said agreement.
- 327 (m) Include any additional requirements identified by the county commission determined
- 328 necessary to advance the interests of the county and other provisions and requirements to
- 329 protect the public health, welfare and safety of the county, and its residents.

330

331 Sec 102-6-5 Development Procedures

332 A. All development agreements shall be considered and approved by the county commission at a

333 regular meeting. If a development agreement contains any provision proposing to amend the

334 county general plan or land use ordinance, including zoning designation of the subject property,

335 the procedures of the county required for a general plan or land use ordinance amendment shall

336 be followed, including complying with all noticing and public hearing requirements.

337 B. The county commission shall consider all materials presented and shall approve or deny the

338 proposed development agreement, with or without requirements and conditions and with

339 necessary findings. If approved, the county commission chair, on behalf of the county, and the

340 applicant shall sign and execute the development agreement, as approved.

341 C. Within fourteen (14) business days of signature by the county commission chair and the

342 applicant, the development agreement shall be recorded in the office of the county recorder. The

343 recorded agreement constitutes the official document of the county.

344 D. The county commission, in considering a development agreement, may request a

345 recommendation of the planning commission on planning concerns, allowed uses, or other

346 development matters that may be associated with the proposed development agreement.

347 E. In the event that a development agreement is amended after being executed by the affected

348 parties, a notice of amendment shall be sent by certified mail to all property owners with interest

349 in the property as described in the development agreement. Such notice shall, at a minimum,

350 explain the amendment and provide information about where the amendment may be retrieved

351 from the county recorder's office. Expenses for the notice shall be borne by the developer.

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353 Sec 102-6-6 Development Agreement Review

354 In reviewing a proposed development agreement, the county commission may consider, but shall
355 not be limited to, the following:

- 356 (a) Public impacts and benefits.
- 357 (b) Adequacy in the provision of all necessary public infrastructure and services.
- 358 (c) Appropriateness and adequacy of environmental protection measures; and
- 359 (d) Protection and enhancements of the public health, welfare, and safety above that and
360 provided by the existing land use ordinances.

361

362 Sec 102-6-7 Effect of Approval:

363 A. A development agreement, as approved by the county commission and recorded as required
364 by section 2.2.1 of this chapter, shall be controlling for the subject property, and shall modify
365 the county's land use ordinances to the extent specifically identified by the development
366 agreement.

367

368 B. Only those county land use ordinance provisions specifically identified by the development
369 agreement shall be modified. All other land use ordinance requirements shall remain in full force
370 and effect.

371

372 C. A development agreement shall not prevent the county from applying any new provisions or
373 regulations to the subject property that do not conflict with those contained within the
374 development agreement.

375

376 Sec 102-6-8 Binding Nature of Development Agreements:

377 All development agreements shall be binding on the county and the applicant and on all
378 successors and assigns for the term of the agreement.

379

380 Sec 102-6-9 Expenses

381 The county may require the applicant to reimburse the county for all reasonable expenses
382 incurred by the county related to the preparation and adoption of a development agreement.

383

384 Sec 102-6-10 Enforcement

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385 The county may utilize all legally available enforcement mechanisms necessary to achieve
386 compliance with this chapter and any development agreement including, but not limited to, the
387 withholding of necessary land use approvals and permits.

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389 Sec 102-6-11 Modification or Suspension to Comply with State or Federal Laws

390 In the event that federal or state laws or regulations, enacted after the adoption of a development
391 agreement, prevent or preclude compliance with one or more provisions of the agreement, such
392 provisions of the agreement shall be suspended, as may be necessary to comply with such federal
393 or state laws or regulations.

Commented [B15]: If the entire development cant happen (or significant portions), voids the whole agreement.

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394 Sec 102-6-12 Noncompliance

395 In the event a development agreement is terminated as a result of noncompliance by the subject
396 property owner, the subject property shall revert to the general plan and zoning district
397 designation that existed prior to the enactment of the development agreement.

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1 **PART II Land Use Code**

2 **Title 101 General Provisions**

3 ...

4 **Sec 101-1-7 Definitions**

5 ...

6 *Accessory dwelling unit.* The term "accessory dwelling unit," also referred to as an "ADU," means a
7 dwelling unit, as defined by this section, that is either attached to the main single-family dwelling or is
8 otherwise located on the same lot as the main single-family dwelling or an agri-tourism operation.

9 ...

10 ...

11 ...

12 ...

13 *Dwelling, single-family.* The term "dwelling, single-family" means a building arranged or designed to be
14 occupied exclusively by one family, the structure having only one dwelling unit except when otherwise
15 permitted by this code.

16 *Dwelling, two-family (duplex).* The term "dwelling, two-family (duplex)" means a building arranged or
17 designed to be occupied by two families, the structure having only two dwelling units, similar in floor area
18 to each other.

