

WESTERN WEBER PLANNING COMMISSION

AMENDED MEETING AGENDA

November 10, 2020

5:00 p.m

Join Zoom Meeting

<https://us02web.zoom.us/j/84659212154>

Meeting ID: 846 5921 2154

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

1. Minutes: November 12, 2019 and October 13, 2020

2. Consent Items.

2.1 CUP 2020-17: A request for approval of a Conditional Use Permit to remove an old water tank and build two new 375,000-gallon water tanks that serve Uintah City.

Staff Presenter: Felix Lleverino

3. Petitions, Applications, and Public Hearings:
Administrative items

3.1 LVH 091820: Consideration and action on a request for preliminary approval of Highlands Bluff Estates Phase 1, 1st Amendment, a subdivision proposal to create a 12 lot residential development.

Staff Presenter: Felix Lleverino

3.2 LVT031120: Request for final approval of Taylor Landing Cluster Subdivision Phase 1A, consisting of 28 lots in the A-1 Zone, located at approximately 4000 W 2200 S, Ogden UT.

Staff Presenter: Scott Perkes

3.3 LVT031120: Request for final approval of Taylor Landing Cluster Subdivision Phase 2, consisting of 20 lots in the A-1 Zone, located at approximately 4000 W 2200 S, Ogden UT.

Staff Presenter: Scott Perkes

4. Petitions, Applications, and Public Hearings:
Legislative items

4.1 ZTA 2020-05: Public hearing to discuss and take comment on potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals.

Staff Presenter: Scott Perkes

4.2 ZTA- 2020-03: Public Hearing to discuss and take action on a proposal to amend the zoning code to allow for accessory dwelling units in all single-family dwellings as a permitted use.

Staff Presenter: Tammy Aydelotte

4.3 ZTA 2019-06: A public hearing to consider and take action on ZTA 2019-06, a request to amend the Weber County Land Use Code to create standards for storage units in the commercial zones.

Presenter: Charlie Ewert

4.4 ZTA 2020-07: A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to add a height limit for weeds and turf grasses.

Presenter: Charlie Ewert

4.5 ZTA 2020-04: Consideration and action on a request to amend Weber County Code to enable development along substandard streets under specific conditions.

Presenter: Charlie Ewert

5. Public Comment for Items not on the Agenda:

6. Remarks from Planning Commissioners:

7. Planning Director Report:

8. Remarks from Legal Counsel:

Adjourn

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

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Via Zoom Video Conferencing at the link listed above.

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Western Weber Planning meeting of November 12, 2019, held in the Weber County Commission chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 p.m.

Members Present: Bren Edwards
John Parke
Andrew Favero
Gene Atkinson
Greg Bell

Members Excused: Janette Borklund

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principle Planner/ Long Term Planner; Scott Perkes, Planner; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

- Pledge of Allegiance
- Roll Call

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

GPA2019-04: A public hearing to consider and make recommendation to the County Commission on a state mandated modification to the West Central Weber County General Plan regarding the community's plan for moderate-income housing. Staff Presenters: Charlie Ewert/Scott Perkes

Scott Perkes gives an overview of the item. Staff began by reviewing the existing General Plan and the existing housing assessment and plan to see how many components of S.B.34 were in compliance or were outstanding. Through staff's review of the County plans it was determined that the County was substantially in compliance with a lot of the requirements. S.B. 34. There was a lot of data that needed to be updated due to the age of the plans to comply with S.B. 34. Staff took the time to get updated data to get through some of those components to come up with an updated report. S.B. 34 does require that the County report annually versus biannually and that the plans be reviewed by staff annually to provide estimates and projections. Staff has prepared an updated section to the General Plan that summarizes the finding for the 2003 General Plan there is not a specific section that is set aside for moderate-income housing. The County did undertake a housing study and plan back in 2012 that is considered the General Plan's moderate-income housing plan. Staff believes that it would be a good idea to take the consolidated information and plan and amend the General Plan and use the consolidated section as a new component of the new General Plan, instead of having separate documents they would have them together. Looking through the new data that staff collected to update the plan and the projections of the plan, looking at one of the maps, due to the short time frame that staff had to collect data and run an analysis of the current and projected moderate-income needs staff was unable to collect primary data as part of the analysis. Staff pulled data from available sources and the map included some of the boundaries from where data was pulled from. Census track data was used to form new demographics on housing values for the updated plan, and there are four block routes on the map that indicate roughly where the Unincorporated Western Weber area is. Data was also pulled from the American community survey which is part of the census from the year 2013 to 2017. That data was used to represent the unincorporated Western Weber area both current and that data was used to project to 2024. There is a lot of overlap for the boundaries, and staff has done their best to eliminate as much of the overlap of data as possible. Looking at the plan itself S.B 34 requires that the County have a land use survey that component is captured on the first page of the plan. Moving forward looking at the demographics of both current and projected Western Weber the population in Western Weber is intended to grow by about 3 percent when compared to the County, the County as a whole is intended to grow at 1.3 percent to 2024. Western Weber is anticipated to outpace the Countywide growth rate in the area. There is

a couple of trends as far as household size is concerned, in Western Weber, it is anticipated that the average household will decrease slightly from 3.06 to 2.92. The County as a whole will see a slight increase from 2.96. to 3.05. Concerning the racial composition, the Western Weber area is comprised of primarily Caucasian individuals at 94 percent and a small amount of Hispanics/Latino and a trace amount of other races. Looking at the age distribution this is interesting because they saw a large growth in the number of individuals of 60 years and greater and as their growth rates increase there is a very flat growth across the younger generation for the individuals from 0-40 there is a very flat and in some cases a negative growth rate for the individuals which would lend to the idea of that a lot of the population growing in place and getting older and becoming empty nesters, the kids move out or more wealthy individuals move in and perhaps don't have or perhaps do have children. Looking at housing they did anticipate that housing stock would grow at the same pace as the population. Looking at owner-occupied housing the growth rates were flat. He notes that looking at the tables the growth rates are a bit more exaggerated for the rental units. This is indicative of the new moderate-income households moving into town or looking for rentals. Comparing the 2017 median income market value of 183,100 to the Unincorporated West Central 302,000 dollars there is a 40 percent difference. Generally speaking houses and land values are more expensive in Western Weber. This can be attributed to the size of the land available in the Western Weber area. Looking at income S.B. 34 requires that the moderate-income housing plan looks at the area median income for the County as a whole in 2017. The area had an area median income as a whole 62,036 dollars. Looking at the Western Weber area there is an AMI of 85,051 that is a little over a 20,000 dollar difference between the County as a whole and Western Weber. Looking at housing affordability what is generally perceived as being affordable is housing at households income or housing at costs that don't exceed 20 percent of a household's income generally speaking this is viewed as being affordable and looking at the Countywide average median income of 62,036 dollars and taking 80 percent of that amount. 49,629 dollars would be the target for moderate-income housing. 28 percent of the monthly housing budget would equate to 1158 dollars a month and a family should not exceed that amount, they would want to have affordable housing and they will need to keep their purchase price at or below 242,500 dollars to keep their mortgage at an affordable rate. Looking at renting in Western Weber 15 percent of the population is renting, looking at vacant units there were about 135 vacant units but none of those were listed as rentals which lend to the idea that all of the rental units in the area are occupied. Looking at renting and affordability for renters something is interesting in the trends. In 2017, 312 of 417 households that were in rental units they were paying at or below 28 percent of their income for rent. 312 of the 417 had affordable housing in 2017. 75 percent of the renters had affordable housing in 2017 and projecting out to 2024 the rent increase from 1096 dollars to 1456 dollars per month but the number of households pays that were at or below 28 percent of their income for housing to be 603 of 723 households that is 83 percent of household projected to have affordable housing. Looking at the increase in rent the question of why it is becoming more affordable to rent, looking at a few more indicators such as the renter-occupied income, the income if it continues on the linear projection to 2024 their income would be increasing almost 20 percent. Looking at the growth of the cost of rent it was increasing at 24.7 percent. People who are anticipated to continue renting are earning more than they used to and are outpacing the cost of rent slightly. The percentage of households that can rent at an affordable rate is increasing. Looking at the data they can see some trends of more of the households that are moving into rentals and prefer to purchase housing but because of the growth in the housing values, they might be descending to rent. Some more wealthy people are renting in the future.

For individuals who own in West Central Weber the property value is growing 23 percent. The Weber County property value is growing by 17 percent. The Countywide AMI shows a growth of 6 percent. If incomes are growing at 6 percent in 2024 and property value between 17 percent and 23 percent it is easy to see how the affordability gap is growing. In calculating the estimated supply and the Assessor's office provided data concerning the housing units and their property values and in running the data there were 201 housing units which represented 70 percent of the total housing units in Western Weber which represented the benchmark for affordable housing or the 80 percent of AMI. Looking at the need they saw that there were 1123 moderate-income households in Western Weber, there is currently a deficit there of 922 housing units. Projected out to 2024 there will 1613 households that will be at or below the 80 percent of AMI by 2024. That is a growth of 490 households between now and 2024 in the Western Weber area that needs housing. Comparing that to Weber County as a whole Weber County has 31,821 moderate-income households in 2017, projected out to 2024 which would grow by 1739 households to 33,560 households. Comparing the number of households in 2024 as compared to the County as a whole it would be associated with the Western Weber area. There is a couple of takeaways and summaries of the findings some trends are looking at the data and some of the numbers. Concerning the household size and Weber shrink slightly the population is aging in the 60+ group and shrinking in the 0-40 years. There will be an increase in the 2 person households which may be empty nesters or wealthy individuals. The owner-occupied housing values are outpacing the AMI at a

steep rate the AMI is growing at 6 percent and the housing value is growing at 27 percent that is a big delta as they grow apart. The growing number of renting households has higher incomes as compared to 2017 projecting that out to 2024 it can be seen that more wealthy households are going to be renting. That could be because the current housing values are pushing households into rentals who would otherwise wish to purchase but can't make that jump. Looking beyond some of the updated data and the trends staff looked to see what some of the barriers to affordability were. Existing zoning in the West Weber area of one dwelling unit per acre or greater is one of the larger issues concerning affordability. This is a component of housing costs. The larger the land the less affordable it is. This one of the biggest barriers that was foreseen. Looking at the goals principles and implementation, staff pulled the goals, principles, and implementation of the 2012 housing assessment and plan and left them in the updated plan. He notes that they also added some goals from the Ogden Valley moderate-income housing plan for consideration as they were recently reviewed and vetted by the Ogden Valley Planning Commission. There is one goal that is new and has not been in a plan to date, this is beginning on line 348. It is implementation 2.1.2 this was an idea that could help to increase affordability in the Western Weber area. This is regarding the incorporation of residential dwelling units within the village or commercial centers, this would entail mixed-use development on the upper levels retail of commercial uses. This would shrink the footprint of what is required to develop housing and would help affordability. It would also allow the moderate-income households to be closer to amenities and services that come about through commercial development.

Commissioner Andreotti asks where the numbers for the 80 percent came from. Mr. Perkes states that in the County the average median income area 62,036 this information comes from the census and the American Community Survey it is 2013-2017. The ACS uses 2010 but it projects to 2017. He notes that there should be an updated census in 2020. It is an area median income for the County. Looking at 80 percent of that number that is where the 49,629. Commissioner Bell asks if the 49,629 is projected from the American Community Survey that was done before 2013. Mr. Ewert states that the American Community Survey is based on the 2010 census. Commissioner Bell states that if the data was based on the 2010 census the data is not necessarily reflective it is a projection. Mr. Ewert notes that we will know for sure when the 2020 census data is out. Mr. Perkes agrees that there is some limitation with the data and the margins of error especially when you start to project out that many years.

Mr. Perkes states that S.B 34 speaks to the County providing moderate-income housing for individuals at the Countywide AMI 80 percent of the Countywide AMI

Commissioner Parke states that there is no commercial in the Western Weber. Commissioner Bell states that there might not be at the same lot of commercial areas in Western Weber be there are some commercial zones. He notes that he sees value in adding that so that when commercial areas grow the applicants would have to comply with that.

Commissioner Andreotti states that he is ok with this, it has a lot to do with trends.

Mr. Ewert state that under state law adopting this would be an adoption of an element of the General Plan. It would be a component of the General Plan.

Commissioner Atkinson asks concerning Terakee Village Blanch's proposal would help meet the recommendations and projections. Mr. Ewert states that it could. Looking at moderate-income housing one of big affordability issues is the amount of land that is required in the zoning. Looking at smaller parcels in developments such as a PRUD or a cluster subdivision, this would be looking at lowering the amount of money that is going to go into the land. He asks if the homes will be affordable to the 80 percent AMI probably not. Looking at the existing cluster subdivision projects that are out there, most of them are well above the 100 percent AMI. He notes that the Terakee Village may not be meet the recommendation but it might be more affordable than one dwelling unit every acre. He notes that part of the value would be the assisted living facilities. This would be considered a residential facility. The smaller the land is the more affordable it is going to be. Commissioner Favero states that it is important to look into the future and not just base it on what is being built now and look at the potential growth. Commissioner Atkinson asks how to get closer. Mr. Ewert states that counting every affordable housing unit and the aggregate number and the median household value it would help with that. He states that it might not be a huge jump toward getting to the 80 percent. Chair Edwards asks if PRUD's would help the County get closer than the clusters. Commissioner Bell states that he agrees a lot of the clusters have not broken ground. The proposal talks about modifying the cluster subdivision code to allow for these types of lots. He adds that they could be incentivizing higher density. Mr. Ewert states that they are working on the PRUD ordinance, which still has not been adopted. In that code, there

was a provision that would offer 10 percent additional bonus density free of cost as long as that 10 percent additional is developed in affordable housing or deed restriction or it would be reserved for small condos or townhomes which would sell for a more affordable rate. Commissioner Bell states that he agrees with Mr. Ewert the existing cluster the way that it has been implemented would not help promote moderate-income housing at all.

Commissioner Atkinson states that it seems to him that looking at the information present it seems that there is less of a gap. Mr. Ewert notes that currently in the unincorporated area 201 affordable housing residential units are valued the 80 percent AMI or less it is affordable to those households. There is a need for 1121. There is a high demand right now for affordable housing. Commissioner Bell states the point is to incentivize it when the development comes in. He notes that if there is an incentive for ADU's to get registered it would possibly double the number of moderate-income housing. Mr. Ewert notes that a lot of the basement apartments are perfectly lawful and unfortunately according to the code they have to get a conditional use permit, it should be taken out of the code and allow for detached ADU. He adds that having the owners come to the office and report is not an easy task.

Chair Edwards opens a public hearing. There are no public comments.

MOTION: Commissioner Bell moves recommended that the Weber County Commission adopt the legislative amendment to the West Central Weber County and add the West Central moderate housing plan as an addendum to the General Plan. This recommendation is based on the findings that it has to be compliant with S.B. 34, and that it is in the interest of health safety and welfare of the public. Commissioner Parke seconds. Motion carries (5-0).

2. Public Comment for Items not on the Agenda: none

3. Remarks from Planning Commissioners: none

4. Planning Director Report: Mr. Ewert thanks the Planning Commissioners for their attention to detail on the issues discussed. He also wants to give a big kudos to Scott Perkes.

5. Remarks from Legal Counsel: none

6. Adjourn to Work Session: 5:47 pm

WS1: Review and discussion regarding street connectivity ordinance. Staff Presenter: Charlie Ewert

Tim Sullivan from Township and Range states that there are four elements to street connectivity. The first one is to connect the streets. A grid of streets is the most connected type of network. It doesn't have to be a grid but where the intersections and the dots are connected to the most number of links where the arrows are. There is also the network scales, the networks should be compact with blocks that are human scale and have connections every so often and don't go too long between the connections. They will connect specifically to community destinations like parks and schools and churches. He states that it is important remember to stay connected for all users, not just vehicles, but also pedestrians, bicyclists, truck, and equestrians. He states that they also talked about why connected streets are important, there is a variety of benefits and details that have gone into it is better for all types of mobility, such as, automobility and transit mobility, pedestrian mobility, and bike mobility. It is great for emergency services. It is better for safety it reduces the crash rates. It is better for the economy. It creates more value in neighborhoods and cities. He states last time they discussed what the tools are that help creates a connected street network. On one hand, there is the policy, and on the second there are changes in the code and the ordinances. There are capital projects, this where they go out and build connected street networks. In areas that are still growing like Western Weber, these are the best ways to go about it. He states that they want to avoid having to come back and make costly capital projects in the public sector if a disconnected network is built. It is much better to have developers create a more connected network, to begin with. He states that they can use policy to influence code changes. The intent of the draft policy has to do with two things it is to create a simple set of requirements for the developers for new developments and part of the community-wide connected street networks. It is not just that the development that is being built is connected, it's part of the bigger connected network that in 20 or 30 years you can't tell where one subdivision ends and another begins and it is all part of the big connected public network. He notes that they will also want to achieve the flexible requirement and that they do not want to be too rigid in how they are proscribing the requirements. There are about five different key areas. The first one is connectivity, this is making sure that the streets are in the intersections are connected enough the requirement is a minimum of 1.6. A perfect grid is 2.0, so it is not requiring a perfect grid the ratio of the links which are the blue pieces. The link is

anything between intersections and that includes a cul da sac. The nodes are intersections or dead ends. Looking at the graph he presented he states that it is not a perfect grid by any means. There are 3-way intersection and cul de sacs but there are also a lot of 4-way intersections, so it scores a 1.65. he adds that these are the kinds of networks that they would be able to build. It is a pretty connected network, but it is not too onerous for the developer to have to create anything but a grid. He shows the Planning Commissioners a few different examples of 1.6 grids. He states that there will be some variation, it's going to be nothing but a grid. It does require developments to be more connected. He adds that this is the connectivity index. Chair Edwards asks what is the purpose of the cul da sacs. Mr. Sullivan asks what the purposes are from whose perspective. Chair Edwards points out the ones he means and notes that they can get the same number of lots with the cul da sac. Mr. Sullivan states that some people like the cul da sac lifestyle. He notes that with that type of depth of block some lots are a little bit deeper, There are a lot of different ways to do it. Mr. Ewert states this configuration might be the concern that was mentioned. He notes that a lot of the time cul da sac are seen because of the rights of exclusivity those lots can be sold for a premium. Sometimes in an odd configuration to give frontage to meet the minimum requirements of the ordinance. Mr. Sullivan agrees and states that the example shown is to show some of the variations in configurations. He states that the next thing would be the block lengths. Block length take care of the network scale. It ensures that the block length isn't too long and that there is not too much space between the streets. Looking at some of the examples of developments within Western Weber County there does tend to be some long blocks. He states that what they are proposing is a required maximum block length. Which would be 13.20 he notes that this is long, it is a quarter-mile. He asks that they think about from a pedestrian's standpoint how long it would take to go all the way around the block. He states that they need to be sensitive to the concept, the block length is 8 times the average lot width. For the average block length, there would 8 lots in a block. He states that developers can still build plenty of lots within a block, but it is all scaled to how big the lots are. He states that it is a range within parameters. He notes that cul da sacs are allowed within this, they are however naturally limited due to the connectivity index. He states that they can't have too many of them otherwise they won't score high enough and there are some other requirements they can't be too long. Long cul da sacs reduce connectivity. He states that what they are proposing is similar to the block length where the maximum cul da sac length would be 3 times the average lot width. There would also be a requirement for a pedestrian path through the end of each cul da sac so that it would not reduce pedestrian connectivity by having cul da sacs. They want to make sure there is also an external connection to other developments around it, he notes that for small projects it is really important. There is going to be a requirement for stub streets, these are streets that extend out to an area that might be developed in the future. He notes that they are extending the grid that they created with block lengths into the next area. The next area would be required to pick up those streets so that the grid becomes seamless. There might be some places where there is a major street, possibly a UDOT corridor where it accesses a management agreement prevents access at the frequency that the code requires it and active transportation can be substituted. He asks the applicant can demonstrate adherence to the requirements. They would have a connectivity plan, it graphically shows how the project meets the requirements. He states that exceptions are really important. In a situation where the topography makes things too steep have connections next to development or inside of it. It could be an existing development that does not have a connection. Commissioner Favero asks how this fits into a cluster subdivision where there is going to be a block of open space. Mr. Ewert states that this would be one of the exceptions. He notes that the Planning Director can require those connections somewhere else to compensate for the difference. They would try and implement something like this. Chair Edwards states that they could ask for a trail to make that connection. Mr. Ewert states that through the cluster code they would require a trail to navigate the open space area. If it is a traditional subdivision it doesn't have those kinds of requirements. If they are backing into an open space area there is a trail stub that goes into the open space area. Mr. Sullivan states that instead of it being a grid they could substitute a trail. The current cluster code states go around the outside don't go through. Commissioner Parke asks at what point in the process are they going to require the connectivity plan? Mr. Ewert states that it is in the very beginning. This would be done with preliminary they would need to submit the connectivity plan along with all their survey data. He adds that before it comes to the Planning Commission there shouldn't be a question of connectivity. Chair Edwards asks why they would allow the private streets to increase by 25 percent in block length. Mr. Sullivan states that streets must be private to count towards a block length in connectivity index requirements. It makes it more difficult to do private streets they need public streets to be spaced at least 800 ft. To make private streets feasible they came up with an increase of 25 percent. Mr. Ewert states that this gives the ability to push the limits of the block length because there will already be streets that connect in. If they are looking at the 400 ft. maximum if there are one public intersection 400 ft. from the next one down they won't be a private street there. He adds that if they are ok with private street they could allow that to go out to 25 percent. Commissioner Parke states that the question is are they ok with public streets. Chair Edwards states that he believes that the whole section should go away. Commissioner Parke agrees. Mr. Sullivan states that they can strike that whole area. Commissioner Favero states that he is

not sure it should get wiped out, there should be some flexibility there. Mr. Ewert states that if the section is removed it would not remove the flexibility it would need to meet the normal code. The public block lengths would have to be the same if they wanted to connect to a private street. Commissioner Favero asks how this would affect the flag lots. Mr. Ewert states that they have already said they do not want to allow flag lots in the Western Weber. He notes that he is not sure how the County Commission is going to feel about that. He states that as far as flag lots go if they are allowed it is going to be a matter of getting access to the property in the back.