19 ...

20 *Family.* The term "family" one or more persons related by blood, marriage, or adoption, plus domestic
21 employees serving on the premises, or a group of not more than four persons who need not be so
22 related, living together as a single nonprofit housekeeping unit.

23 ...

24 **Title 104 Zones**

25 ...

26 **Chapter 104-3 Residential Estates Zones RE-15 and RE-20**

27 ...

28 **Sec 104-3-2 Permitted Uses**

29 The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

- 30 1. Accessory building incidental to the use of a main building; main building designed or used to
31 accommodate the main use to which the premises are devoted; and accessory uses customarily
32 incidental to a main use;
- 33 2. Accessory dwelling unit.
- 34 3. Agriculture and agricultural experiment station;
- 35 4. Animals and fowl kept for family food production as an incidental and accessory use to the
36 residential use of the lot;
- 37 5. Church, synagogue or similar building used for regular religious worship;
- 38 6. Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code;
- 39 7. Corral, stable or building for keeping of animals or fowl, provided such building shall be located not
40 less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line;
- 41 8. Golf course, except miniature golf;

- 42 9. Greenhouse and nursery limited to sale of material produced on premises and with no retail shop
43 operation;
- 44 10. Home occupations;
- 45 11. Household pets;
- 46 12. Parking lot accessory to use permitted in this zone;
- 47 13. Private stables; horses for private use only, and provided that not more than one horse may be
48 kept for each one-half acre of land used for horses within any lot and no horses shall be kept on
49 any lot of less than one-half acre in area;
- 50 14. Public building; public park, recreation grounds and associated buildings, public schools; private
51 educational institutions having a curriculum similar to that ordinarily given in public schools;
- 52 15. Single-family dwelling; and
- 53 16. Temporary building or use incidental to construction work. Such building shall be removed upon
54 the completion or abandonment of the construction work.

55 ...

56 **Chapter 104-5 Agricultural Zone A-1**

57 ...

58 **Sec 104-5-3 Permitted Uses**

- 59 1. Accessory building incidental to the use of a main building; main building designed or used to
60 accommodate the main use to which the premises are devoted; and accessory uses customarily
61 incidental to a main use.
- 62 2. Accessory dwelling unit.
- 63 3. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- 64 4. Animals or fowl kept for family food production as an accessory use.
- 65 5. Cemetery; chinchilla raising, convalescent or rest home.
- 66 6. Church, synagogue or similar building used for regular religious worship.
- 67 7. Cluster subdivision in accordance with this Land Use Code.
- 68 8. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not
69 less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- 70 9. Fruit or vegetable stand for produce grown on the premises only.
- 71 10. Golf course, except miniature golf course.
- 72 11. Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop
73 operation.
- 74 12. Home occupations.
- 75 13. Household pets.
- 76 14. Parking lot accessory to uses allowed in this zone.
- 77 15. Private park, playground or recreation area but not including privately owned commercial
78 amusement business.
- 79 16. Private stables; horses for private use only, provided that not more than two horses may be kept
80 for each one-half acre of land used for horses within any lot.
- 81 17. Public building; public park, recreation grounds and associated buildings; public school; private
82 educational institution having a curriculum similar to that ordinarily given in public schools.

July 10, 2020

- 83 18. Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- 84 19. Residential facility for elderly persons meeting the requirements of section 108-7-15.
- 85 20. Single-family dwelling.
- 86 21. Sugar beet loading or collection station.
- 87 22. Temporary buildings or use incidental to construction work. Such building shall be removed upon
- 88 completion or abandonment of the construction work.

89 ...

90 **Chapter 104-6 Agricultural Valley AV-3 Zone**

91 **Sec 104-6-3 Permitted Uses**

92 The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- 93 1. Accessory building incidental to the use of a main building; main building designed or used to
- 94 accommodate the main use to which the premises are devoted; and accessory uses customarily
- 95 incidental to a main use.
- 96 2. Accessory dwelling unit.
- 97 3. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- 98 4. Animals or fowl kept for family food production as an accessory use.
- 99 5. Cemetery; chinchilla raising, convalescent or rest home.
- 100 6. Church, synagogue or similar building used for regular religious worship.
- 101 7. Cluster subdivision in accordance with this Land Use Code.
- 102 8. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not
- 103 less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- 104 9. Fruit or vegetable stand for produce grown on the premises only.
- 105 10. Golf course, except miniature golf course.
- 106 11. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop
- 107 operation.
- 108 12. Home occupations.
- 109 13. Household pets which do not constitute a kennel.
- 110 14. Parking lot accessory to uses allowed in this zone.
- 111 15. Private park, playground or recreation area, but not including privately owned commercial
- 112 amusement business.
- 113 16. Private stables, horses for private use only and provided that not more than two horses may be
- 114 kept for each 20,000 square feet of area devoted exclusively to the keeping of the horses.
- 115 17. Public building; public park, recreation grounds and associated buildings; public school; private
- 116 education institution having a curriculum similar to that ordinarily given in public schools.
- 117 18. Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- 118 19. Residential facility for elderly persons meeting the requirements of section 108-7-15.
- 119 20. Single-family dwelling.
- 120 21. Temporary buildings for use incidental to construction work. Such building shall be removed upon
- 121 completion or abandonment of the construction work.

122 ...

123 **Chapter 104-7 Agricultural A-2 Zone**

124 **Sec 104-7-3 Permitted Uses**

125 The following uses are permitted in the Agriculture Zone A-2:

- 126 1. Accessory building incidental to the use of a main building; main building designed or used to
127 accommodate the main use to which the premises are devoted; and accessory uses customarily
128 incidental to a main use.
- 129 2. Accessory dwelling unit.
- 130 3. Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- 131 4. Animals or fowl kept for family food production as an accessory use.
- 132 5. Cemetery; chinchilla raising, convalescent or rest home
- 133 6. Church, synagogue or similar building used for regular religious worship.
- 134 7. Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- 135 8. Corral, stable or building for keeping animals or fowl, provided such structure shall be located not
136 less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- 137 9. Fruit or vegetable stand for produce grown on the premises only.
- 138 10. Golf course, except miniature golf course.
- 139 11. Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop
140 operation.
- 141 12. Home occupations—with no visiting clientele.
- 142 13. Household pets.
- 143 14. Parking lot accessory to uses allowed in this zone.
- 144 15. Private park, playground or recreation area, but not including privately owned commercial
145 amusement business.
- 146 16. Private stables, horses for private use only and provided that not more than two horses may be
147 kept for each one-half acre within any lot.
- 148 17. Public building; public park, recreation grounds and associated buildings; public school; private
149 education institution having a curriculum similar to that ordinarily given in public schools.
- 150 18. Single-family dwelling.
- 151 19. Sugar beet loading or collection station and dump sites.
- 152 20. Temporary buildings for use incidental to construction work. Such building shall be removed upon
153 completion or abandonment of the construction work.

154 ...

155 **Chapter 104-8 Agricultural Zone A-3**

156 **Sec 104-8-3 Permitted Uses**

157 The following uses are permitted in the Agriculture Zone A-3:

- 158 1. Accessory building incidental to the use of a main building; main building designed or used to
159 accommodate the main use to which the premises are devoted; and accessory uses customarily
160 incidental to a main use.
- 161 2. Accessory dwelling unit.
- 162 3. Agriculture, agricultural experiment station, apiary; aviary.

- 163 4. Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog
164 breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be
165 located not less than 100 feet from a public street and not less than 50 feet from any side or rear
166 property line.
- 167 5. Cemetery, chinchilla raising, convalescent or rest home.
- 168 6. Church, synagogue, or similar building used for regular religious worship.
- 169 7. Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- 170 8. Corral, stable, or building for keeping animals or fowl, provided such structure shall be located not
171 less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- 172 9. Fruit or vegetable stand for produce grown on the premises.
- 173 10. Golf course, except miniature golf course.
- 174 11. Greenhouse and nursery with no retail shop operation.
- 175 12. Home occupations.
- 176 13. Household pets.
- 177 14. Parking lot accessory to uses allowed in this zone.
- 178 15. Private park, playground or recreation area but not including privately owned commercial
179 amusement business.
- 180 16. Private stables, horses for private use only, and provided that not more than two horses may be
181 kept for each one-half acre of land used for horses within any lot.
- 182 17. Public building, public park, recreation grounds and associated buildings; public school; private
183 educational institution having a curriculum similar to that ordinarily given in public schools.
- 184 18. Single-family dwelling.
- 185 19. Sugar beet loading or collection station and dump sites.
- 186 20. Temporary buildings for use incidental to construction work. Such building shall be removed upon
187 completion or abandonment of the construction work.

188 ...

189 **Chapter 104-9 Forest Zones F-5, F-10, and F-40**

190 **Sec 104-9-2 Permitted Uses**

191 The following uses are permitted in Forest Zones F-5, F-10, and F-40:

- 192 1. Accessory dwelling unit.
- 193 2. Agriculture.
- 194 3. Cluster subdivisions, which comply with the requirements of title 108, chapter 3.
- 195 4. Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated
196 to the animal. The keeping of animals and fowl for family food production. Golf course, except
197 miniature golf courses.
- 198 5. Home occupations.
- 199 6. Public parks and recreation grounds. Public campgrounds and picnic areas meeting the
200 requirements of the Forest Campground Ordinance of Weber County; public buildings.
- 201 7. One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of
202 less than 180 days for recreational use only and not for longer term placement nor for full time
203 living. The following additional conditions shall apply:

- 204 1. The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in
205 the F-40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel
206 or cluster subdivision and meet the minimum lot size, frontage, and setback requirements
207 for all zones in this chapter.
- 208 2. County environmental health department approval as to waste disposal by an approved
209 septic tank and drain field with approved connection to the R.V., and a land use permit
210 from the county planning commission for each unit, which shall expire after 180 days from
211 date of issue, and including only the following accessory uses: not more than one storage
212 shed of not more than 200 square feet per lot, not to include electrical or plumbing
213 connections; prepared R.V. parking pad; raised deck of not more than two feet in height
214 adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and
215 tent type screens.
- 216 3. A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or
217 parcel as qualified in subsection (f)(2) of this section containing a minimum area of two
218 acres excluding land known as common land and/or open space.
- 219 4. The following state and local division of health codes and requirements are complied with:
220
 - 221 1. International Utah Plumbing Code.
 - 222 2. Rules and regulations relating to public water supplies.
 - 223 3. Code of Waste Disposal Regulations.
 - 224 4. Code of Solid Waste Disposal Regulations.
 - 225 5. Recreation regulations.
- 226 5. Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden
227 Valley area.
- 228 6. Accessory building incidental to the use of a main building; main building designed or used
229 to accommodate the main use to which the premises are devoted; and accessory uses
230 customarily incidental to a main use.
- 231 7. Single-family residences.
- 232 8. Facilities for persons with a disability meeting the requirements of section 108-7-13.
- 233 9. Private stables, not to exceed one horse per acre.
- 234 10. Household pets.

234 ...

235 **Chapter 104-10 Shoreline Zone S-1**

236 **Sec 104-10-2 Permitted Uses**

237 The following uses are permitted in the

- 238 1. Accessory building incidental to the use of a main building; main building designed or used to
239 accommodate the main use to which the premises are devoted; and accessory uses customarily
240 incidental to a main use.
- 241 2. Accessory dwelling unit, in compliance with Chapter 108-19.
- 242 3. Agriculture, grazing and pasturing of animals.
- 243 4. Boating.
- 244 5. Cemeteries.
- 245 6. Fishing.
- 246 7. Golf courses, excluding miniature golf courses.

- 247 8. Home occupations.
- 248 9. Keeping of animals and fowl for family food production.
- 249 10. Public parks and recreation grounds. Public campgrounds and picnic areas meeting the
- 250 requirements of the Forest Campground Ordinance of Weber County. Public buildings
- 251 11. Single-family dwelling. Signs.
- 252 12. Water skiing and other water recreation activities.

253 ...

254 **Chapter 104-12 Single-Family Residential Zones R-1-12, R-1-10**

255 **Sec 104-12-2 Permitted Uses**

256

257 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- 258 1. Accessory building incidental to the use of a main building; main building designed or used to
- 259 accommodate the main use to which the premises are devoted; and accessory uses customarily
- 260 incidental to a main use.
- 261 2. Accessory dwelling unit.
- 262 3. Agriculture.
- 263 4. Church, synagogue or similar building used for regular religious worship.
- 264 5. Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.
- 265 6. Educational institution.
- 266 7. Golf course, except miniature golf course.
- 267 8. Greenhouse, for private use only.
- 268 9. Home occupations.
- 269 10. Household pets, which do not constitute a kennel.
- 270 11. Parking lot accessory to uses permitted in this zone.
- 271 12. Public building, public park, recreation grounds and associated buildings.
- 272 13. Single-family dwelling.
- 273 14. Temporary building for use incidental to construction work. Such building shall be removed upon
- 274 the completion or abandonment of the construction work.
- 275 15. Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

276 ...

277 **Chapter 104-13 Forest Residential Zone FR-1**

278 **Sec 104-13-2 Permitted Uses**

279

280 The following uses are permitted in the Forest Residential Zone FR-1:

- 281 1. Accessory building incidental to the use of a main building; main building designed or used to
- 282 accommodate the main use to which the premises are devoted; and accessory uses customarily
- 283 incidental to a main use.
- 284 2. Accessory dwelling unit.
- 285 3. Agriculture.

- 286 4. Animals and fowl kept for family food production.
- 287 5. Cluster subdivision, in accordance with title 108, chapter 3.
- 288 6. Corral, stable or building for keeping animals or fowl, provided such building shall be located not
- 289 less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40
- 290 feet from the residence and 75 from the nearest adjacent residence.
- 291 7. Greenhouse, noncommercial only.
- 292 8. Home occupations.
- 293 9. Horses for private use only, and provided that not more than two horses may be kept for each one
- 294 acre of land - exclusively devoted to the keeping of horses.
- 295 10. Household pets which do not constitute a kennel.
- 296 11. Single-family dwelling.
- 297 12. Temporary building for use incidental to construction work. Such building shall be removed upon
- 298 the completion or abandonment of the construction work.
- 299 13. Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

300 ...