Mr. Sullivan states that one of the issues that occurs is what to do when there are a puzzle of properties being developed at different times. A lot of the time it is challenging to get it all to meet up together and for all the developments to meet up into a connected network. He states that they are proposing a multi-connectivity planning process that Weber County can use. There would be a collaboration with 2 or more property owners with the County to come up with a long-term plan and an agreement not necessarily concerning what every single street is going to look like, but where the connection is. It will also show all the obstacles such as canals. The idea is that it would be a small connectivity plan and there might be an idea for a small density bonus for participating in the program. Mr. Ewert states that they would be working with all of the willing property owners. This will incentive people to work together. Commissioner Bell asks why this can't be part of a General Plan. Why can't they go back to the General Plan and go back to the section lines? Wouldn't that create the section lines? Mr. Ewert states that the section line is a mile apart. Commissioner Favero states that they are looking at smaller frontages. Chair Edwards states that the section lines are roads now. Commissioner Favero states that it should be that way, but there have been some issues. Mr. Sullivan states that the first three things discussed could help this issue, but it might not solve every problem. Mr. Ewert states that concerning Commissioner Bell's question it can be added to the General Plan. Commissioner Bell states that the only thing they have to incentivize is to add more density to every code there is. He states that by the time they have incorporated all these things there is going to be 2000 sq. ft. lots. He understands the need for density, but they need to be reasonable. He states that he is leaning more towards saying that it is mandatory. He asks how they can make it mandatory without incentivizing them. It is just part of how they have to do it. Mr. Ewert states that one of the challenges incentive zoning and performance zoning there has to be a political environment where they can make things restrictive. Right now they are looking at increasing the municipal services tax for the Unincorporated area of Weber County. Part of that is the need for secondary water and possibly increasing it an extra quarter above what they were thinking. They could give an incentive for xeriscaping or ask for an adequate amount of water. He states that they need to boost whatever they are imposing, to the incentive, this is the challenge. The restriction that is in place currently how can they be made softer, and how can they incentivize the landowner other than giving them an extra lot. Commissioner Favero asks at what point they start overreaching the people's property rights. He states that this is something that he values and everyone in the room values. Mr. Ewert states that it would be nice to be able to compel it to be a mandatory requirement. He adds that if they do this no one is going to want to talk to their neighbors. Mr. Sullivan states that it probably isn't required in every circumstance. It is for specific situations, if a property owner sees an issue they can go to the County. It's hard to require that. Mr. Ewert states that looking at a small area connectivity plan as opposed to a General Plan. He states that they will look at the specific areas and how they connect through the General Plan. The section lines and the quarter section lines will be drawn out on a map, everything in between will be up to the developer. They will need to meet a connectivity index if they work with their neighbor to have the acreage connected all together to create a master planning process to get a couple more lots. If they can find an incentive that isn't money based. Commissioner Bell states that that is the only thing they have as an incentive. As long as the overarching General Plan is the section lines and the quarter section lines and stay as true to that as possible. He adds that there is not going to be connectivity unless it is mandated. Mr. Ewert states that the connectivity index and the stub streets are going to be the key. The stub street is going to create a lot of connectivity between the two projects. Commissioner Favero states that it will also include the agreements between the landowners, this might incentivize it. Commissioner Bell states that some people have stated there is no way they are selling to development and then there is another extreme there are people who want to do it but didn't know how to make it work. Commissioner Favero states that concerning the people who don't want to sell what is going to change that is one generation. He adds that even if they don't have an intention to develop at least there is an opportunity to make that connection just in case. Commissioner Bell states that it is a really good idea but he wants to see how it will play out practically. Mr. Ewert states that they could do small area planning. Whether it be connectivity planning or otherwise on the block scale it can be done through the General Planning process and they can create an ordinance. He states that they will want to work with the landowner but it will be the County imposing it.

Mr. Ewert asks what they think about the policy from what they have heard. Commissioner Bell states that he likes the idea of making it cohesive. Everyone knows it will eventually be built out and they could end up with some terrible subdivisions. He adds that this could allow the owners to do something feasible with their lot in a fluid way.

Commissioner Andreotti states that in 20 years it's not going to be the same. What they need to do is come up with a set of rules. Those lots are 401ks for some people.

Commissioner Atkinson states that he is personally supportive of it.

Adjournment: 6:37 PM

Respectfully submitted,

Marta Borchert

DRAFT

Minutes for the Western Weber Planning Commission meeting of October 13, 2020, held in the Weber County Commission Chamber, 2380 Washington Blvd. Floor 1. Ogden UT at 5:00 pm & Via Zoom Video Conferencing

Members Present: Bren Edwards-Chair
Greg Bell-Vice Chair
Wayne Andreotti
Andrew Favero

Members Excused: Bruce Nilson
Sarah Wichern
Jed McCormick

Staff Present: Rick Grover, Planning Director; Steve Burton, Principle Planner; Scott Perkes, Planner II, Felix Lleverino, Planner II; Matt Wilson, Legal Counsel; Marta Borchert, Secretary

Pledge of Allegiance
Roll Call

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

Chair Edwards states that there were a few changes to the order of the agenda. Item 2.4 SPE092120: A discussion for a sketch plan endorsement request for Vaquero Village Cluster Subdivision Phase 2. will be the first item on the agenda. There were some changes concerning which staff members will be presenting as Tammy Aydelotte was not able to be present Felix Lleverino and Scott Perkes will cover her items.

Approval of Minutes for September 15, 2020. Minutes approved as presented

SPE092120: A discussion for a sketch plan endorsement request for Vaquero Village Cluster Subdivision Phase 2.

Felix Lleverino states that this is a sketch plan endorsement, this is the first step in cluster subdivision approval to get comments and feedback from the Planning Commission to make sure it meets the cluster code. This is a continuation of phase 1, looking at the property to the north is going to be developed as part of phase 1. There are some open space parcels and there are 15 lots, the developer is present if there are any questions for him.

Commissioner Bell asks how many total building lots are in both phases. He adds that he is concerned that there is only one egress. He asks how many homes are on the one egress.

Mr. Lleverino states that for phase 1 it totals 16 lots phase 2 totals 15. Lot 1 fronts on the 900 S street. There are 30 lots on one road. Mr. Lleverino goes through the open space calculations and the density calculations. Chair Edwards asks if on the plat map which opens space ties in with this project because it is labeled differently. He asks if there is a reason for this. Mr. Lleverino states that the open space is for this phase has two, there is open space parcel D and E. He states that D is a bit hard to track, it wraps around and takes in the pond area. Open space E is a little smaller. Commissioner Favero asks if there any requirements for safety measures for the pond. Mr. Lleverino states that wasn't a part of the sketch plan review but once they have a formal subdivision application they will have each agency look, this as a review comment. Chair Edwards states that he has the same concerns, is there going to be any requirements on that pond, such as a liner to keep it from affecting neighboring properties. He asks if anything such as this going to come in to play in this situation. Mr. Lleverino states that it would if they were looking at possible fluid from the septic system leaking into the secondary water system. The Health Department would have more expertise in this. Chair Edwards states that he is more concerned about the ponds raising the groundwater by not having the pond lined and either messing with the septic tanks or

adjacent properties. Mr. Lleverino states that concerning the groundwater, engineering would be able to address this. Commissioner Bell states that this was not part of the initial approval, he asks if there is a sewer out there, are they are using septic, how they are fitting septic into the lots. Mr. Lleverino states that this is correct. Chair Edwards states that this might be why they are required to have the 20,000 sq. ft. they can't get any lower than that the Health Department won't let them.

Commissioner Bell asks what the requirement for egress is, how many lots can go on a single egress. Mr. Lleverino states the Fire Marshall has set the restriction on the number of homes. Chair Edwards states that it is normal 33 lots for one egress.

Pat Burns 1407 N Mountain Rd states that the pond was put in for the first phase it is the secondary pond for the first phase. He states that he is not sure what the requirements were for the first phase. On phase 2 he brought in some belly scrappers and belly scrapped all of the road area and 15 ft. on each side of the front of the roads as well. He states that it pulled all of the topsoil and spread it on the Eastside where the open space is. Right now it is flood irrigated from the Southside and then it goes North. He states that when he gets done with it will be flood irrigated from the North to the South. He states that they are doing this because they want to comply with leaving the good farmable ground for the open space. He adds that he met with the Fire Marshall and they told him he could have 30 lots on an egress. He states that this is the continuation of phase 1, there were a few things in phase 1 that he didn't like. He took over in phase 1 and fixed the problems in phase 2. He states that they abandoned the first phase plan and redid it and changed some things. Chair Edwards asks what the plan is for the trail system. Mr. Burns states that it is a walking trail around the pond. Through the middle of the pond, there is going to be a bridge across. He adds that he would like to get some fish and solar aerators to keep the water clean. He states that they want to make it a walkable pond and make it look nice. He states that concerning the open space they want to add a horse arena there, people that live there could store some of their horses. There would also be a walking trail around the pond. He states that it is not required but he has made it wide enough that there could be two horses side by side to walk the entire trail. Commissioner Andreotti asks where the runoff water goes from the lots, he asks how this is managed. Mr. Burns states that on the Southside of the development there is a retention pond and the temporary turnaround at the Southside of the development there is a slew at the bottom and then it goes out to the East and it dumps into Little Weber. Commissioner Andreotti asks if phase 2 is going to hook on to the same thing. Mr. Burns states that phase 2 will have the detention pond just below where the temporary turnaround is between lot 202 and 203 there is a stub road and the temporary turn around.

LVW0922-2020: Consideration and action on Winston Park Subdivision, a 36 lot- subdivision, a lot averaged subdivision located in the A-1 zone at approximately 3900 W 1800 S, Ogden UT.

Felix Lleverino states that this is a 36 lot development and the developer has chosen to go with lot averaging there was a previous development plan for this land and it did not work out, there is a new developer back the applicant's name is Lori Blake. This is a request for preliminary approval the zoning for this area is A-1. The property will be served by Taylor West Weber for culinary. Central Weber Sewer will be providing the sewer. There is a condition in the report that states that proof of secured culinary water is required before scheduling for final approval. This is something that needs to be taken care of before coming back for final approval. He notes it needs to show that in the calculation and the lots average out to be 40,000 sq. ft. and 150ft wide. They have provided a table in the next slide. One thing that was pointed out in pre-meeting, looking at lot 135 there is double frontage and this is not allowed by the code. Planning would require that access be blocked, they would only have access through one side of the property. Commissioner Favero and Chair Edwards point out that there is more than one lot that have double frontage. Chair Edwards notes that the location of the access needs to restrict where the access is going to tie into those. Mr. Lleverino states that this is a comment he will pass on to Tammy concerning the double frontage. He notes that the Weber fire has given conditional approval. The County Surveyors has given preliminary approval, and the County Engineering has not yet reviewed the plans. Engineering might be back with a review comment concerning road width. This proposal is showing 60 ft. if this comes back as a requirement they would need to widen the right of way. Typically they want to see 66 ft. this proposal shows 60 ft. if that comes back as a requirement the right of way will need to be widened reducing the area for the lots. They would have to recalculate the averaging. In the staff report, there is a condition of approval that all review agency requirements be met, and that included engineering. The staff recommends preliminary approval of Winston Park, 36 lots and an open space parcel. He states that this could be a typo as well he notes that it could be the detention basin. Chair Edwards states that he is not sure they can consider the detention basin because it has to be there for stormwater requirements. He notes that there is a requirement from the state that all agencies are required to meet the low impact development requirement calculations and setting. For stormwater requirements, they are trying to get away from detention basin and go into more swells and he wants to make sure that engineering looks at this.

Chair Edwards asks if there are there any comments. There was none.

Chair Edwards asks if there are any questions from the Planning Commission.

MOTION: Commissioner Andreotti moves to recommend approval of the Winston Park Subdivision, 36- lot subdivision located in the A-1 zone at approximately 3900 W. 1800 S. this recommendation is based on all review agency requirements and the following conditions as outlined in the staff report and that it conforms to the Weber County General Plan and the proposed subdivision complies with any applicable county ordinances. Commissioner Favero seconds. Commissioner Bell votes nay. Commission Favero votes aye. Commissioner Andreotti vote aye. Chair Edwards votes aye. Motion carries (3-1)

Commissioner Bell states that he would like to see the concerns with the double frontage taken care of before this is approved.

DR 2020-05 Consideration and action on an application for outdoor recreational vehicle storage, located at 2250 N 1500 W, Ogden UT.

Scott Perkes states that this is a design review for proposed recreational storage, this is in the M-1 zone. The project area is about 1.7 acres. Due to this being in the M-1 zone it does require a design review as outlined in the land-use code. There are a couple of in that section that they review as a part of the consideration. They are considerations related to traffic and landscaping, building and site layout utility easements, drainage and engineering questions whether or not it is subject to a concept plan or zoning agreements or development agreements. The access will be taken off of Rulon White Blvd. It is a setback in a considerable way; it is set back about 400 ft. from Rulon White Blvd. This is the primary access. It is set back 2350 N as well. It is tucked into the corner. It will be screened by a fence. It is proposed to be an 8 ft. fence which will be covered with fabric. There will be three strands of barbed wire for security. Mr. Perkes goes over the proposed plan. They do meet the landscaping requirement.

Engineering has reviewed the utility easements and drainage. He notes that engineering has reviewed but has not approved the project. He states that staff recommends approval based on the findings in the staff report.

Chair Edwards asks if there are any requirements for how many trailers they can put in a certain area. Mr. Perkes states that he is not aware of a limit but as long the site provides good maneuverability and access he is not sure that there is a maximum. Steve Burton states that there is no maximum. If there were actual buildings it 80 percent coverage per vehicle. Mr. Perkes states that in Ms. Aydelotte's report indicates that Fire has reviewed and approved it.

Chair Edwards asks if the applicant would like to speak.

Bob Christensen, states that he was told that originally it was preferred not to have outdoor storage. He tried to figure out why that would be. He states that he understood that they don't want it to look like a junkyard, by a manufacturing facility that's on the property would not work out well if he had a junkyard back there. He tried to cover the area over outside and set it back a long way from both of the streets. It is going to have a nice look to it. In addition to that, he will be using crushed asphalt so that it will be a good hard surface. There will be good lighting and cameras. It will all be electronic, so that it can be managed, and not be an eyesore.

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

MOTION: Commissioner Favero moves to approve DR- 2020-05 Consideration and action on outdoor recreational vehicle storage located at approximately 3875 W 2375 S, Ogden UT. This recommendation is subject to all review agency requirements, and the following conditions: 1. Proof of secured culinary and secondary water before the scheduling of final approval. 2. Final approval from Central Weber Sewer (payment of impact fees) 3. An escrow established for the improvements, before scheduling for final approval. 4. A plat must be provided, before final approval, with a table showing the average of all lots within this subdivision meeting the minimum area and width requirements for the A-1 zone. This recommendation is based on the following findings: 1. the proposed subdivision conforms to the Western Weber General Plan 2. The proposed subdivision complies with applicable county ordinances. Commissioner Andreotti seconds. Motion carries (4-0)

LVS071320: Request for final approval for Summerset Farms Phase 2, consisting of 17 lots in the A-1 zone, located at approximately 3875 W 2375 S, Ogden UT. This is a phase in a lot-averaged subdivision.

Director Grover states that they will be looking to make sure that the conditions from preliminary approval were met. Notices were sent out for preliminary approval they are not required for final approval.

Scott Perkes states this is a consideration and action on the final approval of Summerset Farms. It has 17 lots and is in the A-1 Zone. The project area is 13.5 acres. This phase included the continuation of the County dedicated to a road which is 3900 West at approximately 2267 S 3500 W. It also requires the dedication of new roads. The proposed subdivision and lot configuration are in conformance with the application and zoning and subdivision requirements as required in the land code. It is a lot of average subdivision put together with the other phases the average is the minimum for the zone. The lots do not go below 20,000 sq. ft. or 80 ft. of frontage. Taylor West Weber water has given and final approval for culinary. Hooper Irrigation has given a final approval letter for secondary. The subdivision needs to be annexed into the Central Weber Sewer District. This is a condition of approval in the staff report. Staff recommends the approval of this project subject to the conditions in the staff report and all agency requirements.

He states that in the pre-meeting there was a question concerning a plat with all phases. He shows the plat map and notes that it is the most recent version of all the phases together. The current phase consists of 17 lots. He goes over the conditions of approval as they are listed in the staff report.

Chair Edwards asks if there is anything in the conditions of approval concerning a requirement to fence the or piping the canal. If they choose to fence it, it needs to have access for the farmers to get their water. Do they need to fence around the easement or can they fence it right to the canal? Is there a requirement for that? Mr. Perkes states that the staff report does say that as a condition of approval is any recommendations from the Wilson Canal Company. It would be up to the canal company to determine where the fence would be placed. Chair Edwards states that looking at the plat map shows the property going all the way to the edge. It might cause some issues. Mr. Perkes states that they could add a gate or a lock to only allow the farmers access. He adds that it is mostly a safety concern, once the threshold of water is crossed it triggers a requirement.

Chair Edwards asks if there are any more questions. Commissioner Andreotti asks if this proposal is for final approval. Mr. Perkes states that preliminary approval was granted for all phases. Commissioner Andreotti states that in the end they either need to pipe it or put a fence up before final approval is given. When there is a requirement for a fence there needs to be good access so that the water user has a way to go and turn the water on. It may not have anything to do with approval but it is something that needs to be considered. It seems that everything that they try to do to help agriculture makes it more work for some people. Chair Edwards asks if these improvements should be in place before approval. Commissioner Andreotti states that as long as they are required to do it and they do it, it works out ok but a lot of the time it doesn't get done. He states that he would vote for approval but who is going to make sure that it gets done. Chair Edwards states that they are required to escrow for it if it is not installed. Mr. Perkes states that if given final approval by the Planning Commission it would allow the developer to install the improvements. They have two options before they install the plat they can either install the improvements based on the approved improvement plan from the County Engineer or they can escrow for the improvements including a fence or the piping of the canal. This would allow them to record the plat and sell the lot but they wouldn't be able to pull all of their building permits. Chair Edwards asks concerning lots 30-33 if the developer chooses to escrow the money is there a way to not allow them to build on those lots until a safety fence is put in against that canal. Mr. Perkes states that this is correct if they were to try and pull a building permit on any of those lots and the improvements hadn't been installed yet they would not be issued until those improvements were complete.

Chair Edwards opens the meeting for public comment. There is no public comment.

Commissioner Favero states that he will make the motion, but he would like to note that he has the same last name as listed on the plat map, but he is not in any way shape, or form is a conflict of interest.

MOTION: Commissioner Favero moves to recommend final approval for Summerset Farms Phase 2, consisting of 17 lots in the A-1 zone, located at approximately 3875 W 2375 S, Ogden UT. A lot averaged subdivision. This recommendation is based on the following conditions: 1. before scheduling for final approval with the County Commission, improvements must be installed or escrow for improvements must be received, along with a signed improvement agreement.

2. A final plat must be received and approved by the County Surveyor, which includes a table of averages for lots in all 4 phases, before scheduling for final approval with the County Commission. 3. Proof Annexation into the Central Weber Sewer District, if it has not already been provided. 4. A fence must be installed along the Wilson Canal, or the canal must be piped (per Wilson Canal requirements, if needed). If not installed, it must be escrowed for with other improvements.