301 **Chapter 104-14 Forest Valley Zone FV-3**

302 **Sec 104-14-2 Permitted Uses**

303 The following uses are permitted in the Forest Valley Zone FV-3:

- 304 1. Accessory building incidental to the use of a main building; main building designed or used to
- 305 accommodate the main use to which the premises are devoted; and accessory uses customarily
- 306 incidental to a main use.
- 307 2. Accessory dwelling unit, in compliance with Chapter 108-19.
- 308 3. Agriculture.
- 309 4. Animals and fowl kept for family food production.
- 310 5. Cluster subdivision, in accordance with title 108, chapter 3.
- 311 6. Corral, stable or building for keeping animals or fowl, provided such building shall be located not
- 312 less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line.
- 313 7. Greenhouse, noncommercial only.
- 314 8. Home occupations.
- 315 9. Horses for private use only, and provided that not more than two horses may be kept for each one
- 316 acre of land exclusively devoted to the keeping of horses.
- 317 10. Household pets which do not constitute a kennel.
- 318 11. Single-family dwelling.
- 319 12. Temporary building for use incidental to construction work. Such building shall be removed upon
- 320 the completion or abandonment of the construction work.
- 321 13. Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

322 ...

323 **Chapter 104-15 Two-Family Residential Zone R-2**

324 **Sec 104-15-2 Permitted Uses**

325 The following uses are permitted in the Two-Family Residential Zone R-2:

- 326 1. Accessory building incidental to the use of a main building; main building designed
327 or used to accommodate the main use to which the premises are devoted; and
328 accessory uses customarily incidental to a main use.
- 329 2. Accessory dwelling unit, in compliance with Chapter 108-19.
- 330 3. Agriculture.
- 331 4. Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 332 5. Church, synagogue or similar permanent building used for regular religious
333 worship.
- 334 6. Educational institution.
- 335 7. Golf course, except miniature golf course.
- 336 8. Greenhouse for private use only.
- 337 9. Group dwelling with 24 or less dwelling units in accordance with section 108-7-11
338 of this Land Use Code.
- 339 10. Home occupations.
- 340 11. Household pets.
- 341 12. Parking lot accessory to uses permitted in this zone.
- 342 13. Public building, public park, recreation grounds and associated buildings.
- 343 14. Residential facility for handicapped persons meeting the requirements of section
344 108-7-13.
- 345 15. Residential facility for elderly persons meeting the requirements of section 108-7-
346 15.
- 347 16. Single-family dwelling.
- 348 17. Temporary building for use incidental to construction work. Such building shall be
349 removed upon the completion or abandonment of the construction work.
- 350 18. Two-family dwelling.

351 ...

352 **Chapter 104-16 Multiple-Family Residential Zone R-3**

353 **Sec 104-16-2 Permitted Uses**

354 The following uses are permitted in the Multiple-Family Residential Zone R-3:

- 355 1. Accessory building incidental to the use of a main building; main building designed or used to
356 accommodate the main use to which the premises are devoted; and accessory uses customarily
357 incidental to a main use.
- 358 2. Accessory dwelling unit.
- 359 3. Agriculture.
- 360 4. Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- 361 5. Church, synagogue or similar permanent building used for regular religious worship.
- 362 6. Educational institution.
- 363 7. Golf course, except miniature golf course.
- 364 8. Greenhouse for private use only.
- 365 9. Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.

- 366 10. Home occupations.
- 367 11. Household pets.
- 368 12. Library or museum, public or nonprofit.
- 369 13. Multiple-family dwelling with 24 or less dwelling units.
- 370 14. Parking lot accessory to uses permitted in this zone.
- 371 15. Public building, public park, recreation grounds and associated buildings.
- 372 16. Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- 373 17. Residential facility for elderly persons meeting the requirements of section 108-7-15.
- 374 18. Single-family dwelling.
- 375 19. Temporary building for use incidental to construction work. Such building shall be removed upon
- 376 the completion or abandonment of the construction work.
- 377 20. Two-family dwelling.

378
379 ...

380 **Chapter 104-17 Forest Residential Zone FR-3**

381 **Sec 104-17-2 Permitted Uses**

382 The following uses are permitted in the Forest Residential Zone FR-3:

- 383 1. Accessory building incidental to the use of a main building; main building designed or used to
- 384 accommodate the main use to which the premises are devoted; and accessory uses customarily
- 385 incidental to a main use.
- 386 2. Accessory dwelling unit.
- 387 3. Cluster subdivision in accordance with title 108, chapter 3.
- 388 4. Dwelling unit as part of a Homeowner Association's common facility building, such as a clubhouse,
- 389 for use by an on-site employed manager or night watchman with the density not greater than one
- 390 manager or night watchman dwelling for every one hundred residential units within a project or
- 391 combination of projects.
- 392 5. Home occupations.
- 393 6. Household pets.
- 394 7. Single-family, two-family, three-family and four-family dwellings.
- 395 8. Temporary building or use incidental to construction work. Such building or use to be removed
- 396 upon completion or abandonment of the construction work.
- 397 9. Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

398 ...

399 **Title 108 Standards**

400 ...

401 **Chapter 108-8 Parking and Loading Space, Vehicle Traffic and Access Regulations**

402 ...

403 **Sec 108-8-2 Parking Spaces for Dwellings**

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

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	One parking space
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
...	

405

406 ...

407 **Sec 108-8-7 Parking Lot Design and Maintenance**

408 ...

409 (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a
 410 residential zone, none of the front yard area required by the respective zones shall be used for parking
 411 of more than two automobiles, which shall be functional and licensed with current registration. In the
 412 case of multi-family dwellings and nonresidential uses in a residential zone, not more than 50 percent
 413 of the required side and rear yards shall be used for parking Any said yard area used in excess of said
 414 limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as
 415 open green space, patios, play areas or courts.

416 ...

417 **Title 108-15 Standards for Detached Single-Family Dwellings**

418 **Sec 108-15-2 Other Standards and Requirements**

419 ...

420 (d) One or more additional kitchen(s) in detached single-family dwellings shall be allowed in each zone
 421 where a single-family dwelling is permitted, provided compliance with the following:

- 422 (1) The main dwelling unit shall have only one front entrance.
- 423 (2) The main dwelling unit shall have only one address.
- 424 (3) Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an
 425 accessory building provided no more than one accessory dwelling unit is established in the main
 426 single-family dwelling or in an accessory building.
- 427 (4) The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by
 428 Weber County, which provides that the main dwelling unit may not be converted into more than
 429 one accessory dwelling unit unless allowed by and in accordance with applicable provisions of this
 430 title. The document shall be recorded with the Weber County Recorder's Office prior to issuance of
 431 a building permit.

432

433 **Title 108-19 Standards for Accessory Dwelling Units**

434 **Sec 108-19-1 Purpose and Intent**

435 The purpose of allowing an accessory dwelling unit, whether attached or detached to a single-family
436 dwelling, is to assist in providing for housing types that meet the needs of populations of various income
437 levels, ages, and stages of life.

438

439 **Sec 108-19-2 Applicability**

440 (a) *Applicability*. The provisions, set forth in this chapter apply to an accessory dwelling unit where
441 allowed by the zone.

442 (b) *Ogden Valley Accessory Dwelling Unit*. In the Ogden Valley, a detached accessory dwelling unit
443 shall only be allowed on a lot:

444 (1) that contains twice the minimum acreage required by the zone; or

445 (2) where an applicant requesting an ADU has successfully negotiated the reallocation of
446 a development right from another landowner's property. The reallocation shall be made
447 by recording an instrument to the property losing the development right, in a form
448 approved by the County Attorney, which prohibits the development of the dwelling and
449 any additional fractional unit, if applicable.

450

451 **Sec 108-19-3 General Provisions**

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

453

454 (a) *Number of Accessory Dwelling Units per Parcel*. One accessory dwelling unit shall be allowed on
455 a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use
456 Code.

457 (b) *Amenities*. An accessory dwelling unit shall contain sufficient amenities to be definable by
458 Section 101-1-7 as a Dwelling Unit.

459 (c) *Parking*. In addition to the two parking spaces required for the main dwelling, **at least one** off-
460 street parking spaces shall be provided for an accessory dwelling unit in a designated location on
461 the premises. These spaces shall be on a hard-surface area prepared to accommodate vehicle
462 parking.

463 (d) *Occupancy*. Either the accessory dwelling unit or the single-family dwelling unit shall be owner
464 occupied. While away from the owner-occupied dwelling unit, the owner shall not rent their unit.
465 For the purposes of this subsection 3(e) "owner-occupied dwelling unit" means a unit that is
466 occupied by the owner for a minimum of seven months in one calendar year. Temporary leave for
467 religious, military, or other legitimate purpose may be permissible.

468 (e) *Short-term rentals not allowed*. Neither the single-family dwelling nor the accessory dwelling unit
469 may be used or licensed as a short-term (nightly) rental.

470 (f) *Relevant authority approvals*. The accessory dwelling unit shall comply with local regulations for a
471 single-family dwelling unit. Approval from the following local authorities is required:

472 a. Fire authority;

473 b. Official over addressing;

474 c. Culinary water authority;

475 d. Sanitary sewer authority; and

476 e. Building official. The non-owner-occupied unit is limited to no more than one family.