This recommendation is based on the following findings: 1. the proposed subdivision conforms to the Western Weber General Plan

2. The proposed subdivision complies with applicable county ordinances. Commissioner Bell seconds. (4-0)

Discussion to review revisions to proposed Accessory Dwelling Unit Ordinance

Charlie Ewert goes over the changes that were discussed at the last meeting. He notes that the Ogden Valley Planning Commission reviewed the request changes and were comfortable with them.

Public Comment for Items not on the Agenda: there are none.

Remarks from Planning Commissioners: Chair Edwards states that he would like to thank the Planning Commissioners for their participation in the joint work sessions that have come up and their input concerning the short-term rental issue.

Planning Director Report: Director Grover states that there will not be a joint work session for the first meeting of the month. The meeting would land on Election Day and the meeting will be canceled. He states they will likely go straight to a public hearing on short term rentals. He adds that he appreciates all their comments and input on that issue.

Remarks from Legal Counsel: there was none.

Adjournment: 6:16 PM

Respectfully submitted,

Marta Borchert



Staff Report to the West Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A request for approval of a Conditional Use Permit to remove an old water tank and build two new 375,000-gallon water tanks that serve Uintah City.

Agenda Date: Tuesday, November 10, 2020

Type of Decision: Administrative

Applicant: Uintah City

Authorized Agent: Matt Harvigston, Jones and Associates Consulting Engineers

File Number: CUP# 2020-17

Property Information

Approximate Address: 6400 S Bybee Drive

Project Area: 1.05

Zoning: RE-20

Existing Land Use: Public Utility

Proposed Land Use: Public Utility

Parcel ID: 07-099-0014

Township, Range, Section: Township 5 North, Range 1 West, Section 24

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: 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 3 (Residential Estates Zones) (RE-20)
- Title 108, Chapter 1 (Design Review)
- Title 108, Chapter 4 (Conditional Uses)
- Title 108, Chapter 10, (Public Buildings and Public Utility Substations)

Summary and Background

The City of Uintah has submitted a proposal that includes plans to remove an old water tank and build two new 375,000-gallon water tanks that serve Uintah City. This property, owned by the Uintah City, fronts on Bybee Drive. The private drive to the water tanks accesses from Bybee Drive. The total land acreage amounts to 1.05-acres. The project area including site grading occupies approximately 21,602-sq. ft. of the parcel.

The RE-20 zone lists "Public Utility Substation" under conditional uses. The Planning Division considers the proposal to be a public utility substation.

The Uniform Land Use Code of Weber County, Utah (LUC) specifies standards necessary for mitigation of harmful impacts, to which the proposal must adhere. This proposal meets these standards. The following section is the staff's evaluation of the request.

Analysis

General Plan: As the community grows the need for public utility service demand increases. This well replacement will expand the storage capacity and replace an antiquated underground water tank. The proposal is not contrary to any goals or policies of the Southeast Area Planning Area.

Zoning: The subject property is located within the RE-20 zone. The RE-20 zone code applies to this property regarding uses and site development standards. The purpose and intent of this zone are as follows:

“The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.”

Site Development Standards: The following site development standards apply to a Public Utility Substation:

Minimum lot area:

- None

Minimum lot width:

- None

Minimum front yard setback

- 30 feet

Minimum side yard setbacks (Accessory Building)

- 10 feet

Minimum rear yard setback

- 5 feet

The site plan indicates compliance with all required minimums, with the exception of the side setback of 3.9'. Since these new water tanks will be completely underground, and the improvements are considered a public utility, the planning division recommends that these improvements be held to the same requirements as any underground utility, which are not generally required to comply with building setbacks.

Conditional Use Review: As part of this review, the Planning Division shall consider the following bullet pointed items to base additional conditions that would mitigate harmful impacts to the surrounding area:

- Considerations relating to traffic safety and traffic congestion: Access to the site is via private gated access. There is a locked gate at the entrance to the property at 6400 S Bybee Drive.
- Considerations relating to landscaping: The proposed site maintains the 10 % landscaping requirement through the existing landscaping consisting of natural grass and deciduous trees.
- Considerations relating to buildings and site layout: The tanks will be underground and not visible from the road. The homes that are upslope from the site will see the flat top of the tank with a vent tube and a surface level man door. The top of that tank will be plain concrete, which is naturally non-reflective and a muted earth tone.
- Considerations relating to utility easements, drainage, and other engineering questions: The Engineering division has stated no concerns with the project. Weber Fire District and the Planning Division have imposed no further requirements from this proposal.
- Considerations associated with any rezoning agreement planned commercial or manufacturing rezoning, or planned residential unit development approval: There are no rezoning agreements associated with this property.
- Safety for persons: Geologic and Geotechnical studies are completed for this proposal. “The reports include design criteria and measures taken to mitigate hazards. Design engineers will address the stabilization of slopes. Design, operation, and maintenance are governed by the Utah State Department of Environmental Quality, Division of Drinking Water.” The applicant will need to obtain any necessary building permits for this project.

West Weber Signs: There are no signs proposed as part of this proposal.

Fencing requirements: Weber County LUC § 108-7-3 Fencing requirements: “Projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in *height*, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project.” The applicant has agreed to comply with this fencing enclosure requirement.

Tax Clearance: There is no outstanding tax history related to this property.

Staff Recommendation

The Planning Division recommends approval of file# CUP 2020-17, a request for approval of a Conditional Use Permit to remove an old water tank and build two new 375,000-gallon water tanks. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. The applicant shall maintain the site with a good visual appearance and structural integrity.
2. The project shall adhere to all State, and County ordinances.
3. Development of the site must comply with all recommendations outlined in the geotechnical report prepared by Christensen Geotechnical, dated May 16, 2020.

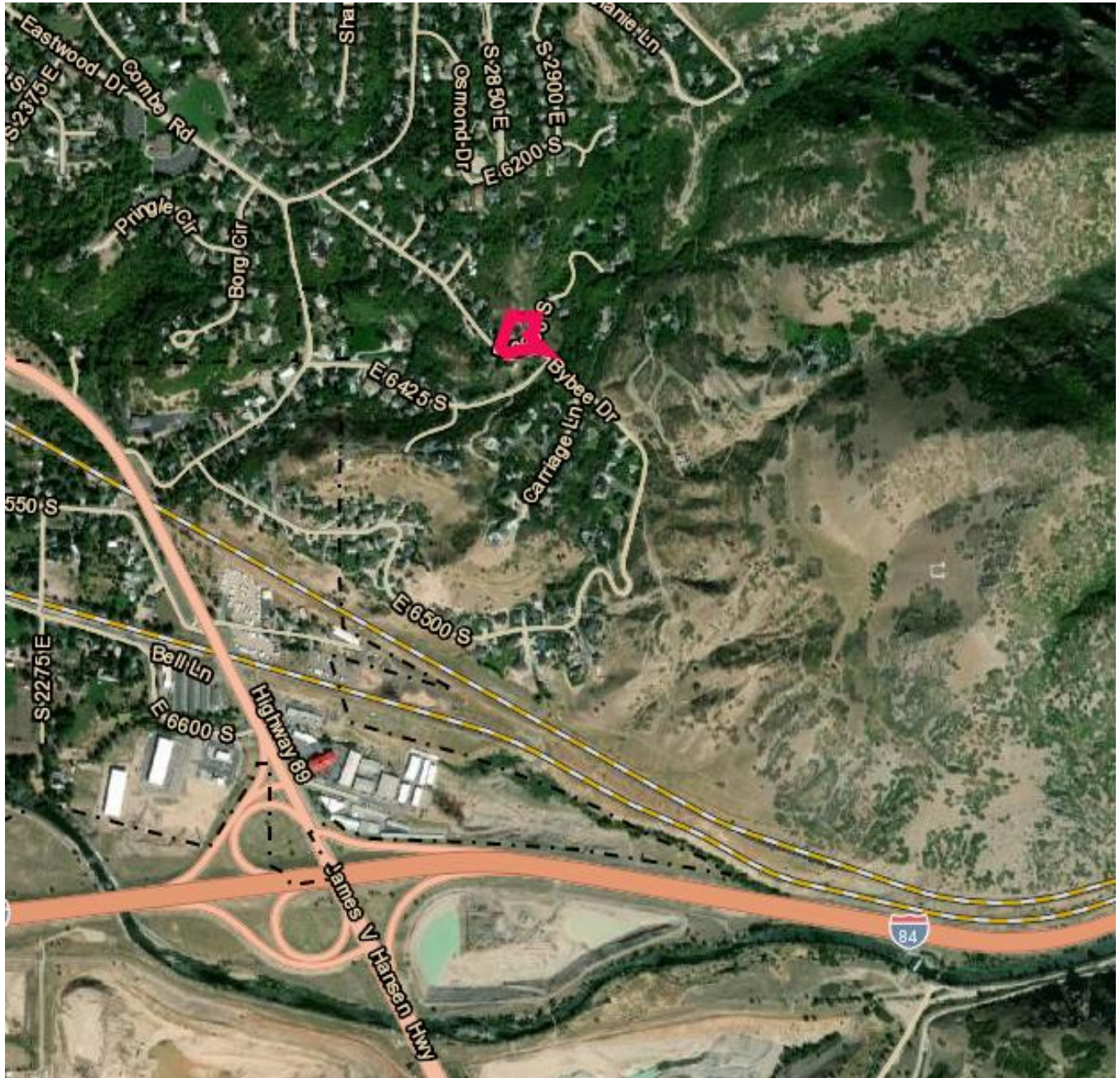
This recommendation is based on the following findings:

1. The proposed use conforms to the Weber County Code.
2. The proposed use is not anticipated to cause harm to the natural surroundings.
3. The proposed is not anticipated to be detrimental to the public health, safety, or welfare by adhering to State and County regulations.
4. The proposed use, if conditions are imposed, will comply with applicable County ordinances.

Exhibits

- A. Application
- B. Project Description
- C. Site plan and design

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	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
Property Owner Contact Information			
Name of Property Owner(s) Uintah City		Mailing Address of Property Owner(s) 2191 E 6550 S Uintah, UT 84405	
Phone (801) 479-4130	Fax (801) 476-7269		
Email Address (required) uintahcity@uintahcity.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) Matthew Hartvigsen, Jones & Associates Consulting Engineers		Mailing Address of Authorized Person 6080 Fashion Point Drive South Ogden, UT 84403	
Phone (801) 391-5711	Fax		
Email Address matth@jonescivil.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name Bybee Replacement Tank		Total Acreage 1.05	Current Zoning RE 20
Approximate Address 6400 S Bybee Drive		Land Serial Number(s) 07-099-0014	
Proposed Use Utility - Buried Water Storage Tank			
Project Narrative <p>The water tank property is zoned RE 20. Water storage facilities are a conditional use for the RE 20 zone noted by Sec 104-3-5 (h) of the Weber County Land Use Code.</p> <p>There is an existing water tank on the property that was constructed in 1970. It is a partially buried concrete structure. The existing tank needs to be replaced due to structural deficiencies identified by the State of Utah, Division of Drinking Water.</p> <p>For operational reasons, the existing tank cannot be removed until a new tank is constructed. However, the site is too small for the new tank and the existing tank. Consequently, a smaller tank will be constructed and put on line first. Following the construction of the new smaller tank the existing tank will be removed and a second smaller tank will be constructed to meet the storage needs for Uintah City.</p> <p>Because the proposed structures will be underground with only the concrete deck exposed, we believe that they may reasonably be compared to buried utility lines and treated similarly for setbacks and visual impacts.</p> <p>Site hazards include steep slopes and the proximity to the Wasatch Fault Zone which is located along the western base of the Wasatch Mountain Range. A surface fault rupture hazard evaluation was conducted in June 2000 by Terracon Consulting Geotechnical Engineers. Due to the age of the Terracon report an additional site investigation was conducted in April 2020 by Wester Geologic & Environmental. Both reports identify soil displacement at the site consistent with faulting and/or lateral spread landslide activity that may have occurred shortly after the retreat of Lake Bonneville. A geotechnical investigation was also conducted in May 2020 which identifies specific soil characteristics. Both the surface fault rupture hazard evaluation and the geotechnical investigation provide information necessary for the structural engineer to design the proposed facilities.</p> <p>A technical design meeting was held on May 27, 2020 with city staff, the city engineer, structural engineer, geotechnical engineer, and professional geologist to discuss the design of the proposed structures under the expected site constraints and conditions. The design of the proposed facilities, including design calculations and reports, will be reviewed by the State of Utah, Division of Drinking Water. Preliminary verification with respect to these constraints has been obtained from the Division of Drinking Water indicating that the site can be utilized for the proposed drinking water facility.</p>			

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

Activity: The proposed facility is consistent with the current conditional use since a water tank is already located at the site. Daily activity at the site is expected to be less than the activity expected for the governing RE 20 residential zone. In the 50 years that the existing tank has been operational, there has been minimal activity at the site. Weekly site visits are made by the system operator to check on the facility, perform routine care and maintenance, and conduct informal inspections. Formal inspections are scheduled every three years by the local health department or the Utah State Division of Drinking Water. Past maintenance activities include a significant repair to the tank lid in 2000 when the concrete lid was removed and replaced. Minor repairs were made to the exposed walls of the tank in 2019 to seal up some exposed cracking in the concrete. It is expected that similar maintenance and activities may be necessary for the proposed facility. We do not believe that activities at the site will be detrimental to the overlying RE 20 residential zone.

Parking: The proposed facility is not expected to regularly utilize any on street parking. Off-street parking will be provided for activities such as the weekly site visits or scheduled inspections. The site will be provided with a vehicular access road leading up to the top of the tanks so that the system operator can park next to the tank access hatches which can be opened to visually inspect the interior. The proposed off-street parking can also accommodate other activities needed to provide regular maintenance at the site.

Traffic: The proposed facility will not increase traffic or inhibit traffic circulation.

Signs and Advertising: No signs or advertising will be desired at the site.

Storage: This is an underground water storage facility. No materials are expected to be stored at the site.

Delivery and Loading: The proposed facility will not require delivery of product. Loading and unloading of product is not expected at the site.

Architecture and Landscaping: The proposed facility is not expected to create any additional visual impacts to the area. The new tanks will be backfilled and hidden from view much like the existing tank. Due to the nature of the facility it is best to keep it unrecognizable as much as possible. The site is currently covered by natural vegetation. Bare soil exposed from grading activities shall be covered with native vegetation to protect against soil erosion by wind or water and restore the pre-construction conditions at the site. Native vegetation is also helpful to conserve water.

Noise: The proposed facility is not expected to produce any noise either during the day or during the night. We believe that it will have less impact than a typical residence in the current zone.

Lighting: The proposed facility is not expected to require any lighting that could disturb the current residential zone.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

Uintah City proposes to continue the specified conditional use of the property as a culinary water tank site. It is understood that the use of the property is limited by the overlying RE 20 residential zone established by Weber County. It is not expected that any function of the proposed facility will be detrimental to the surrounding use.

The site is also encumbered by access easements. The proposed improvements do not inhibit the use of the existing access easement.

Geologic constraints are expected to be present at the site. These are discussed in the geologic and geotechnical reports attached to this application. These reports include design criteria necessary to mitigate for the anticipated site conditions. Stabilization of slopes will be addressed by the design engineers.

The design, operation, and maintenance of drinking water facilities is also governed by the Utah State Department of Environmental Quality, Division of Drinking Water. Design and plan approval are subject to review by state engineers who check the plans against the Administrative Rules established by the State of Utah.

Property Owner Affidavit

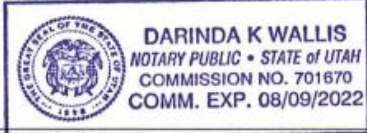
I (We), Uintah City Corporation, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Gordon S. Cutler

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 26th day of October, 2020.



Darinda K. Wallis

(Notary)

Authorized Representative Affidavit

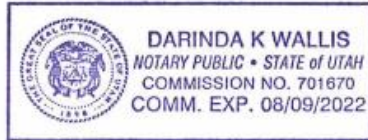
I (We), Uintah City Corporation, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), Jones & Associates Engineers, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative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

Gordon S. Cutler

(Property Owner)

(Property Owner)

Dated this 26th day of October, 2020 personally appeared before me Gordon S. Cutler, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



Darinda K. Wallis

(Notary)

Kristi Bell, Uintah City Councilwoman
2191 East 6550 South
Uintah City, UT 84405
(801) 479-4130

Weber County Planning Division
2380 Washington Blvd., Suite 240
Ogden, Utah 84401-1473
(801) 399-8791

Dear Weber County Planning Division:

Uintah City is requesting a conditional use permit to reconstruct a culinary water tank at approximately 6400 South and Bybee Drive. The following information is to demonstrate that the proposed facility meets the criteria found in Title 108, Chapter 4 Section 4 of the Weber County Code and other applicable review criteria specific to the proposed facility.

Background:

The water tank property is zoned RE 20. Water storage facilities are a conditional use for the RE 20 zone noted by Sec 104-3-5 (h) of the Weber County Land Use Code.

There is an existing water tank on the property that was constructed in 1970. It is a partially buried concrete structure. The existing tank needs to be replaced due to structural deficiencies identified by the State of Utah, Division of Drinking Water.

For operational reasons, the existing tank cannot be removed until a new tank is constructed. However, the site is too small for the new tank and the existing tank. Consequently, a smaller tank will be constructed and put online first. Following the construction of the new smaller tank the existing tank will be removed and a second smaller tank will be constructed to meet the storage needs for Uintah City.

Because the proposed structures will be underground with only the concrete deck exposed, we believe that they may reasonably be compared to buried utility lines and treated similarly for setbacks and visual impacts.

Site hazards include steep slopes and the proximity to the Wasatch Fault Zone which is located along the western base of the Wasatch Mountain Range. A surface fault rupture hazard evaluation was conducted in June 2000 by Terracon Consulting Geotechnical Engineers. Due to the age of the Terracon report an additional site investigation was conducted in April 2020 by Wester Geologic & Environmental. Both reports identify soil displacement at the site consistent with faulting and/or lateral spread landslide activity that may have occurred shortly after the retreat of Lake Bonneville. A geotechnical investigation was also conducted in May 2020 which identifies specific soil characteristics. Both the surface fault rupture hazard evaluation and the geotechnical investigation provide information necessary for the structural engineer to design the proposed facilities.

A technical design meeting was held on May 27, 2020 with the city engineer, structural engineer, geotechnical engineer, and professional geologist to discuss the design of the proposed structures under

the expected site constraints and conditions. The design of the proposed facilities, including design calculations and reports, will be reviewed by the State of Utah, Division of Drinking Water. Preliminary verification with respect to these constraints has been obtained from the Division of Drinking Water indicating that the site can be utilized for the proposed drinking water facility.

Detrimental effects to Zone RE 20:

Activity: The proposed facility is consistent with the current conditional use since a water tank is already located at the site. Daily activity at the site is expected to be less than the activity expected for the governing RE 20 residential zone. In the 50 years that the existing tank has been operational, there has been minimal activity at the site. Weekly site visits are made by the system operator to check on the facility, perform routine care and maintenance, and conduct informal inspections. Formal inspections are scheduled every three years by the local health department or the Utah State Division of Drinking Water. Past maintenance activities include a significant repair to the tank lid in 2000 when the concrete lid was removed and replaced. Minor repairs were made to the exposed walls of the tank in 2019 to seal up some exposed cracking in the concrete. It is expected that similar maintenance and activities may be necessary for the proposed facility. We do not believe that activities at the site will be detrimental to the overlying RE 20 residential zone.

Parking: The proposed facility is not expected to regularly utilize any on street parking. Off-street parking will be provided for activities such as the weekly site visits or scheduled inspections. The site will be provided with a vehicular access road leading up to the top of the tanks so that the system operator can park next to the tank access hatches which can be opened to visually inspect the interior. The proposed off-street parking can also accommodate other activities needed to provide regular maintenance at the site.

Traffic: The proposed facility will not increase traffic or inhibit traffic circulation.

Signs and Advertising: No signs or advertising will be desired at the site.

Storage: This is an underground water storage facility. No materials are expected to be stored at the site.

Delivery and Loading: The proposed facility will not require delivery of product. Loading and unloading of product is not expected at the site.

Architecture and Landscaping: The proposed facility is not expected to create any additional visual impacts to the area. The new tanks will be backfilled and hidden from view much like the existing tank. Due to the nature of the facility it is best to keep it unrecognizable as much as possible. The site is currently covered by natural vegetation. Bare soil exposed from grading activities shall be covered with native vegetation to protect against soil erosion by wind or water and restore the pre-construction conditions at the site. Native vegetation is also helpful to conserve water.