477

478 **Sec 108-19-4 Standards and Requirements**

- 479 (a) Accessory dwelling units shall comply with the following:
- 480 (1) *Standards same as single-family dwellings.* If new construction for an accessory dwelling unit
481 is proposed or will occur, the standards for detached single-family dwellings as provided in
482 title 108 chapter 15 shall apply, except that an accessory dwelling unit shall not have a
483 second kitchen.
- 484 (2) *Size.* The floor area of an accessory dwelling unit shall not be less than 400 square feet and
485 shall not exceed 1000 square feet. In no case shall the floor area of the accessory dwelling
486 unit exceed 40 percent of the gross livable area of the main dwelling, except that if the
487 accessory dwelling unit is entirely located in a basement, the entire basement area may be
488 used for the accessory dwelling unit.
- 489 (3) *Relationship to main use; appearance.* The exterior of the accessory dwelling unit shall
490 conform to the main dwelling in architectural style and materials on all sides of the building
491 and the roof.
- 492 (4) *Location.* An accessory dwelling unit shall comply with the same lot development standards
493 as a single-family dwelling in the respective zone.
- 494 (5) *Access.* The main access of the unit shall be on the side or rear of the building. Each
495 accessory dwelling shall have direct access to the exterior of the building in a manner that
496 does not require pass through of any other part of the building.
- 497 (6) *Undivided ownership.* Ownership of an accessory dwelling unit shall not be transferred
498 separate from the main single-family dwelling to which it is an accessory, unless the transfer
499 is a part of a lawfully platted subdivision that complies with all required lot standards,
500 including building setbacks and access across the front lot line. A notice shall be recorded to
501 title that states that ownership may not transfer except in these circumstances.

502

503 **Sec 108-19-5 Application and Review Procedure**

504 Approval of an accessory dwelling unit requires a land use permit. The application and review procedure
505 for a land use permit are as follows:

- 506 (a) Application submittal requirements
- 507 (1) A completed application form signed by the property owner or certified agent;
- 508 (2) An application fee. The payment of a partial application fee, or the submittal of plans for a
509 pre-submittal review, does not constitute a complete application;
- 510 (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of
511 existing buildings and building entrances, any proposed building and its dimensions from
512 buildings and property lines, and the location of parking stalls.
- 513 (4) Detailed floor plans, including elevations, drawn to scale with labels on rooms indicating uses
514 or proposed uses.
- 515 (5) Written verification that the applicant is the owner of the property and has permanent
516 residency in the existing single-family dwelling where the request is being made. The verification
517 also requires the applicant to acknowledge that they are the owner-occupant and will remain an
518 owner-occupant in order for an accessory dwelling unit to be permitted
- 519 (b) Review procedure:
- 520 (1) Upon submittal of a complete accessory dwelling unit application, planning division staff, will
521 review the application to verify compliance with this chapter and any other relevant component of
522 this Land Use Code.
- 523 (2) Planning division staff will route the application to the local fire authority, local health
524 department, the County Building Division, and any other relevant review department or agency for

525 verification of compliance, determination of need for land use permit application modifications,
526 and for submittal of other applications or reviews necessary to attain their approvals.
527

528 (3) If the land use permit application complies with relevant land use laws and receives all
529 required department and agency approvals, a land use permit shall be issued. If the application
530 requires submittal of other applications or reviews necessary to attain the approvals of other
531 required departments or agencies, but otherwise complies with relevant land use laws, the
532 application shall be given conditional approval, conditioned on approval of other reviewers. The
533 accessory dwelling unit shall maintain compliance with the approved permit.

534 (4) If the application does not comply, planning staff shall notify the applicant using the notification
535 method typical for similar planning division correspondence. The applicant shall be given the
536 opportunity to revise the application to bring it into compliance. If the application cannot be
537 brought into compliance the applicant may either withdraw the application, forfeiting the fee, or
538 pursue a final land use decision by the planning department, which shall be application denial.

539 (5) Upon receipt of an approved land use permit, the applicant may shall submit for a building
540 permit, if needed, prior to building or using any space as an accessory dwelling unit.

541 (6) If the accessory dwelling unit is rented, an application for a business license is required. If the
542 business license is addressed to the site it shall be for a home occupation business license, as
543 provided in XXX, but the area regulations and confinement to one single-single family-dwelling
544 onsite shall not apply.

545

546 **Sec 108-19-6 Moderate and Income Housing Provision**

547 In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that
548 provision for accessory dwelling units be established that meet the affordability guidelines established by
549 the county moderate income housing plan. Owners are encouraged to establish units in consideration of
550 these guidelines.

551 **Sec 108-19-6 Enforcement**

552 Violations of this chapter are subject to enforcement and penalties as outlined in section 101-1-13.

553 Noncompliance with the standards of this section shall be just cause for the denial of a business license
554 application or revocation of an existing business license if the original conditions are not maintained that
555 allow for long-term rental of the accessory dwelling unit.