Fencing: The site is currently protected by a security fence. The new site will also need security fencing as required by the Division of Drinking Water rules and standards.

Noise: The proposed facility is not expected to produce any noise either during the day or during the night. We believe that it will have less impact than a typical residence in the current zone.

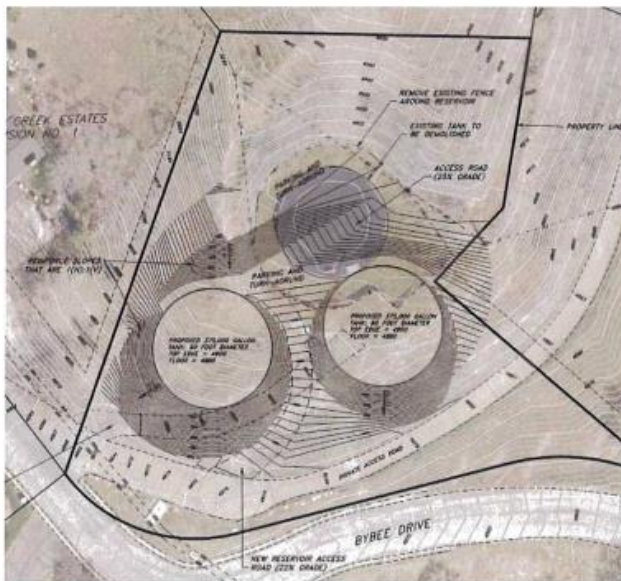
Lighting: The proposed facility is not expected to require any lighting that could disturb the current residential zone.

Other: We do not believe that there will be any other detrimental effects to consider.

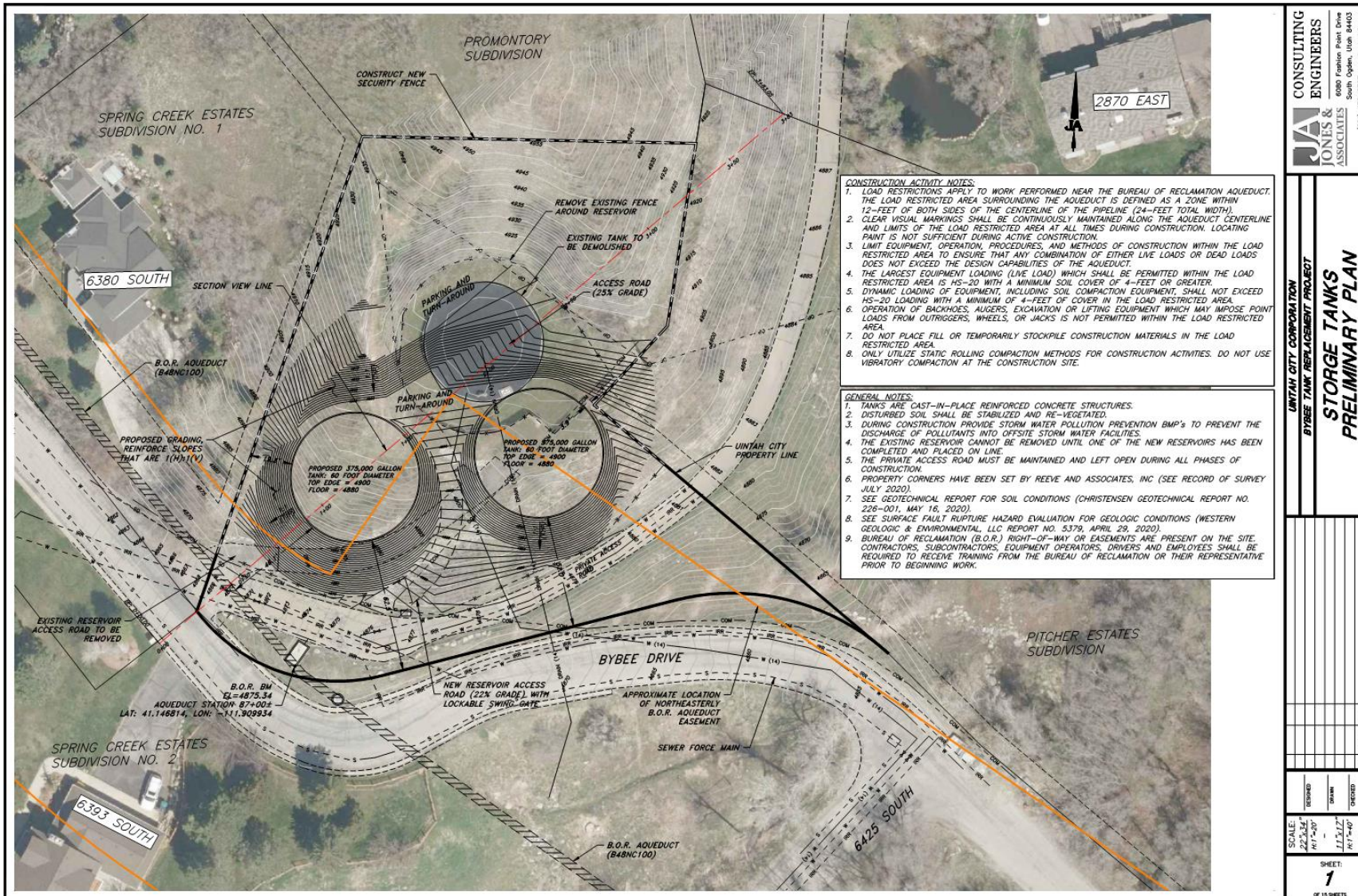
Please consider the above explanation for the requested conditional use permit. Below is a photograph of the site looking eastward from Bybee Drive and a portion of the conceptual site plan showing the proposed changes.



Photo of the existing reservoir site. Taken from Bybee Drive looking east.



Conceptual site plan



CONSTRUCTION ACTIVITY NOTES:

1. LOAD RESTRICTIONS APPLY TO WORK PERFORMED NEAR THE BUREAU OF RECLAMATION AQUEDUCT. THE LOAD RESTRICTED AREA SURROUNDING THE AQUEDUCT IS DEFINED AS A ZONE WITHIN 12- FEET OF BOTH SIDES OF THE CENTERLINE OF THE PIPELINE (24- FEET TOTAL WIDTH).
2. CLEAR VISUAL MARKINGS SHALL BE CONTINUOUSLY MAINTAINED ALONG THE AQUEDUCT CENTERLINE AND LIMITS OF THE LOAD RESTRICTED AREA AT ALL TIMES DURING CONSTRUCTION. LOCATING PAINT IS NOT SUFFICIENT DURING ACTIVE CONSTRUCTION.
3. LIMIT EQUIPMENT, OPERATION, PROCEDURES, AND METHODS OF CONSTRUCTION WITHIN THE LOAD RESTRICTED AREA TO ENSURE THAT ANY COMBINATION OF EITHER LIVE LOADS OR DEAD LOADS DOES NOT EXCEED THE DESIGN CAPABILITIES OF THE AQUEDUCT.
4. THE LARGEST EQUIPMENT LOADING (LIVE LOAD) WHICH SHALL BE PERMITTED WITHIN THE LOAD RESTRICTED AREA IS HS-20 WITH A MINIMUM SOIL COVER OF 4- FEET OR GREATER.
5. DYNAMIC LOADING OF EQUIPMENT, INCLUDING SOIL COMPACTION EQUIPMENT, SHALL NOT EXCEED HS-20 LOADING WITH A MINIMUM OF 4- FEET OF COVER IN THE LOAD RESTRICTED AREA.
6. OPERATION OF BACKHOES, AUGERS, EXCAVATION OR LIFTING EQUIPMENT WHICH MAY IMPOSE POINT LOADS FROM OUTRIGGERS, WHEELS, OR JACKS IS NOT PERMITTED WITHIN THE LOAD RESTRICTED AREA.
7. DO NOT PLACE FILL OR TEMPORARILY STOCKPILE CONSTRUCTION MATERIALS IN THE LOAD RESTRICTED AREA.
8. ONLY UTILIZE STATIC ROLLING COMPACTION METHODS FOR CONSTRUCTION ACTIVITIES. DO NOT USE VIBRATORY COMPACTION AT THE CONSTRUCTION SITE.

GENERAL NOTES:

1. TANKS ARE CAST-IN-PLACE REINFORCED CONCRETE STRUCTURES.
2. DISTURBED SOIL SHALL BE STABILIZED AND RE-VEGETATED.
3. DURING CONSTRUCTION PROVIDE STORM WATER POLLUTION PREVENTION BMP'S TO PREVENT THE DISCHARGE OF POLLUTANTS INTO OFFSITE STORM WATER FACILITIES.
4. THE EXISTING RESERVOIR CANNOT BE REMOVED UNTIL ONE OF THE NEW RESERVOIRS HAS BEEN COMPLETED AND PLACED ON LINE.
5. THE PRIVATE ACCESS ROAD MUST BE MAINTAINED AND LEFT OPEN DURING ALL PHASES OF CONSTRUCTION.
6. PROPERTY CORNERS HAVE BEEN SET BY REEVE AND ASSOCIATES, INC (SEE RECORD OF SURVEY JULY 2020).
7. SEE GEOTECHNICAL REPORT FOR SOIL CONDITIONS (CHRISTENSEN GEOTECHNICAL REPORT NO. 226-001, MAY 16, 2020).
8. SEE SURFACE FAULT RUPTURE HAZARD EVALUATION FOR GEOLOGIC CONDITIONS (WESTERN GEOLOGIC & ENVIRONMENTAL, LLC REPORT NO. 5379, APRIL 29, 2020).
9. BUREAU OF RECLAMATION (B.O.R.) RIGHT-OF-WAY OR EASEMENTS ARE PRESENT ON THE SITE. CONTRACTORS, SUBCONTRACTORS, EQUIPMENT OPERATORS, DRIVERS AND EMPLOYEES SHALL BE REQUIRED TO RECEIVE TRAINING FROM THE BUREAU OF RECLAMATION OR THEIR REPRESENTATIVE PRIOR TO BEGINNING WORK.

JA CONSULTING ENGINEERS
JONES & ASSOCIATES
 6080 Fashion Point Drive
 South Ogden, Utah 84403
 (801) 478-8787 www.jaassoc.com

UNTAH CITY CORPORATION
BYBEE TANK REPLACEMENT PROJECT
STORAGE TANKS
PRELIMINARY PLAN

SCALE:	22'x34'	1"=20'	11'x17'	1"=14'
REVISIONS:	DESIGNED	DRAWN	CHECKED	DATE
SHEET: 1				
OF 15 SHEETS				



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for preliminary approval of Highlands Bluff Estates Phase 1, a subdivision proposal to create a 12 lot residential development.

Agenda Date: Tuesday, November 10, 2020

Applicant: Moore Homes LC & Celebrity Const. Inc., owner

File Number: LVH 091820

Property Information

Approximate Address: 6224 S 2225 E, Ogden

Project Area: 4.59 Acres

Zoning: Single-family residential zone (R-1-12)

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 07-335-0001

Township, Range, Section: T5N, R1W, Sections 23

Adjacent Land Use

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

Staff Information

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

Report Reviewer: SB

Applicable Land Use Codes

- Title 101 (General Provisions) Chapter 1 (Definitions)
- Title 104 (Zones) Chapter 12 (Single-family residential zone R-1-12)
- Title 106 (Subdivisions) Chapter 1 (General Provisions) Section 5 (Preliminary Plat Requirements)
- Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

Development History

This property was rezoned from RE-15 to R-1-12 on July 28th, 2020. This subdivision amendment will subdivide lot 1 of Highlands Bluff Estates. The Highlands Bluff Estates subdivision was platted on January 7th, 1988.

Background and Summary

The applicant is requesting approval of a 12-lot subdivision, located at approximately 6224 S 2225 E Uintah Highlands. The public right-of-way for this development will intersect with 2225 East Street. The public road will terminate at a cul-de-sac. The Planning Division has explored the possibility of stubbing a road or trail to adjacent properties. In this circumstance, a stub to adjacent properties is not practicable being that adjacent properties are already established (see area map). Curb, gutter, and sidewalk are planned for this development.

This proposal has been reviewed against the current Land Use Code of Weber County Utah (LUC), the standards of the R-1-12 zone found in LUC §104-12. The following section is a brief analysis of this project against current land use regulations.

Analysis

General Plan: This proposal conforms with South East Western Weber County Plan by allowing one single-family dwelling per 12,000 square feet. (see page 65 of the general plan).

Zoning: The property is located in the R-1-10 Zone. The purpose of this zone is stated in the LUC §104-12-1.

“The purpose of the R-1-12, R-1-10 Zone classification is to provide regulated areas for single-family residential use at two different low-density levels.”

Each lot meets the zoning requirement of 12,000 square feet minimum and 90 feet of lot width.

Natural Hazards: A Geotechnical study has been prepared by CMT Engineering Laboratories, Dated January 13th, 2020, with Project Number 13895. The report provides valuable information regarding soil types, site grading, soil removal, structural fill, compaction, and types and severity of hazards present on the property. Special attention should be taken to the report by the civil engineers who will be designing roadway and structural engineers who will draw plans for residential development. Page 12 states that residential development should be designed for seismic category D.

Flood Zone: This parcel is within a Zone X flood area, and determined to be outside the 500-year flood level.

Sanitary System and Culinary Water: Uintah Highlands Improvement District has provided a letter stating that water and sanitary services are available for each lot within this proposed subdivision.

Minor Terminal Streets: The County Engineering standard right-of-way width is 60'. With the County Engineer's approval the right-of-way width may be reduced to 50' pursuant to LUC 106-2-2 (c), (d). The plan includes curb, gutter, parking strip, and sidewalk.

Secondary Water: A Weber Basin Water Conservancy District water line on the north of the subdivision boundary will be connected to and extended from to serve this development. The existing water allotment of 7.5-acre feet per year is sufficient for this development. Weber Basin also recommends water-wise landscaping design for lots within this development.

Review Agencies: The Weber County Fire District has approved this proposal with the condition that Weber Fire discusses with the developer the possibility of placing a new fire hydrant. Weber County Surveying has submitted reviews that will need to be addressed by a revised subdivision plat. Weber County Engineering has posted a list of review comments regarding minor subdivision plat revisions and a request for the improvement drawings. Improvement drawings are not required until the applicant proposes final approval of the subdivision.

Public Notice: Noticing was provided to all property owners of record within 500 feet of the subject property.

Staff Recommendation

Staff recommends preliminary approval of the Highlands Bluff Estates 1st Amendment Subdivision, consisting of 12 lots. This recommendation is based on the following conditions:

1. Weber Basin Water Conservancy District shall approve the plans for connection and extension of all new secondary water lines.

This recommendation is based on the following findings:

1. The proposed subdivision complies with South East Western Weber County Plan.
2. The proposed subdivision complies with the applicable County codes.

Exhibits

- A. Highlands Bluff Estates Phase 1, 1st Amendment Subdivision Plat
- B. Highlands Bluff Estates Phase 1 (1988)
- C. Current Recorders Plat
- D. Will serve letter from Uintah Highlands Improvement District
- E. Geotechnical Study (select pages)

Area Map



811 CALL BEFORE YOU DIG
 811 AT LEAST 48 HOURS
 PRIOR TO THE
 COMMENCEMENT OF ANY
 CONSTRUCTION.
 Call before you dig
 www.callbeforeyoudig.com

BENCHMARK
 MEET SW CORNER OF SECTION 22,
 TOWNSHIP 8 NORTH, RANGE 1 WEST, S. 8.8 AN
 FOUND BRASS CAP MONUMENT
 ELEV = 4871.96'

PROPERTY DESCRIPTION
 ALL OF LOT 1 OF HIGHLAND BLUFF ESTATES SUBDIVISION, PART OF THE SOUTHWEST QUARTER CORNER OF SECTION 22,
 T. 8 N., R. 1 W., S. 8.8 AN., WEBER COUNTY, UTAH

DATE: _____ NAME: _____
 Licensure No. _____

Detention Calculations (100-year storm)

Basin Volume (cu ft)	18,828.50	SF
Rainfall coefficient C	0.300	
Retention Time (min)	1.36	minutes
Peak Release*	1,644.00	cfs

Study Summary Statistics

Phase 1:

Category	Area	C Value
Existing Area	17.00	0.50
Total Hydrologic	27.061	0.50
Landscaping Area	172.198	3.15
Total Area	199.259	
Runoff Coefficient C	0.304	
Total Area	199.259	
Runoff Coefficient C	0.304	

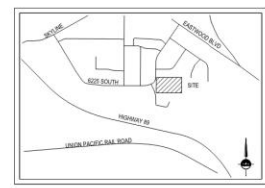
Calculated Detention (100-year storm)

Time of Concentration	1.69	minutes
Peak Flow (cfs)	1,644.00	
Retention Time (min)	1.36	
Peak Release (cfs)	1,644.00	

LEGEND

- SECTION CORNER
- EXIST MONUMENT
- PRO MONUMENT
- EXIST REBAR AND CAP
- EXIST REBAR AND CAP
- EXIST WATER METER
- PRO WATER METER
- EXIST WATER MANHOLE
- PRO WATER MANHOLE
- EXIST WATER VALVE
- PRO WATER VALVE
- EXIST FIRE HYDRANT
- PRO FIRE HYDRANT
- EXIST SANITARY SEWER MANHOLE
- PRO SANITARY SEWER MANHOLE
- EXIST STORM DRAIN CLEAN OUT
- PRO STORM DRAIN CLEAN OUT
- EXIST STORM DRAIN CATCH BASIN
- PRO STORM DRAIN CATCH BASIN
- EXIST STORM DRAIN COMB BOX
- PRO STORM DRAIN COMB BOX

MINOR CONTOURS 1' INCREMENT
 MAJOR CONTOURS 5' INCREMENT
 BUILDABLE AREA WITHIN SETBACKS
 PUBLIC DRAINAGE EASEMENT
 EXISTING 30" CURB AND GUTTER
 PROPOSED 30" CURB AND GUTTER
 EXIST FLOW LINE
 PRO FLOW LINE
 EXIST FENCE
 PRO FENCE
 EXIST EDGE OF ASPHALT
 PRO EDGE OF ASPHALT
 EXIST SANITARY SEWER
 PRO SANITARY SEWER
 EXIST STORM DRAIN LINE
 PRO STORM DRAIN LINE
 EXIST WATER LINE
 PRO WATER LINE



Without Bypass Flow

Orifice Calculations $Q = C_d A \sqrt{2gh}$

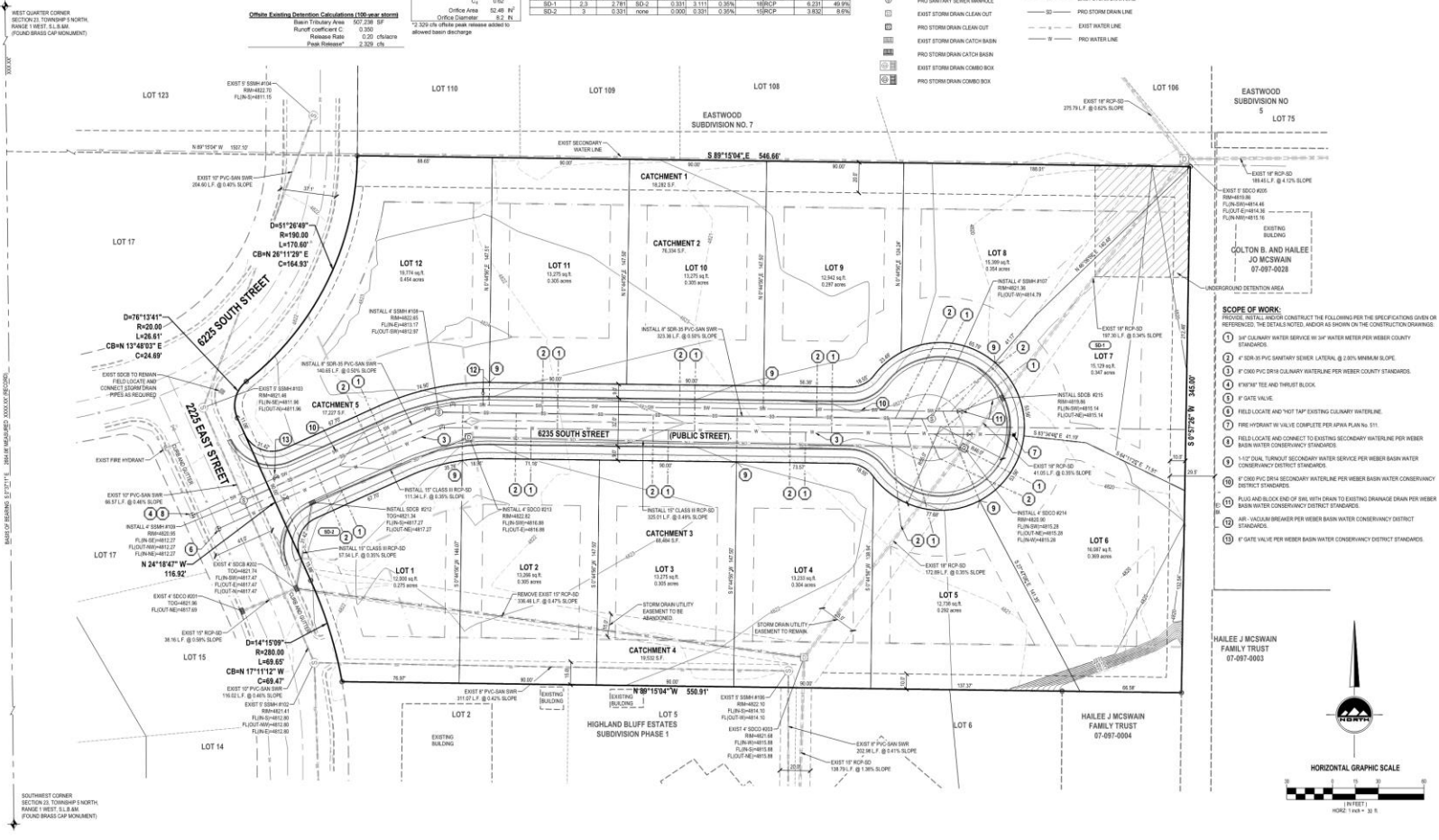
100' High Orifice: 4.8128 FT
 50' High Orifice: 4.8144 FT
 Allowed Basin Discharge: 3.973 CFS