556 ...

557 **Chapter 108-21 Agri-Tourism**

558 ...

559 **Sec 108-21-5 Permitted Uses/Activities Table**

560 The following uses/activities have been determined desirable when thoughtfully incorporated into an
561 approved agri-tourism operation. As stated above, these uses/activities may be subject to other
562 requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this
563 chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable
564 standards. Those uses/activities marked with an asterisk (*) have additional design and/or limitation
565 standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable
566 standards. See section 108-21-7 for these specific design and/or limitation standards associated with each
567 use/activity marked with an asterisk (*).

Uses/Activities	Farm Designations
-----------------	-------------------

	Market Garden (3—<5 acres)	Family Farm (5—<10 acres)	Small Farm (10—<20 acres)	Medium Farm (20—<40 acres)	Large Farm (40—<80 acres)	Ranch (≥80 acres)
Farm Stay (Residential and Overnight Accommodation) Uses/Activities						
Accessory dwelling unit	•	•	•	•	•	•
Agro-ecology research and education center (AREC)*	•	•	•	•	•	•
B&B farm dwelling (2 room)*		•	•	•	•	•
B&B farm retreat (7 room)*	•	•	•	•	•	•
B&B farm inn (16 room)*				•	•	•
Glamorous camping (glamping)*	•	•	•	•	•	•
Conference/education center*			•	•	•	•
Single-family dwelling; a.k.a. Farm house*	•	•	•	•	•	•
Health farm*			•	•	•	•
Motor coach/caravan area, agri-tourism*	•	•	•	•	•	•
Agriculturally Related Uses/Activities						
Agro-ecology research and education center (AREC)*		•	•	•	•	•
Barn dance		•	•	•	•	•
Community garden/rent-a-row	•	•	•	•	•	•
Community supported agriculture	•	•	•	•	•	•
Corn maze			•	•	•	•

Educational classes	.	.	.	.	.	.
Farm museum		.	.	.	.	.
Farm tour	.	.	.	.	.	.
Fee fishing (if aquaculture)		.	.	.	.	.
Harvest-market*	.	.	.	.	.	.
Multi-farmer open air (farmer's) market, agri-tourism*				.	.	.
Nursery (plant cultivation)	.	.	.	.	.	.
Petting farm/zoo	.	.	.	.	.	.
Sleigh/hay ride			.	.	.	.
Special event; as defined by title 38, special events	.	.	.	.	.	.
Special occasion, agri-tourism			.	.	.	.
U-pick operation/pumpkin patch	.	.	.	.	.	.
Non-Agriculturally Related Uses/Activities						
Agricultural arts center			.	.	.	.
Bakery/cafe featuring farm products*				.	.	.
Conference/education center*					.	.
Fee fishing		.	.	.	.	.
Food concessions stand*			.	.	.	.
Gift shop (retail)*	.	.	.	.	.	.
Haunted house/hay stack/farm			.	.	.	.

Hunting preserve*						•
On-farm store/retail market, agri-tourism*					•	•
Play area, agri-tourism		•	•	•	•	•
Restaurant featuring farm products*				•	•	•
Special event; as defined by title 38, special events	•	•	•	•	•	•
Health farm*				•	•	•
Motor coach/caravan area, agri-tourism*				•	•	•
Value added product processing*	•	•	•	•	•	•

568 **Sec 108-21-6 Use/Activity Standards and Limitations**

569 To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses
 570 listed below shall be subject to additional standards beyond any provided within other, expressed and/or
 571 unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional
 572 standards and/or limitations, may be waived by the Planning Commission upon finding that either: a
 573 proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that
 574 a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate,
 575 site specific conditions that justify the use's/activity's approval.

576

577 (a) Farm stay (residential and overnight accommodation) uses/activities.

578 (6) Accessory dwelling unit.

579 a. An agri-tourism operation may have more than one accessory dwelling unit onsite, whether
 580 or not a main single-family dwelling is also onsite. The number of accessory dwelling units
 581 shall not exceed the following calculation: net developable acreage of the parcel upon which
 582 an accessory dwelling unit is located divided by the minimum lot area required by the zone
 583 in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage
 584 / minimum lot area) × 20 percent = Maximum number of accessory dwelling units at an
 585 approved agri-tourism operation.

586 b. Meals shall only be served to overnight guests.

587 c. An accessory dwelling unit shall not be located closer than 150 feet of the agri-tourism
 588 operation's exterior property boundary, and in no case located closer than 300 feet from an
 589 existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-
 590 half when a substantial natural landscape screen, standing at a minimum of six feet in height
 591 for a majority of its length, is used to mitigate potential visual and/or audible impacts to
 592 neighboring property.

593 ...