Orifice Area: 0.62
 Orifice Diameter: 32.48 IN
 Basin Volume: 52,238 SF
 Rainfall Coefficient C: 0.300
 Retention Time: 0.22 minutes
 Peak Release*: 2,326.00 cfs

Peak release based on existing flow

Pipe Design (100-year storm)

Manhole N (ID)	Manhole N (OD)	Length	Flow	Velocity	Head Loss	Flow	Velocity	Head Loss
SD-1	SD-2	2.31	30.4	0.31	0.11	30.4	0.31	0.11
SD-2	SD-3	0.33	none	none	0.00	0.33	0.35	100'RCF



EN SIGN
 THE STANDARD IN ENGINEERING

LAYTON
 919 North 400 West
 Layton, UT 84041
 Phone: 801.547.1100

SALT LAKE CITY
 Phone: 435.843.3990

TOOLE
 Phone: 435.865.1453

CEDAR CITY
 Phone: 435.896.2983

WWW.ENSIGNENG.COM

HIGHLANDS BLUFF ESTATES SUBDIVISION
 2225 EAST 6225 SOUTH
 WEBER COUNTY, UTAH

SCOPE OF WORK
 PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED. THE DETAILS NOTED, SHOULD AS SHOWN ON THE CONSTRUCTION STANDARDS:

- 34" CULINARY WATER SERVICE IN 30" WATER METER PER WEBER COUNTY STANDARDS.
- 8" DIA. 30" PVC SANITARY SEWER LATERAL @ 2.0% MINIMUM SLOPE.
- 8" DIA. 30" PVC DRN CULINARY WATERLINE PER WEBER COUNTY STANDARDS.
- 3" DIA. VALVE.
- FIELD LOCATE AND "HOT TAP" EXISTING CULINARY WATERLINE.
- FIRE HYDRANT "W" VALVE COMPLETE PER ARA PLANS 011.
- FIELD LOCATE AND CONNECT TO EXISTING SECONDARY WATERLINE PER WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS.
- 1/2" DUAL TURNOUT SECONDARY WATER SERVICE PER WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS.
- 8" DIA. 30" PVC DRN SECONDARY WATERLINE PER WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS.
- PLUS AND/OR ADD ONE OF THE FOLLOWING TO EXISTING DRAINAGE DRAIN PER WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS.
- 8" DIA. VALVE PER WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS.
- 8" DIA. VALVE PER WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS.

PRELIMINARY PLAN

1 OF 1

HIGHLANDS BLUFF ESTATES SUBDIVISION - PHASE I

PART OF THE SOUTHWEST QUARTER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M.

WEBER COUNTY, UTAH

OCTOBER 1987

CURVE DATA

NO.	Δ	RAD.	ARC	TAN	CHORD	CHORD BRNG
1	5° 13' 36"	180.00	182.15	102.38	172.47	S 33° 04' 24" W
2	09° 02' 12"	180.00	25.24	12.64	25.21	S 70° 12' 18" W
3	74° 15' 50"	180.00	207.39	121.15	193.17	S 37° 35' 30" W
4	11° 49' 34"	620.00	154.16	67.37	133.92	N 80° 38' 12" E
5	74° 15' 50"	180.00	168.50	86.43	166.36	S 37° 35' 30" W
6	05° 12' 59"	620.00	56.45	28.24	56.43	S 77° 19' 55" W
7	06° 36' 34"	620.00	71.92	35.80	71.48	N 83° 14' 42" E
8	11° 49' 34"	620.00	127.97	64.21	127.74	N 80° 38' 12" E
9	81° 27' 11"	180.00	170.63	91.61	164.88	N 20° 11' 11" E
10	76° 13' 33"	20.00	26.61	15.63	24.69	N 13° 48' 00" E
11	79° 33' 00"	20.00	27.77	16.65	25.59	S 64° 05' 17" E
12	10° 24' 46"	680.00	123.58	61.96	123.41	N 81° 20' 36" E
13	24° 17' 41"	250.00	106.01	53.81	105.21	N 12° 09' 56" E
14	19° 10' 19"	220.00	75.62	37.16	73.27	S 14° 43' 38" E
15	05° 07' 23"	220.00	19.67	9.84	19.66	S 02° 34' 47" E
16	24° 17' 41"	220.00	93.29	47.35	92.59	N 12° 09' 56" W
17	14° 15' 07"	280.00	69.85	35.01	69.47	N 17° 11' 13" W
18	10° 02' 34"	280.00	49.08	24.60	48.02	N 05° 02' 23" W
19	24° 19' 41"	280.00	118.73	60.27	117.84	S 12° 09' 56" E
20	82° 39' 42"	50.00	72.14	43.97	66.04	S 41° 20' 57" E
21	82° 39' 42"	20.00	28.85	17.59	26.42	N 4° 20' 57" W
22	22° 23' 13"	60.00	31.26	15.83	31.06	S 11° 12' 42" E
23	48° 53' 41"	80.00	68.27	36.37	66.22	S 46° 51' 09" E
24	11° 22' 48"	80.00	15.89	7.97	15.86	S 76° 59' 24" E
25	82° 39' 42"	80.00	115.42	70.36	109.67	N 4° 20' 57" W
26	90° 00' 00"	20.00	78.54	40.00	72.71	N 52° 19' 12" E
27	90° 00' 00"	20.00	31.42	20.00	28.28	S 52° 19' 12" W
28	10° 41' 57"	80.00	14.94	7.49	14.92	S 88° 01' 46" E
29	57° 29' 36"	80.00	80.28	43.89	76.95	N 57° 52' 26" E
30	21° 48' 25"	60.00	30.45	15.41	30.27	N 18° 12' 25" E
31	90° 00' 00"	80.00	125.66	80.00	113.14	S 52° 19' 12" W
32	61° 43' 35"	40.00	43.09	23.91	41.04	N 36° 11' 00" E
33	34° 25' 49"	55.00	33.05	17.04	32.56	N 51° 49' 53" E
34	62° 42' 03"	55.00	60.19	33.51	57.23	N 03° 10' 57" E
35	61° 09' 59"	55.00	58.72	32.51	55.97	N 58° 40' 05" W
36	60° 55' 53"	55.00	58.49	32.35	55.77	S 60° 16' 59" W
37	22° 29' 50"	55.00	21.60	10.94	21.48	S 18° 34' 08" W
38	241° 43' 35"	55.00	23.04	12.00	24.42	S 81° 49' 00" E

CENTERLINES

NO.	BEARING	DIST. (F.T.)
(A)	S 00° 27' 35" W	0.15
(B)	S 07° 19' 12" W	8.87
(C)	S 89° 40' 48" E	25.00

NOTES:

- UTILITY EASEMENTS ARE AS INDICATED BY DASHED LINES. ALL EASEMENTS TO BE USED FOR IRRIGATION WATER LINES, DRAINAGE, SANITARY & STORM SEWERS, POWER LINES, TELEPHONE LINES AND OTHER PUBLIC UTILITIES. ALL EASEMENTS SHALL BE 7 FEET UNLESS OTHERWISE INDICATED.
- ⊙ - INDICATES SURVEY MONUMENT (M) TO BE SET.
- NR - NON-RADIAL.
- THE HIGHWAY RIGHT OF WAY LINE WAS DETERMINED FROM EXISTING RIGHT OF WAY MARKERS.
- THE BEARING SYSTEM USED IS THE UTAH STATE PLANE GRID.

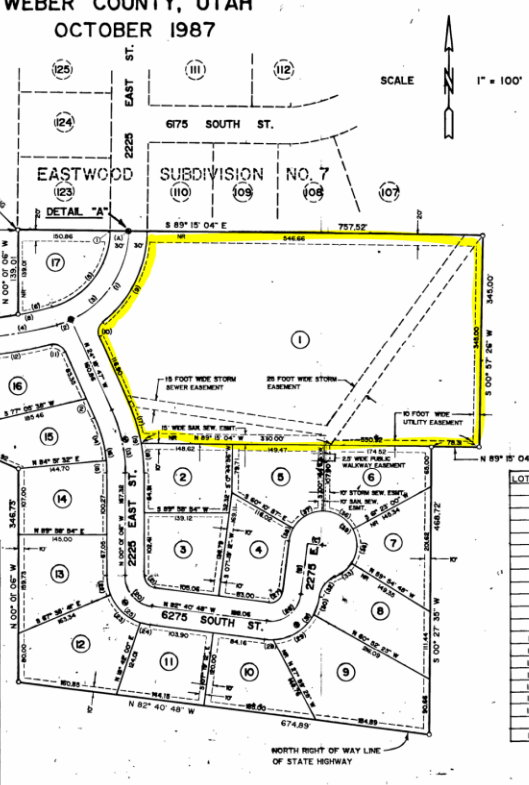
CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER

ON THE 30 DAY OF November, 1987, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, James A. Baker, PRESIDENT OF SAID CORPORATION, AND AFTER BEING DULY ACKNOWLEDGED TO ME & SAID PRESIDENT OF SAID CORPORATION AND THAT HE SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION AND FOR THE PURPOSE THEREIN MENTIONED.

MY COMMISSION EXPIRES: NOV 10 1990

Sam Evans
NOTARY PUBLIC



LOT NO. NO. BEARING DIST. (F.T.)

15	(1)	N 00° 44' 56" E	41.83
16	(2)	N 24° 18' 47" W	33.04
17	(3)	S 00° 27' 35" W	0.30

LOT INFORMATION

LOT NO.	AREA (S.F.)	ADDRESS
1	199,850	6224 SOUTH 2225 EAST
2	16,193	6254 SOUTH 2225 EAST
3	16,672	6254 SOUTH 2225 EAST
4	15,147	2236 EAST 6275 SOUTH
5	16,915	6253 SOUTH 2275 EAST
6	16,326	6254 SOUTH 2275 EAST
7	16,309	6260 SOUTH 2275 EAST
8	18,785	6268 SOUTH 2275 EAST
9	29,532	6276 SOUTH 2275 EAST
10	17,108	2249 EAST 6275 SOUTH
11	16,858	2235 EAST 6275 SOUTH
12	22,354	6277 SOUTH 2225 EAST
13	16,898	6265 SOUTH 2225 EAST
14	16,452	6257 SOUTH 2225 EAST
15	17,297	6245 SOUTH 2225 EAST
16	16,293	6239 SOUTH 2225 EAST
17	16,182	6221 SOUTH 2225 EAST

SURVEYOR'S CERTIFICATE

I, O. NEIL SMITH, A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAN OF HIGHLANDS BLUFF ESTATES SUBDIVISION - PHASE I IN WEBER COUNTY, UTAH HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN SAID SUBDIVISION BASED ON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND OF A SURVEY MADE ON THE GROUND.

SIGNED THIS 22ND DAY OF OCTOBER, 1987.

2337
LICENSE NO.

O. Neil Smith
SIGNATURE

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDUCE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAN AND NAME SAID TRACT HIGHLANDS BLUFF ESTATES SUBDIVISION - PHASE I AND HEREBY DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THROUGHFARES FOREVER, AND ALSO DEDICATE TO WEBER COUNTY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY WEBER COUNTY SUCH DEDICATION SUBJECT TO ALL EXISTING EASEMENTS ON RECORD.

SIGNED THIS 30th DAY OF November, 1987.

HIGHLANDS BLUFF DEVELOPMENT CO., INC.
A UTAH CORPORATION

James A. Baker
PRESIDENT

SIGNED THIS 30th DAY OF October, 1987.

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, A UTAH CORPORATION.

BY: Fred A. Baker
FRED A. BAKER - AUTHORIZED AGENT

BOUNDARY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M.

BEGINNING AT A POINT LOCATED S 00° 37' 11" E 1319.37 FEET ALONG THE SECTION LINE AND S 89° 15' 04" E 1296.24 FEET FROM THE WEST QUARTER CORNER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M., RUNNING THENCE S 89° 15' 04" E 757.52 FEET ALONG THE SOUTH LINE OF EASTWOOD SUBDIVISION NO. 7, THENCE S 00° 57' 26" W 345.00 FEET, THENCE N 89° 15' 04" W 78.31 FEET, THENCE S 00° 27' 35" W 468.72 FEET TO THE NORTH RIGHT OF WAY LINE OF THE STATE HIGHWAY, THENCE N 82° 40' 48" W 674.89 FEET ALONG SAID RIGHT OF WAY, THENCE N 00° 01' 06" W 346.73 FEET, THENCE N 60° 09' 10" W 78.92 FEET, THENCE N 00° 44' 56" E 181.83 FEET, THENCE N 03° 27' 01" W 60.00 FEET, THENCE LEFT ALONG THE ARC OF A 620.00 FOOT RADIUS CURVE A DISTANCE OF 71.52 FEET (CHORD BEARS N 83° 14' 42" E 71.48 FEET), THENCE N 00° 01' 06" W 159.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 12.97 ACRES.

BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 23, T. 5 N., R. 1 W., S. L. B. & M., AS S 00° 37' 11" E MARKED BY WEBER COUNTY BRASS CAP MONUMENTS.

PREPARED BY:
OMESCO ENGINEERING, INC.
105 SKYLINE DRIVE
BIRMGHAM CITY, UTAH 84302

WEBER COUNTY PLANNING COMMISSION

APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 21st DAY OF October, 1987.

James R. Evans
CHAIRMAN

WEBER COUNTY APPROVAL

THIS IS TO CERTIFY THAT THIS PLAN AND DEDICATION OF THIS PLAN WERE DULY APPROVED AND ACCEPTED BY WEBER COUNTY, UTAH THIS 2nd DAY OF October, 1987.

James A. Baker
Clerk

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT I HAVE CAREFULLY INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAN AND LEGAL DESCRIPTION OF THE LAND DESCRIBED THEREIN, AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE.

SIGNED THIS 27th DAY OF October, 1987.

John P. ...
COUNTY ENGINEER

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FOREGOING PLAN AND DESCRIPTION OF THE HIGHLANDS BLUFF ESTATES SUBDIVISION - PHASE I, AND IN MY OPINION, THEY CONFORM WITH THE COUNTY ORDINANCES APPLICABLE THERE TO AND NOW IN FORCE AND EFFECT.

SIGNED THIS 30th DAY OF October, 1987.

David ...
COUNTY ATTORNEY

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SALT LAKE)

ON this 30th day of October, 1987, personally appeared before me Fred A. Baker, a Notary Public in and for the State of Utah, James A. Baker, President of the Corporation of HIGHLANDS BLUFF DEVELOPMENT CO., INC., a Utah Corporation, and he acknowledged to me that he signed the foregoing instrument as the President of the Corporation of the said corporation and that the said corporation is a Utah corporation and that the said corporation is authorized to execute the foregoing instrument.

My commission expires 6/17/1988.

James A. Baker
PRESIDENT

COUNTY RECORDER

ENTRY NO. 1035218 - FEE PAID
\$28.50 FILED FOR RECORD AND
RECORDED JAN 7 1988 AT
1:30 P.M. IN BOOK 30 OF OFFICIAL
RECORDS, PAGE 9 FOR WEBER COUNTY
BY: JULIE CHURCH
COUNTY RECORDER

PART OF THE S.W. 1/4 OF SEC. 23, T.5N., R.1W., S.L.B. & M.
HIGHLANDS BLUFF ESTATES SUBDIVISION – PHASE 1

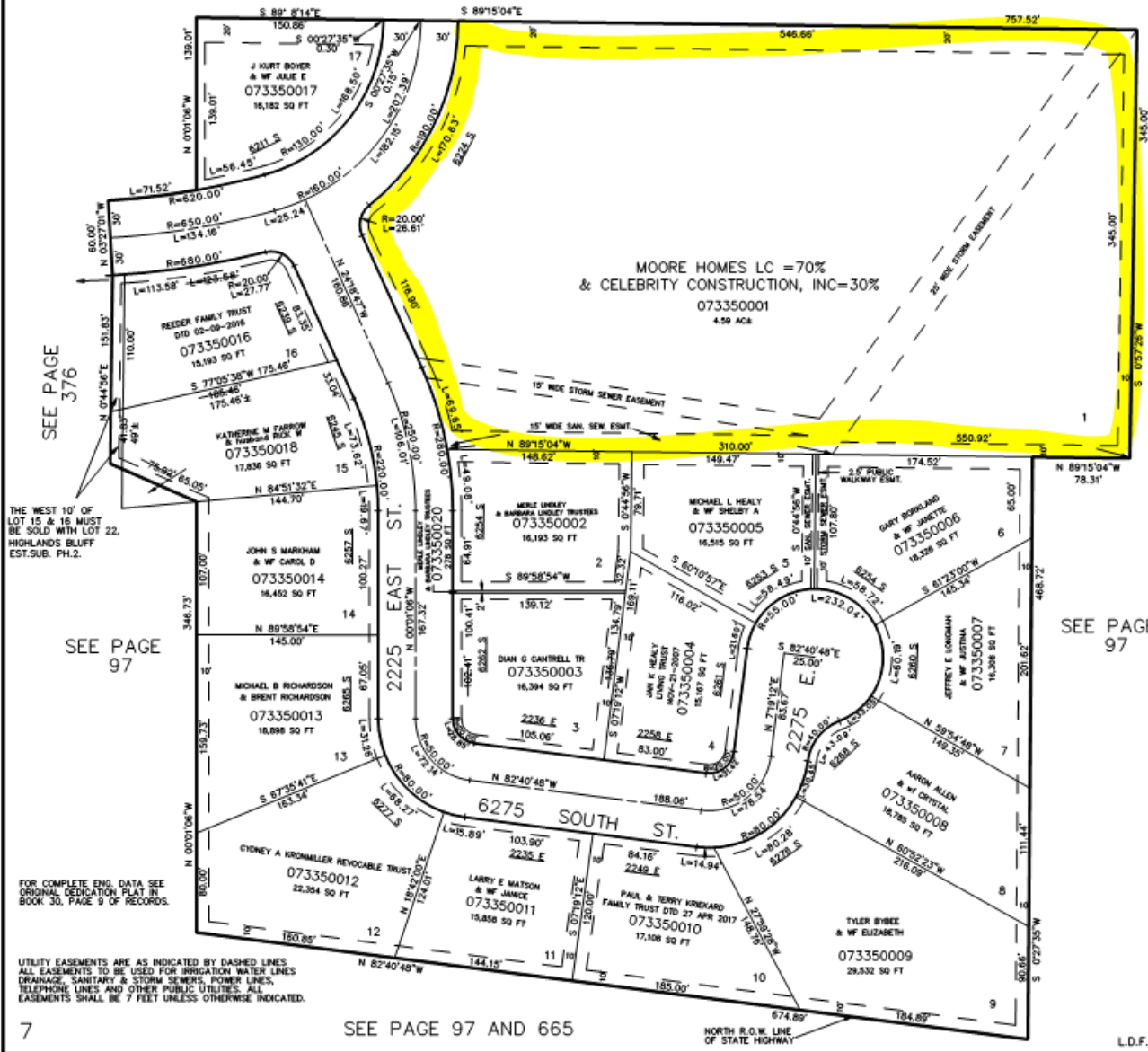
335

IN WEBER COUNTY

TAXING UNIT: 159

SCALE 1"=60'

SEE PAGE 152



SEE PAGE 376

SEE PAGE 97

SEE PAGE 97

THE WEST 10' OF LOT 15 & 16 MUST BE SOLD WITH LOT 22, HIGHLANDS BLUFF EST.SUB. PH.2.

FOR COMPLETE ENG. DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 30, PAGE 9 OF RECORDS.

UTILITY EASEMENTS ARE AS INDICATED BY DASHED LINES. ALL EASEMENTS TO BE USED FOR IRRIGATION WATER LINES, DRAINAGE, SANITARY & STORM SEWERS, POWER LINES, TELEPHONE LINES AND OTHER PUBLIC UTILITIES. ALL EASEMENTS SHALL BE 7 FEET UNLESS OTHERWISE INDICATED.

7

SEE PAGE 97 AND 665

NORTH R.O.W. LINE OF STATE HIGHWAY

L.D.F. 1-88

Uintah Highlands Improvement District

2401 East 6175 South
 Ogden, UT 84403-5344
 Phone: 801-476-0945
 Fax: 801-476-2012
 uhid1@qwestoffice.net

August 11, 2020

Subdivision Planner
 Weber County Planning and Engineering
 2380 Washington Blvd.
 Ogden, Utah 84401

Re: Availability of services for Culinary Water and Sanitary Sewer within Uintah Highlands Improvement District for the: Proposed 12 Lot Development - Parcel 07-335-0001

Officials of the Uintah Highlands Improvement District, have been contacted about the proposed development of 12 lots on the property owned by Moore Homes LC parcel 07-335-0001, which is located within the boundaries of the District. The proposal is to divide this parcel into a 12 lot subdivision. Based upon the information from the phone conversation with Mr. Randy Moore, a representative for the proposed development, and under existing conditions, the District hereby states that culinary water and sanitary sewer collection services would be available for the proposed 12 lot development. When the existing lot is subdivided, the district does have the availability to provide services for each of the proposed 12 lots. The Developer would be responsible to make the connection to the existing services of the District, at the expense of the developer. The lines may be considered private from the connection at the main, which would then become the sole responsibility of the owner of the water or sewer lateral. Detailed plans must be submitted and approved and all fees must be paid before a commitment-to-serve is granted and before construction begins.

Please note that:

Secondary Water for the area is provided by Weber Basin and is NOT part of this Commitment to Serve - District Rules and regulations (section 4.1.4) states, Use of District water for secondary Irrigation purposes on lawns and gardens or outside use is strictly prohibited.

(See complete Rules and Regulations for full explanation.)

A separate source is required for secondary water purposes.

This commitment is made expressly subject to the condition that the Developer of the proposed 12 lot subdivision shall be required to comply with all applicable development procedures of the District, including, without limitation, the Developer shall agree to construct all water and sewer system improvements in strict conformance with and subject to the Uintah Highlands Improvement District current 'Public Works Standards', obtain proper easements, and to abide by all applicable rules and regulations of the District, as the same currently exist, or as they may be amended from time-to-time.

Dated this 11th day of August, 2020.

UINTAH HIGHLANDS IMPROVEMENT DISTRICT

By: 
 Matt J. Sorensen, District Manager



ENGINEERING • GEOTECHNICAL • ENVIRONMENTAL (ESA I & II)
MATERIALS TESTING • SPECIAL INSPECTIONS •
ORGANIC CHEMISTRY • PAVEMENT
DESIGN • GEOLOGY

GEOTECHNICAL ENGINEERING AND GEOLOGIC SERVICES

Proposed Highland Bluff Estates Lot 1 Subdivision

6224 South 2225 East
Ogden, Weber County, Utah
CMT PROJECT NO. 13895

FOR:
Randy Moore
Moore Homes
3838 South 8365 West
Magna, Utah 84044

CMT ENGINEERING LABORATORIES

January 13, 2020

Mr. Randy Moore
Moore Homes
3838 South 8365 West
Magna, Utah 84044

Subject: Geotechnical Engineering and Geologic Services
Proposed Highland Bluff Estates Lot 1 Subdivision
Weber County Assessor Parcel No. 07-335-0001
6224 South 2225 East
Ogden, Weber County, Utah
CMT Project No. 13895

Mr. Moore:

Submitted herewith is the report of our geotechnical engineering and geologic study for the subject site. This report contains the results of our findings and an interpretation of the results with respect to the available Project characteristics. It also contains recommendations to aid in the design and construction of the earth related phases of this project.

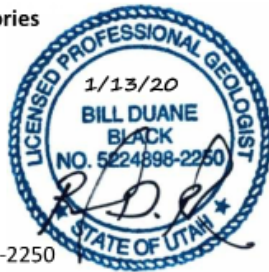
On December 3, 2019 CMT Engineering Laboratories (CMT) personnel were on-site and supervised the excavation of four test pits extending to depths of 6.6 to 8.1 feet below the existing ground surface. Soil samples were obtained during the field operations and subsequently transported to our laboratory for further testing and observation. Based on the findings of the subsurface explorations, conventional spread and continuous footings may be utilized to support the proposed residence, provided the recommendations in this report are followed. A detailed discussion of design and construction criteria is presented in this report.

We appreciate the opportunity to work with you on this project. CMT offers a full range of Geotechnical Engineering, Geological, Material Testing, Special Inspection services, and Phase I and II Environmental Site Assessments. With four offices throughout Northern Utah, and in Arizona, our staff is capable of efficiently serving your project needs. If we can be of further assistance or if you have any questions regarding the Project, please do not hesitate to contact us at (801) 870-6730. To schedule materials testing, please call (801) 381-5141.

Sincerely,

CMT Engineering Laboratories

Bill D. Black, P.G.
State of Utah No. 5224898-2250
Engineering Geologist



Bryan N. Roberts, P.E.
State of Utah No. 276476
Senior Geotechnical Engineer



ENGINEERING • GEOTECHNICAL • ENVIRONMENTAL (ESA I & II) • MATERIALS TESTING • SPECIAL INSPECTIONS
ORGANIC CHEMISTRY • PAVEMENT DESIGN • GEOLOGY

www.cmtlaboratories.com

1.3 Description of Proposed Construction

We understand development of a residential subdivision is planned for the parcel. We project that single family residences are to be of wood-framed construction and founded on spread footings with basements (if conditions allow). Maximum continuous wall and column loads are anticipated to be 1,000 to 4,000 pounds per lineal foot and 10,000 to 40,000 pounds, respectively.

We anticipate that an asphalt-paved residential cul-de-sac will be constructed as part of the development. Traffic is projected to consist of a light volume of automobiles and pickup trucks, one or two daily medium-weight delivery trucks, a weekly garbage truck, and an occasional fire truck.

Site development will require some earthwork in the form of minor cutting and filling. A site grading plan was not available at the time of this report, but we project that maximum site grading cuts and fills may be on the order of 2 to 3 feet. If deeper cuts or fills are planned, CMT should be notified to provide additional recommendations, if needed.

1.4 Executive Summary

Proposed structures can be supported upon conventional spread and continuous wall foundations established on suitable natural soils or on structural fill extending to suitable natural soils. The most significant geotechnical/geological aspects of the site are:

1. The site is at the top of a terrace mapped by the Utah Geological Survey (UGS) as being underlain by deltaic deposits associated with the regressive stage of late Pleistocene Lake Bonneville. The land surface is flat to gentle. Except for a small (2,140 square-foot or 0.05-acre) area in the southeast corner of the property, slopes at the site dip an overall 2.57 degrees (4.5% gradient or 22.3:1 horizontal:vertical) to the southeast; the steep slope section, which is at the crest of the amphitheater, shows an overall dip of 29.1 degrees (55.7% gradient or 1.8:1). Groundwater was not observed in any of the test pits conducted for our study and is likely more than 50 feet below the ground surface (bgs) based on subsurface data from a study of the east-adjointing property (Western GeoLogic, 2017). However, groundwater depths may fluctuate seasonally, annually and locally. Soils encountered in the test pits appeared generally uniform and comprised of a mixture of gravel and sand.
2. The surface at each test pits is blanketed with sod and underlying topsoil ranging in thickness from about 6- to 12- inches which must be removed below new buildings and roadways.

A geotechnical engineer from CMT should be allowed to verify that all non-engineered/undocumented fill material and topsoil/disturbed soils have been completely removed from beneath proposed structures and roadways, and suitable natural soils encountered prior to the placement of structural fills, foundations, or concrete flatwork, and pavements.

4.4.2 Site Class

Utah has adopted the 2018 International Building Code (IBC), which determines the seismic hazard for a site based upon 2014 mapping of bedrock accelerations prepared by the United States Geologic Survey (USGS) and the soil site class. The USGS values are presented on maps incorporated into the IBC code and are also available based on latitude and longitude coordinates (grid points). For site class definitions, IBC 2018 Section 1613.2.2 refers to Chapter 20, Site Classification Procedure for Seismic Design, of ASCE¹ 7-16. Given the subsurface soils encountered at the site, it is our opinion the site best fits Site Class D – Stiff Soil Profile (without data), which we recommend for seismic structural design.

4.4.3 Seismic Design Category

The 2014 USGS mapping utilized by the IBC provides values of peak ground, short period and long period accelerations for the Site Class B/C boundary and the Maximum Considered Earthquake (MCE). This Site Class B/C boundary represents average bedrock values for the Western United States and must be corrected for local soil conditions. The Seismic Design Categories in the International Residential Code (IRC 2018 Table R301.2.2.1.1) are based upon the Site Class discussed in the previous section. For Site Class D at site grid coordinates of 41.14986 degrees north latitude and 111.92369 degrees west longitude, S_{DS} is 0.87 and the Seismic Design Category is D₂.

4.4.4 Surface Faulting

Movement along faults at depth generates earthquakes. During earthquakes larger than Richter magnitude 6.5, ruptures along normal faults in the intermountain region generally propagate to the surface (Smith and Arabasz, 1991) as one side of the fault is uplifted and the other side down dropped. The resulting fault scarp has a near-vertical slope. The surface rupture may be expressed as a large singular rupture or several smaller ruptures in a broad zone. Ground displacement from surface fault rupture can cause significant damage or even collapse to structures located on an active fault.

No evidence of active surface faulting is mapped or was evident at the site. The nearest active (Holocene-age) fault to the site is the Weber segment of the Wasatch fault zone about 0.8 miles to the east. Surface faulting is not therefore considered to pose a risk to the site.

4.4.5 Liquefaction

Liquefaction is a phenomenon whereby loose, saturated, granular soil units lose a significant portion of their shear strength due to excess pore water pressure buildup resulting from dynamic loading, such as that caused by an earthquake. Among other effects, liquefaction can result in densification of such deposits causing settlements of overlying layers after an earthquake as excess pore water pressures are dissipated. Horizontally continuous liquefied layers may also have a potential to spread laterally where sufficient slope or free-face

¹ American Society of Civil Engineers

4. Gradation Analysis, ASTM D-1140/C-117, Grain Size Analysis
5. One Dimension Consolidation, ASTM D-2435, Consolidation properties

5.2 Lab Summary

Laboratory test results are presented in the following Lab Summary table:

LAB SUMMARY TABLE

TEST PIT	DEPTH (feet)	SOIL CLASS	SAMPLE TYPE	MOISTURE CONTENT(%)	DRY DENSITY (pcf)	GRADATION			ATTERBERG LIMITS		
						GRAV.	SAND	FINES	LL	PL	PI
TP-1	1.5	CL-ML	TW	6.5	118						
	8	GP	Bag	1.1		88	9	2.6			
TP-2	1	ML	TW	4.5	102						NP
	4.5	GP	Bag	1.8		78	18	4			
TP-3	2	CL	TW	15.5	109				25	15	10
TP-4	1.5	ML	TW	16.2	100						NP
	7.5	GP-GM	Bag	4		71	22	7			

6.0 SITE PREPARATION AND GRADING

6.1 General

Site preparation will consist of the removal of any surface vegetation, topsoil, and any other deleterious materials from beneath an area extending out at least 3 feet beyond new structures and 2 feet beyond pavements. Trees and their associated root bulbs will require deeper removal depths.

All non-engineered fill, if/where encountered, must be removed below buildings but may remain below pavement areas if; free of debris and deleterious materials, nor more than 3 feet thick, subsequent site grading fills are not more than 3 feet thick, and if properly prepared. Proper preparation of existing fills below pavements will consist of the scarification of the upper 12 inches followed by moisture preparation and re-compaction to the requirements of structural fill. Onsite fine-grained soils (silts/clays) are moisture sensitive and may be difficult to control proper moisture content for recompacting especially during wet and cold periods of the year. Where compaction of onsite fine-grained soils becomes difficult the recommended 12-inches of prepared soils may be removed and replaced with imported granular structural fill. Even with proper preparation, pavements over some remaining thickness of non-engineered fill may experience some settlement over time. If this is not tolerable then the entire sequence of non-engineered fill must be removed.

Subsequent to stripping and prior to the placement of floor slabs, foundations, structural site grading fills, exterior flatwork, and pavements, the exposed subgrade must be proofrolled by passing moderate-weight rubber tire-mounted construction equipment over the surface at least twice. If excessively soft or otherwise unsuitable soils are encountered beneath footings, they must be completely removed. If removal depth

required is greater than 2 feet below footings, CMT must be notified to provide further recommendations. In pavement, floor slab, and outside flatwork areas, unsuitable natural soils should be removed to a maximum depth of 2 feet and replaced with compacted granular structural fill. Fills must be handled as described above.

The site should be examined by a CMT geotechnical engineer to assess that suitable natural soils have been exposed and any deleterious materials, loose and/or disturbed soils have been removed/properly prepared, prior to placing site grading fills, footings, slabs, and pavements.

Any fill should be placed on relatively level surfaces and against relatively vertical surfaces. Thus, where the existing slope is steeper than about 5H:1V (Horizontal:Vertical), the existing ground should be benched to create horizontal and vertical surfaces for receiving the fill. We recommend maximum bench heights of about 2 feet.

6.2 Temporary Excavations

Temporary construction excavations in cohesive soil, not exceeding 4 feet in depth and above or below the groundwater table, may be constructed with near-vertical sideslopes. Temporary excavations up to 8 feet deep in fine-grained cohesive soils, above or below the water table, may be constructed with sideslopes no steeper than one-half horizontal to one vertical (0.5H:1V). Excavations deeper than 8 feet are not anticipated at the site.

For granular (cohesionless) soils, construction excavations above the water table, not exceeding 4 feet, should be no steeper than one-half horizontal to one vertical (0.5H:1V). Excavations encountering saturated cohesionless soils will be very difficult and will require very flat sideslopes and/or shoring, bracing and dewatering as these soils will tend to flow into the excavation.

To reduce disturbance of the natural soils during excavation, we recommend that smooth edge buckets/blades be utilized.

All excavations must be inspected periodically by qualified personnel. If any signs of instability or excessive sloughing are noted, immediate remedial action must be initiated. All excavations should be made following OSHA safety guidelines.

6.3 Fill Material

Structural fill is defined as all fill which will ultimately be subjected to structural loadings, such as imposed by footings, floor slabs, pavements, etc. Structural fill will be required as backfill over foundations and utilities, as site grading fill, and possibly as replacement fill below footings. All structural fill must be free of sod, rubbish, topsoil, frozen soil, and other deleterious materials.

Following are our recommendations for the various fill types we project will be used at this site:

Fill Material Type	Description/Recommended Specification
Structural Fill	Placed below structures, flatwork and pavement. Well-graded sand/gravel mixture, with maximum particle size of 4 inches, a minimum 70% passing 3/4-inch sieve, a maximum 20% passing No. 200 sieve, and a maximum Plasticity Index of 10.
General Site Grading Fill	Placed over larger areas to raise the site grade, with a maximum particle size of 6 inches, a minimum 70% passing 3/4-inch sieve, a maximum 50% passing No. 200 sieve and Plastic Index less than 18 percent.
Non-Structural Fill	Placed below non-structural areas, such as landscaping. On-site soils, including silt/clay soils not containing excessive amounts of degradable/organic material (see discussion below).
Stabilization Fill	Placed to stabilize soft areas prior to placing structural fill and/or site grading fill. Coarse angular gravels and cobbles 1 inch to 8 inches in size. May also use 1.5- to 2.0-inch gravel placed on stabilization fabric, such as Mirafi RS280i or equivalent.

Onsite soils may be re-utilized as structural site grading fill if processed to meet the requirements for such. Note that fine grained soils are generally moisture-sensitive, including on-site clay soils, and are inherently more difficult to work with and properly moisture condition (they are very sensitive to changes in moisture content), requiring very close moisture control during placement and compaction. This will be very difficult, if not impossible, during wet and cold periods of the year.

6.4 Fill Placement and Compaction

The various types of compaction equipment available have their limitations as to the maximum lift thickness that can be compacted. For example, hand operated equipment is limited to lifts of about 4 inches and most “trench compactors” have a maximum, consistent compaction depth of about 6 inches. Large rollers, depending on soil and moisture conditions, can achieve compaction at 8 to 12 inches. The full thickness of each lift should be compacted to at least the following percentages of the maximum dry density as determined by ASTM D-1557 (or AASHTO³ T-180) in accordance with the following recommendations:

³ American Association of State Highway and Transportation Officials

Location	Total Fill Thickness (feet)	Minimum Percentage of Maximum Dry Density
Beneath an area extending at least 3 feet beyond the perimeter of structures, and below flatwork and pavement (applies to structural fill and site grading fill)	0 to 5	95
	5 to 8	98
Site grading fill outside area defined above	0 to 5	92
	5 to 8	95
Utility trenches within structural areas	--	96
Roadbase and subbase	-	96
Non-structural fill	0 to 5	90
	5 to 8	92

Structural fills greater than 8 feet thick are not anticipated at the site. For best compaction results, we recommend that the moisture content for structural fill/backfill be within 2% of optimum. Field density tests should be performed on each lift as necessary to verify that proper compaction is being achieved.

6.5 Utility Trenches

For the bedding zone around the utility, we recommend utilizing sand bedding fill material that meets current APWA⁴ requirements.

All utility trench backfill material below structurally loaded facilities (flatwork, floor slabs, roads, etc.) shall be placed at the same density requirements established for structural fill. If the surface of the backfill becomes disturbed during the course of construction, the backfill shall be proofrolled and/or properly compacted prior to the construction of any exterior flatwork over a backfilled trench. Proofrolling shall be performed by passing moderately loaded rubber tire-mounted construction equipment uniformly over the surface at least twice. If excessively loose or soft areas are encountered during proofrolling, they shall be removed to a maximum depth of 2 feet below design finish grade and replaced with structural fill.

Most utility companies and City-County governments are now requiring that Type A-1a or A-1b (AASHTO Designation – basically granular soils with limited fines) soils be used as backfill over utilities. These organizations are also requiring that in public roadways the backfill over major utilities be compacted over the full depth of fill to at least 96 percent of the maximum dry density as determined by the AASHTO T-180 (ASTM D-1557) method of compaction. We recommend that as the major utilities continue onto the site that these compaction specifications are followed.

In private utility areas, existing fill soils and natural soils may be re-utilized as trench backfill over the bedding layer provided that they are properly moisture prepared and compacted to the minimum requirements stated in **Section 6.4 Fill Placement and Compaction**.

⁴ American Public Works Association

6.6 Soil Stabilization

To stabilize soft subgrade conditions (if encountered), a mixture of coarse, clean, angular gravels and cobbles and/or 1.5- to 2.0-inch clean gravel should be utilized. Often the amount of gravelly material can be reduced with the use of a geotextile fabric such as Mirafi RS280i, or equivalent. Its use will also help avoid mixing of the subgrade soils with the gravelly material. After excavating the soft/disturbed soils, the fabric should be spread across the bottom of the excavation and up the sides a minimum of 18 inches. Otherwise, it should be placed in accordance with the manufacturer's recommendation, including proper overlaps. The gravel material can then be placed over the fabric in compacted lifts as described above.

7.0 FOUNDATION RECOMMENDATIONS

Based on our geotechnical engineering analyses, the proposed structures may be supported upon conventional spread and/or continuous wall foundations placed on suitable, undisturbed natural soils and/or on structural fill extending to suitable natural soils. Footings may be designed using a net bearing pressure of 1,500 psf if placed on suitable, undisturbed, natural soils or structural fill extending to suitable natural soils.

The term "net bearing pressure" refers to the pressure imposed by the portion of the structure located above lowest adjacent final grade, thus the weight of the footing and backfill to lowest adjacent final grade need not be considered. The allowable bearing pressure may be increased by 1/3 for temporary loads such as wind and seismic forces.

We also recommend the following:

1. Exterior footings subject to frost should be placed at least 30 inches below final grade.
2. Interior footings not subject to frost should be placed at least 16 inches below grade.
3. Continuous footing widths should be maintained at a minimum of 18 inches.
4. Spot footings should be a minimum of 24 inches wide.

7.2 Installation

Under no circumstances shall foundations be placed on undocumented fill, topsoil with organics, sod, rubbish, construction debris, other deleterious materials, frozen soils, or within ponded water.

Deep, large roots may be encountered where trees and larger bushes are located or were previously located at the site; such large roots should be removed. If unsuitable soils are encountered, they must be completely removed and replaced with properly compacted structural fill. Excavation bottoms should be examined by a qualified geotechnical engineer to confirm that suitable bearing materials soils have been exposed.

All structural fill should meet the requirements for such, and should be placed and compacted in accordance with **Section 6** above. The width of structural replacement fill below footings should be equal to the width of the footing plus 1 foot for each foot of fill thickness. For instance, if the footing width is 2 feet and the structural fill depth beneath the footing is 2 feet, the fill replacement width should be 4 feet, centered beneath the footing.

7.3 Estimated Settlement

Foundations designed and constructed in accordance with our recommendations could experience some settlement, but we anticipate that total settlements of footings founded as recommended above will not exceed 1 inch, with differential settlements on the order of 0.5 inches over a distance of 20 feet. We anticipate approximately 50% of the total settlement to initially take place during construction.

7.4 Lateral Resistance

Lateral loads imposed upon foundations due to wind or seismic forces may be resisted by the development of passive earth pressures and friction between the base of the footings and the supporting soils. In determining frictional resistance, a coefficient of 0.30 for natural clay soils or 0.40 for granular structural fill, may be utilized for design. Passive resistance provided by properly placed and compacted granular structural fill above the water table may be considered equivalent to a fluid with a density of 250 pounds per cubic foot.

A combination of passive earth resistance and friction may be utilized provided that the friction component of the total is divided by 1.5.

8.0 LATERAL EARTH PRESSURES

For basement walls/retaining walls or utility boxes up to about 8 feet tall the following lateral pressure discussion is provided. Parameters, as presented within this section, are for backfills which will consist of drained soil placed and compacted in accordance with the recommendations presented herein.

The lateral pressures imposed upon subgrade facilities will, therefore, be basically dependent upon the relative rigidity and movement of the backfilled structure. For active walls, such as retaining walls which can move outward (away from the backfill), backfill may be considered equivalent to a fluid with a density of 40 pounds per cubic foot in computing lateral pressures. For more rigid walls (moderately yielding), backfill may be considered equivalent to a fluid with a density of 50 pounds per cubic foot. For very rigid non-yielding walls, granular backfill should be considered equivalent to a fluid with a density of at least 60 pounds per cubic foot. The above values assume that the surface of the soils slope behind the wall is horizontal and that the fill within 3 feet of the wall will be compacted with hand-operated compacting equipment.

For seismic loading of retaining/below-grade walls, the following uniform lateral pressures, in pounds per square foot (psf), should be added based on wall depth and wall case.

Uniform Lateral Pressures			
Wall Height (Feet)	Active Pressure Case (psf)	Moderately Yielding Case (psf)	At Rest/Non-Yielding Case (psf)
4	26	52	79
6	39	79	118
8	52	105	158

9.0 FLOOR SLABS

Floor slabs may be established upon suitable, undisturbed, natural soils and/or on structural fill extending to suitable natural soils (same as for foundations). Under no circumstances shall floor slabs be established directly on any topsoil, non-engineered fills, potentially collapsible soil, loose or disturbed soils, sod, rubbish, construction debris, other deleterious materials, frozen soils, or within ponded water.

In order to facilitate curing of the concrete, we recommend that floor slabs be directly underlain by at least 4 inches of “free-draining” fill, such as “pea” gravel or 3/4-inch to 1-inch minus, clean, gap-graded gravel. To help control normal shrinkage and stress cracking, the floor slabs may include the following features:

1. Adequate reinforcement for the anticipated floor loads with the reinforcement continuous through interior floor joints;
2. Frequent crack control joints; and
3. Non-rigid attachment of the slabs to foundation walls and bearing slabs.

10.0 DRAINAGE RECOMMENDATIONS

10.1 Surface Drainage

It is important to the long-term performance of foundations and floor slabs that water not be allowed to collect near the foundation walls and infiltrate into the underlying soils. We recommend the following:

1. All areas around the structure should be sloped to provide drainage away from the foundations. We recommend a minimum slope of 4 inches in the first 10 feet away from the structure. This slope should be maintained throughout the lifetime of the structure.
2. All roof drainage should be collected in rain gutters with downspouts designed to discharge at least 10 feet from the foundation walls or well beyond the backfill limits, whichever is greater.
3. Adequate compaction of the foundation backfill should be provided. We suggest a minimum of 90% of the maximum laboratory density as determined by ASTM D-1557. Water consolidation methods should not be used under any circumstances.

4. Landscape sprinklers should be aimed away from the foundation walls. The sprinkling systems should be designed with proper drainage and be well-maintained. Over watering should be avoided.
5. Other precautions that may become evident during construction.

11.0 PAVEMENTS

All pavement areas must be prepared as discussed above in **Section 6.1**. We anticipate the natural silt/clay soils will exhibit poor pavement support characteristics when saturated or nearly saturated. Based on our laboratory testing experience with similar soils, our pavement design utilized a California Bearing Ratio (CBR) of 3 for the natural silt/clay soils.

Site pavements are anticipated to consist primarily of flexible (asphalt concrete) pavement. Some Concrete aprons may be necessary for loading/unloading zones. All pavement areas must be prepared as discussed above in **Section 6.1**.

Given the projected traffic as discussed above in **Section 1.3**, the following pavement sections are recommended for approximately 4 ESAL's (18-kip equivalent single-axle loads) per day:

MATERIAL	PAVEMENT SECTION THICKNESS (inches)		
Asphalt	3	3	---
Rigid Concrete (PCC)	---	---	5
Road-Base	11	6	6
Subbase	0	7	---
Total Thickness	14	16	11

Untreated base course (UTBC) should conform to city specifications, or to 1-inch-minus UDOT specifications for A-1-a/NP, and have a minimum CBR value of 70%. Subbase shall consist of a granular soil with a minimum CBR of 30%. Roadbase and subbase material should be compacted as recommended above in **Section 6.4** Fill Placement and Compaction of this report. Asphalt material generally should conform to APWA requirements, having a ½-inch maximum aggregate size, containing no more than 15% of recycled asphalt (RAP) and a PG58-28 binder. The asphalt pavement should be compacted to 96% of the maximum density for the asphalt material.

Rigid pavement sections are for non-reinforced Portland cement concrete. Pavement and site concrete should be designed in accordance with the American Concrete Institute (ACI) and joint details should conform to the Portland Cement Association (PCA) guidelines. The concrete should have a minimum 28-day unconfined compressive strength of 4,000 pounds per square inch and contain 6 percent ±1 percent air-entrainment.

12.0 QUALITY CONTROL

We recommend that CMT be retained to as part of a comprehensive quality control testing and observation program. With CMT on-site we can help facilitate implementation of our recommendations and address, in a timely manner, any subsurface conditions encountered which vary from those described in this report. Without such a program CMT cannot be responsible for application of our recommendations to subsurface conditions which may vary from those described herein. This program may include, but not necessarily be limited to, the following:

12.1 Field Observations

Observations should be completed during all phases of construction such as site preparation, foundation excavation, structural fill placement and concrete placement.

12.2 Fill Compaction

Compaction testing by CMT is required for all structural supporting fill materials. Maximum Dry Density (Modified Proctor, ASTM D-1557) tests should be requested by the contractor immediately after delivery of any fill materials. The maximum density information should then be used for field density tests on each lift as necessary to ensure that the required compaction is being achieved.

12.3 Excavations

All excavation procedures and processes should be observed by a geotechnical engineer from CMT or their representative. In addition, for the recommendations in this report to be valid, all backfill and structural fill placed in trenches and all pavements should be density tested by CMT. We recommend that freshly mixed concrete be tested by CMT in accordance with ASTM designations.

13.0 LIMITATIONS

The recommendations provided herein were developed by evaluating the information obtained from the subsurface explorations and soils encountered therein. The exploration logs reflect the subsurface conditions only at the specific location at the particular time designated on the logs. Soil and ground water conditions may differ from conditions encountered at the actual exploration locations. The nature and extent of any variation in the explorations may not become evident until during the course of construction. If variations do appear, it may become necessary to re-evaluate the recommendations of this report after we have observed the variation.

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. This warranty is in lieu of all other warranties, either expressed or implied.



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for final approval of the Taylor Landing Cluster Subdivision Phase 1A and Phase 2, consisting of 48 lots and the dedication of Phase 1 and Phase 2 open space.

Agenda Date: Tuesday, November 10, 2020

Applicant: Jessica Prestwich

File Number: LVT031120

Property Information

Approximate Address: 4000 W 2200 S

Project Area: Phase 1A: 8.52 Acres
Phase 2: 5.46 Acres

Zoning: Agricultural (A-1)

Existing Land Use: Agricultural

Proposed Land Use: Residential

Parcel ID: 15-078-0110

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

Adjacent Land Use

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

Staff Information

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

Report Reviewer: SB

Applicable Ordinances

- Title 101 (General Provisions) Section 7 (Definitions)
- Title 104 (Zones) Chapter 5 (Agricultural (A-1) Zone)
- Title 106 (Subdivisions)
- Title 108 (Standards) Chapter 3 (Cluster Subdivision)

Background and Summary

The applicant presented the overall cluster subdivision sketch plan on February 11, 2020. The applicant then submitted for preliminary approval based on the sketch plan design. The proposed subdivision included 5 phases and requested a 50% bonus density to create a total of 156 lots and a total of 55.95 acres of agricultural open space. Preliminary approval was denied by the Western Weber Planning Commission during their May 12, 2020 meeting based on findings that the proposed design did not prioritize the most prime agricultural land within the subdivision boundary for preservation. The Planning Commission's denial of preliminary approval was then appealed by the applicant to the County Commission. This appeal was heard by the County Commission during their June 16, 2020 meeting and resulted in the overturning of the Planning Commission's denial of preliminary approval by a County Commission vote of 2 to 1. With preliminary approval granted by the County Commission, the applicant is now requesting final approval of Phase 1A & Phase 2 (see **Exhibits A & B**).

The proposed Phase 1A and Phase 2 is consistent with the approved preliminary plan and consists of 48 lots (Phase 1A = 28 lots; Phase 2 = 20 lots) totaling 13.98 acres of developed land. This request for final approval also requires the dedication of a proportionate amount of open space (58.25%, per the preliminary/open space plan) consisting of 18.89 acres.

Analysis

General Plan: The Western Weber General Plan supports cluster type development as a means to preserve open space (see page 2-12 of the Western Weber General Plan).

Zoning: The subject property is located in the Agricultural Zone (A-1), the purpose of this zone is stated in the LUC §104-5-1.

“The purpose of the A-1 Zone is to designate farm areas, which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low-density residential development in a continuing rural environment.”

The proposal has been reviewed against the adopted zoning, subdivision, and cluster subdivision ordinances to ensure that the regulations and standards have been adhered to. The proposed subdivision, based on the recommended conditions, is in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: Cluster subdivisions are listed as a permitted use with the A-1 Zone. A cluster subdivision requires a minimum lot area of 9,000 sq. ft. for a single family dwelling and a minimum lot width of 60 feet in the A-1 zone. The minimum yard set-backs for a single family dwelling are 20 feet on the front and rear, and a side yard of 8 feet (20 feet for a side yard adjacent to a street). The proposed lot sizes within Phase 1A and Phase 2 will range from 9,000 to 11,816 sq. ft. and lot widths range from 71 to 117 feet.

Common and Open Space: The proposal includes 12.81 acres of agricultural open space for all of Phase 1 and 6.08 acres of agricultural open space for all of Phase 2 that will be individually owned and leased for agricultural production. Per LUC 108-3-5(f)(3), an agreement shall be recorded with the final plats to the title of all open space preservation parcels that details the open space preservation plan and any conditions necessary to execute the open space preservation plan.

Bonus Density Criteria Request: The applicant has been granted a 50% density bonus as outlined as part of the preliminary approval and “Open Space Preservation Plan” (see **Exhibit C**). The bonus density is based on meeting the bonus density requirements outlined in LUC§108-3-8:

- (a) *Western Weber Planning Area bonus density. In the Western Weber Planning Area, bonus density shall be awarded as a percentage increase over base density for subdivisions that meet the conditions in this subsection (a). No bonus shall be awarded for a subdivision with a gross acreage of less than ten acres. For subdivisions with a gross acreage of ten acres or more, the bonus density percentage shall equal the gross acreage of the subdivision, up to a maximum of 50 percent. To qualify for bonus density, a subdivision shall:*
 - (1) *Provide a minimum 50 percent open space of the net developable acreage, as defined in section 101-1-7.*
 - (2) *Provide one street tree of at least two-inch caliper, from a species list as determined by county policy, every 50 feet on both sides of each street within the subdivision boundaries. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to the 50-foot spacing as otherwise reasonably possible, provided compliance with the clear view triangle as defined in section 108-7-7.*
 - (3) *Comply with all provisions of title 108, chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area that receives bonus density. A note shall be placed on the final subdivision plat indicating this requirement.*

Culinary water and sanitary sewage disposal: Preliminary will-serve letters have been provided by Taylor West Weber Water and Hooper Irrigation Company the culinary water and secondary water connections. Wastewater disposal systems (sewer) for the proposed subdivision will be served by the Central Weber Sewer Improvement District. Final letters of approval will need to be submitted by each of these providers prior to recording the final plat.

Other Design Considerations: Following preliminary approval, county engineering and planning staff requested that the proposed 3940 West Street within Phase 1A be redesigned into a hammerhead terminus in order to not connect to 2200 South as originally proposed. This was required out of concern regarding the close proximity (less than 500 feet) of the adjacent 3900 West connection to 2200 South. The slight modification has caused slight shifts in the amount of right-of-way being dedicated within the project as a whole. Subsequently, the open space calculations have been slightly adjusted as well, but still far exceed the 50% dedication requirement for the project as a whole.

Review Agencies: This proposal has been reviewed by all County reviewing agencies. Any remaining comments and conditions will need to be addressed prior to recording the final plat.

Tax clearance: The 2019 property taxes have been paid in full. 2020 taxes are now due and must be paid prior to recording of final plats.

Public Notice: Noticing requirements, according to LUC 106-1-6(c), have been met by mailing notices out to all property owners of record within 500 feet of the subject property prior to preliminary approval.

Planning Division Recommendation

The Planning Division recommends final approval of the Taylor Landing Cluster Subdivision Phase 1A and Phase 2 based on the proposed plan adhering to the requirements of the Weber County Land Use Codes including the design standards in the Cluster Subdivision Ordinance. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. An HOA shall be established and properly registered with the State of Utah. Associated Covenants, Conditions and Restrictions (CC&R's) shall be reviewed and approved prior to being recorded simultaneously with the final mylars.
2. Per LUC 108-3-5(f)(3), an agreement shall be recorded with the final plats to the title of all open space preservation parcels that details the open space preservation plan and any conditions necessary to execute the open space preservation plan.
3. The small open-space parcel containing the required sewer lift station shall be deeded over to the County simultaneously with the recording of the final plat.
4. Final letters of approval shall be submitted from Taylor West Weber Water, Hooper Irrigation Company, and the Central Weber Sewer Improvement District prior to recording the final plat.
5. Approved subdivision improvements shall be installed, or an escrow established for their installation prior to recording the final plat.
6. Property taxes that are currently due for 2020 shall be paid in full prior to recording any final plats.

This recommendation is based on the following findings:

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

Exhibits

- A. Phase 1A Final Plat
- B. Phase 2 Final Plat
- C. Open Space Preservation Plan

Location map

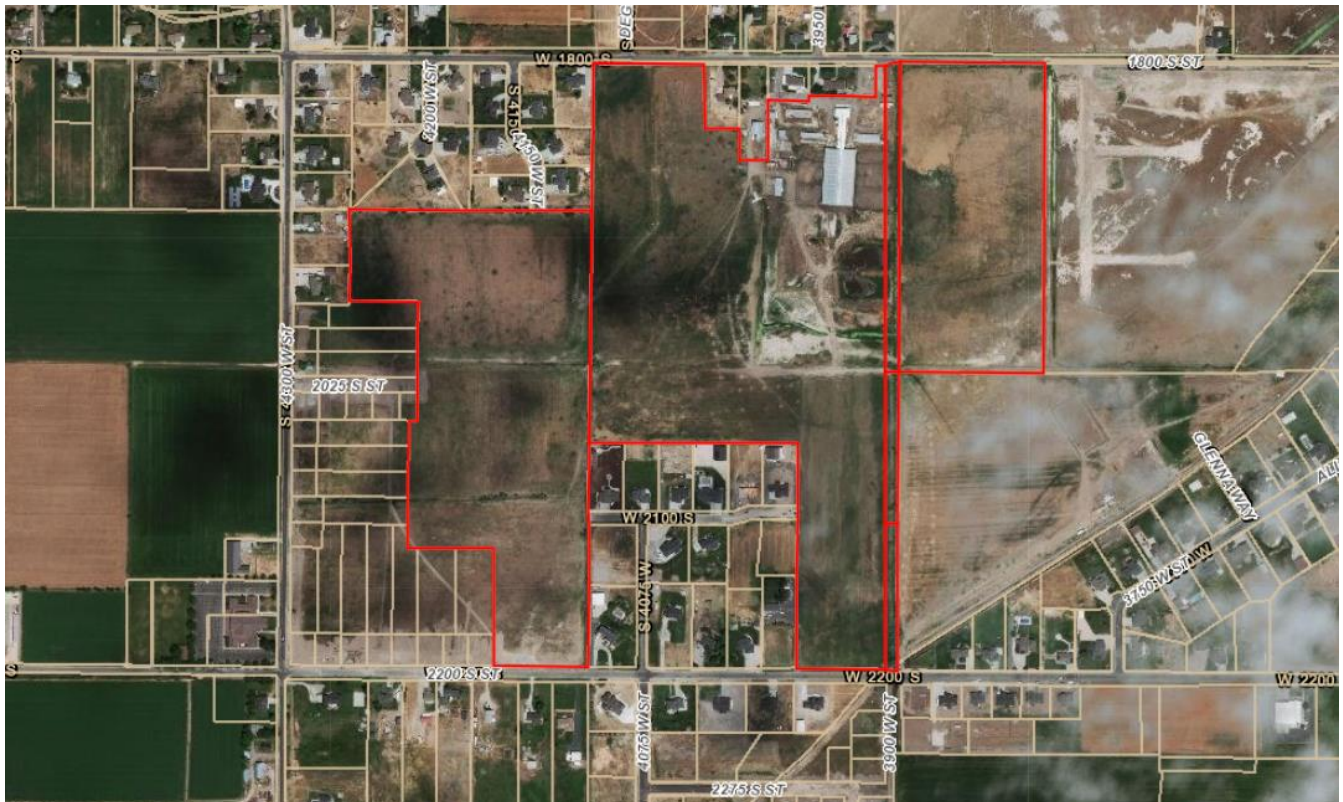
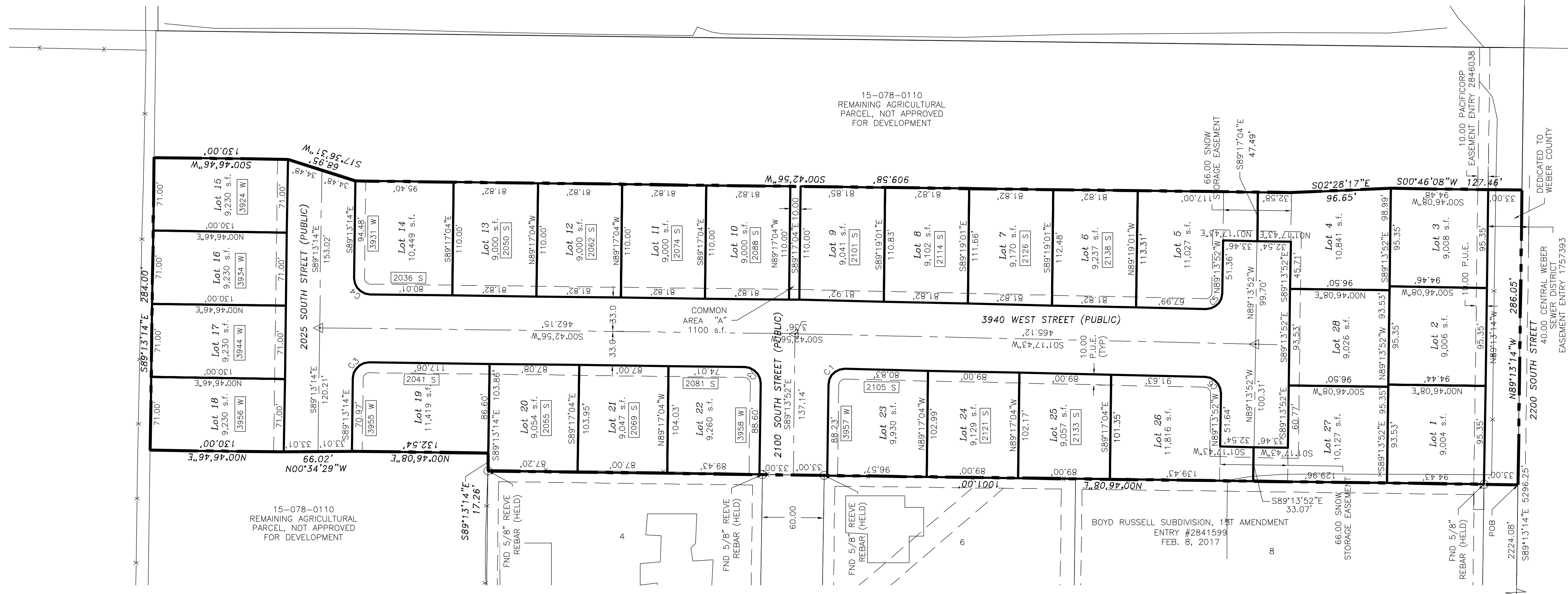
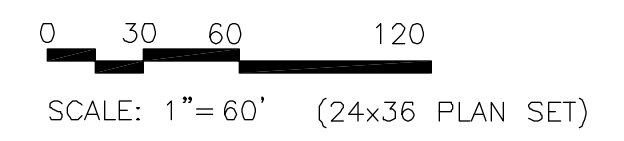
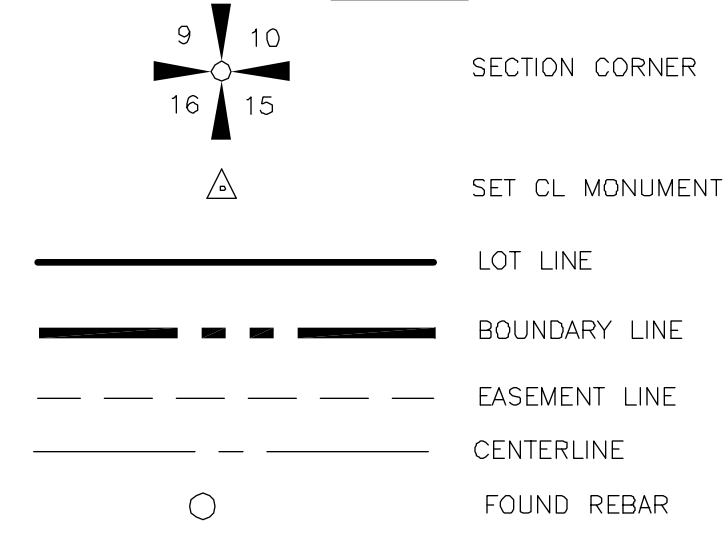


Exhibit A

TAYLOR LANDING PHASE 1A A CLUSTER SUBDIVISION PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN WEBER COUNTY, UTAH FINAL PLAT

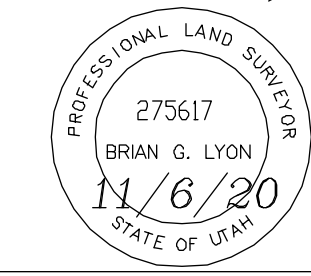
LEGEND



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	24.49	15.50	90°31'35"	N43°58'05"W	22.02
C2	24.36	15.50	90°03'12"	N45°44'32"E	21.93
C3	24.33	15.50	89°56'10"	N44°15'09"W	21.91
C4	24.36	15.50	90°03'50"	S45°44'51"W	21.93
C5	24.28	15.50	89°44'35"	S44°21'35"E	21.87
C6	24.20	15.50	89°28'25"	N46°10'15.5"E	21.82

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act, and I have completed a survey of the property described on this plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby subdivided said tract into four (4) lots, known hereafter as TAYLOR LANDING PHASE 1A, A CLUSTER SUBDIVISION located in Pleasant View City, Weber County, Utah and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said subdivision, based upon data compiled from records in the Weber County Recorder's Office and from said survey made by me on the ground.



BOUNDARY DESCRIPTION

Part of the East Half of the Northwest Quarter of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian described as follows:

Commencing at the West Quarter Corner of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence S 89°13'14" E 2224.08 feet along the south line of the Northwest Quarter of said Section 28 to the POINT OF BEGINNING and running

thence N 00°46'08" E 1,001.00 feet along the east line of Boyd Russell Subdivision, 1st Amendment and its projection thereof;
thence S 89°13'14" E 17.26 feet;
thence N 00°46'08" E 132.54 feet;
thence N 00°34'29" W 66.02 feet;
thence S 00°46'46" E 130.00 feet;
thence S 89°13'14" E 284.00 feet;
thence S 00°46'46" W 130.00 feet;
thence S 17°36'31" W 68.95 feet;
thence S 00°42'56" W 909.58 feet;
thence S 02°28'17" E 96.65 feet;
thence S 00°46'08" W 127.46 feet to the south line of the Northwest Quarter of said Section 28;
thence N 89°13'14" W 286.05 feet along said south line to the point of beginning, containing 8.52 acres, more or less.

OWNER'S DEDICATION

Know all by these presents that we the undersigned owners of the above-described tract of land, having caused the same to be subdivided into lots and streets to hereafter be known as TAYLOR LANDING, PHASE 1A.
Do hereby dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares.
Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereof as public utility, drainage easements and canal maintenance easement, the same to be used for the installation maintenance and operation of public utility service lines, storm drainage facilities, irrigation canals for the perpetual preservation of water channels in their natural state whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements.
Grant and convey to the subdivision lot owners association Common Area "A" to be used for recreational and open space purposes for the benefit of each lot owners association member in common with all others in the subdivision and grant and dedicate to the county a perpetual open space right and easement on and over Common Area "A" to guarantee to Weber County that the common area remain open and undeveloped except for approved recreational, parking and open space purposes.
Dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan.
In witness whereof, we have hereunto set our hands this _____ day of _____, 2020.

Doug Nosler, Manager
3900 WEST/TAYLOR PARTNER, LLC

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF _____ } ss

On this _____ day of _____ A.D. 2020, personally appeared before me, Jay Stocking who being by me duly sworn did say, for himself that he is the Manager of 3900 WEST/TAYLOR PARTNER, LLC, a Utah Limited Liability Company, and that the within and foregoing instrument was signed on behalf of said Limited Liability Companies.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
RESIDING AT _____

COUNTY RECORDER

State of Utah, County of Weber, recorded and filed at the request of _____
Date _____ Time _____ Fee _____
Entry _____

Index _____
Filed in: File of plats _____ County Recorder _____

WEBER COUNTY ATTORNEY

I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect.

Signed this _____ day of _____, 2020.

County Attorney

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who execute this plat from the responsibilities and/or liabilities associated therewith.

Signed this _____ day of _____, 2020.

Weber County Surveyor

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the _____ day of _____, 2020.

Chairman, Weber County Planning Commission

SURVEYOR'S NOTES NARRATIVE

1. The purpose of this survey was to subdivide part of parcel 15-078-0110 into 27 lots. The survey was requested by Jay Stocking of Sierra Homes.
2. The basis of bearing is S 89°13'14" E between the West Quarter Corner and East Quarter Corner of Section 28, Township 6 North, Range 2 West, Salt Lake Base and Meridian.
3. The south line was established along the south line of the Southwest Quarter of said Section 28. The north right of way line of 2200 South Street was established 33' north and parallel with said quarter section line. This line lines up with the right of way line of the Boyd Russell Subdivision, 1st Amendment recorded in the Weber County Recorder's office under Entry 2841599 on February 8, 2017. The west line of the subdivision was established along the east line of the said Boyd Russell Subdivision, 1st Amendment, Boyd Russell Subdivision was established using section control and found rebar as shown.

GENERAL NOTES

1. All Public Utility Easements shown as dashed lines shall be 10.00 foot wide unless otherwise indicated.
2. _____ rebar to be set at all rear property corners. Curb pins to be set at lot line projections along streets.
3. All development within this subdivision is subject to the requirements of Section 108-16 "Outdoor Lighting" of the Weber County Land Use Code.
4. Street trees of a species determined by Weber County Policy are required every 50 feet on both sides of the street within the subdivision boundary. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to 50-foot spacing as otherwise reasonable possible, provided compliance with the clear view triangle as defined in Section 108-7-7 of Weber County Land Use Code.

AGRICULTURAL NOTE

Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

WEBER COUNTY ENGINEER

I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.

Signed this _____ day of _____, 2020.

Weber County Engineer

WEBER COUNTY COMMISSION ACCEPTANCE

This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this _____ day of _____, 2020.

Chairman, Weber County Commission
Attest: _____
Title: _____

PROJECT TITLE
**TAYLOR LANDING PHASE 1A
A CLUSTER SUBDIVISION**
PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN, WEBER COUNTY, UTAH

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
alliance@alliancece.com

Developer:
Heritage Land Development
470 North 2450 West
Tremonton, Utah 84337

No.	REVISIONS / SUBMISSIONS	DATE

DRAWN BY: _____ PROJECT NO.: _____
REVIEWED BY: _____ CAD FILE: _____

SPANNING TITLE
**TAYLOR LANDING PHASE 1A
A CLUSTER SUBDIVISION**
PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN, WEBER COUNTY, UTAH

DATE: OCT. 29, 2020
DRAWING No. 1
1 of 2

Exhibit A

TAYLOR LANDING PHASE 1A
A CLUSTER SUBDIVISION

PART OF THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 6 NORTH, RANGE 2 WEST,
SALT LAKE BASELINE AND MERIDIAN
WEBER COUNTY, UTAH

FINAL PLAT

OPEN SPACE PHASE I BOUNDARY DESCRIPTION

Part of the East Half of the Northwest Quarter of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian described as follows:

Commencing at the West Quarter Corner of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence S 89°13'14" E 2224.08 feet along the south line of the Northwest Quarter of said Section 28; thence N00°46'08" E 1001.00 feet; thence S 89°13'14" E 17.26 feet; thence N 00°46'08" E 132.54 feet; thence N 00°34'29" W 66.02 feet; thence N 00°46'46" E 130.00 feet; N89°13'14" W 362.04 feet to the POINT OF BEGINNING and running thence N 89°13'14" W 594.10 feet; thence N 00°48'18" E 100.00 feet; thence N 11°33'40" E 213.77 feet; thence N 00°49'48" E 353.36 feet to the Southeast Corner of Belmont Park Estates Subdivision, Phase 3; thence N 00°46'11" E 664.28 feet to the north line of the Northwest Quarter of said Section 28; thence S 89°07'58" E 314.43 feet along said north line; thence S 00°52'02" W 768.77 feet; thence S 89°32'33" E 236.27 feet; thence S 00°20'03" W 559.74 feet to the point of beginning, containing 12.81 acres, more or less.

NOTES:

TAYLOR LANDING OVERALL SUBDIVISION
TOTAL AREA: 109.63 ACRES
PUBLIC R-O-W: 13.55 ACRES
NET DEVELOPABLE GROUND: 96.08 ACRES
NET OPEN SPACE: 55.97 ACRES (58.25%)

PHASE 1 (INCLUDES PH1A AND FUTURE PH1B)
TOTAL AREA: 12.80 ACRES
PUBLIC R-O-W: 3.62 ACRES
NET DEVELOPABLE GROUND: 9.18 ACRES
NET OPEN SPACE: 12.81 ACRES (58.25%)

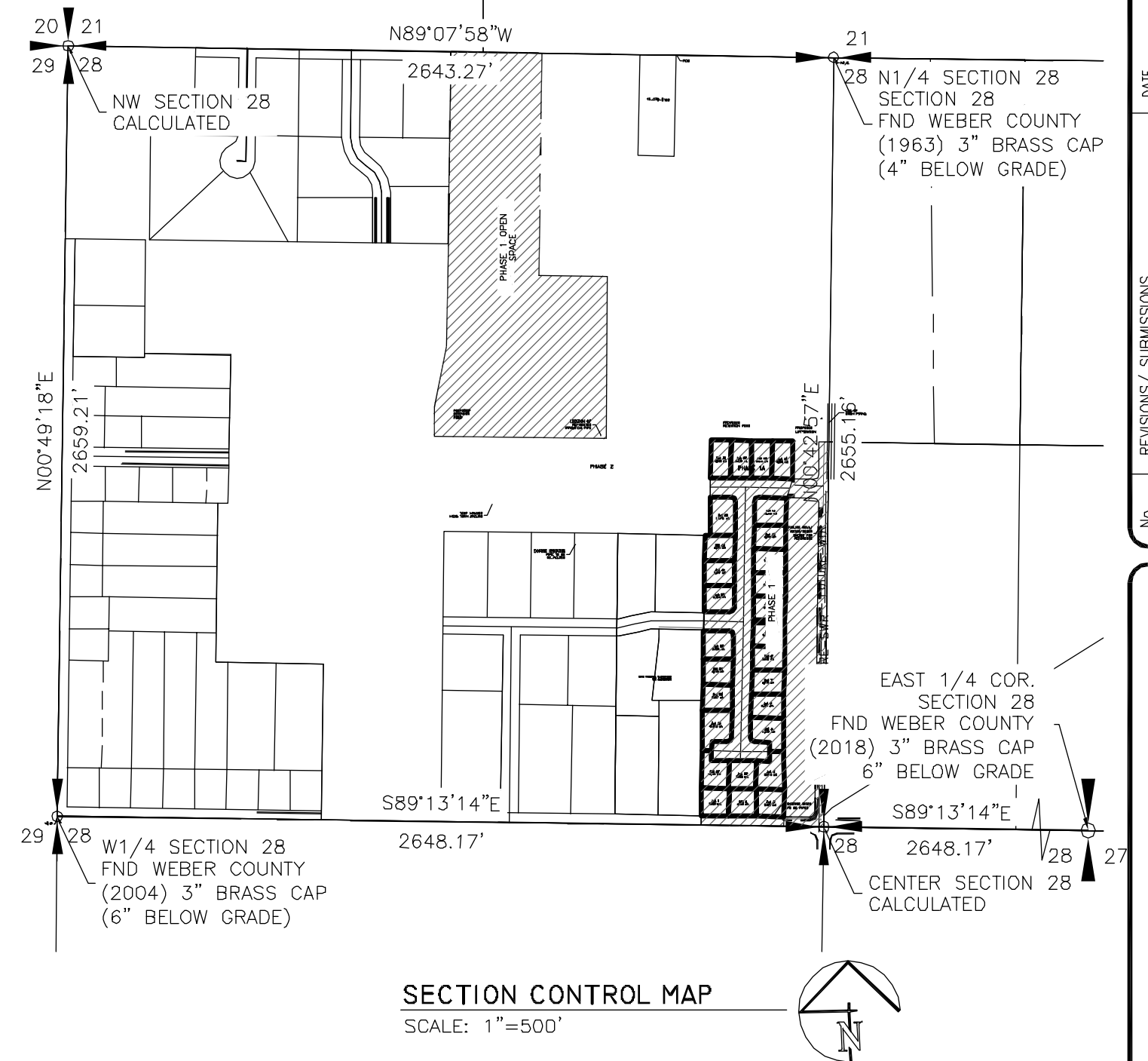
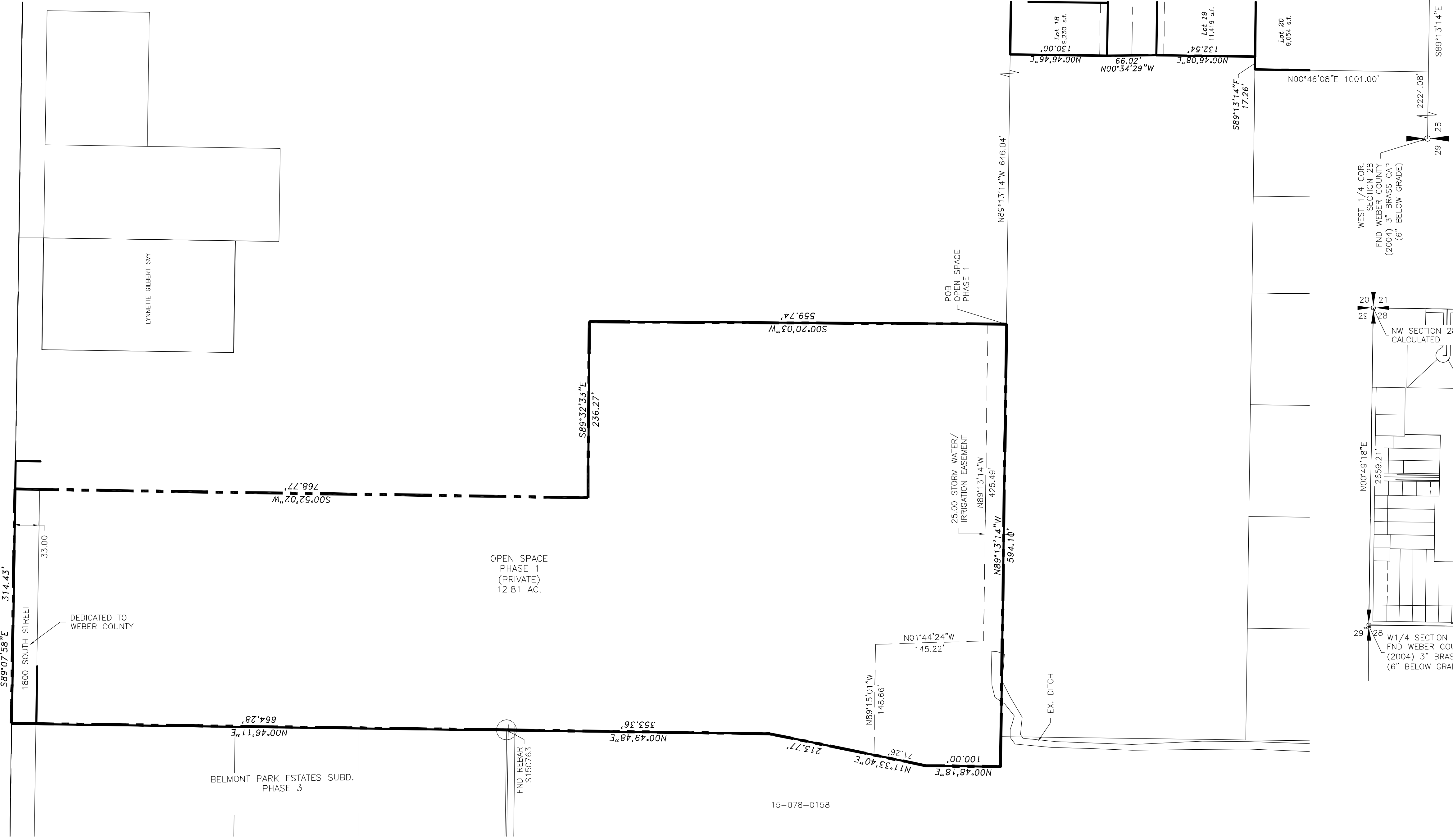
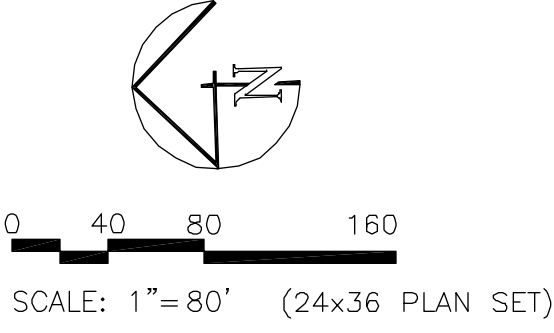
ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
alliancelogan@yahoo.com

Developer: Heritage Land Development
Tremonton, Utah 84337

No.	REVISIONS/SUBMISSIONS	DATE

PROJECT TITLE: TAYLOR LANDING PHASE 1A
A CLUSTER SUBDIVISION
PART OF THE NORTH HALF OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN, WEBER COUNTY, UTAH
DRAWING TITLE: FINAL PLAT

DATE: OCT.26,2020
DRAWING No. 2
2 of 2



SECTION CONTROL MAP
SCALE: 1"=500'

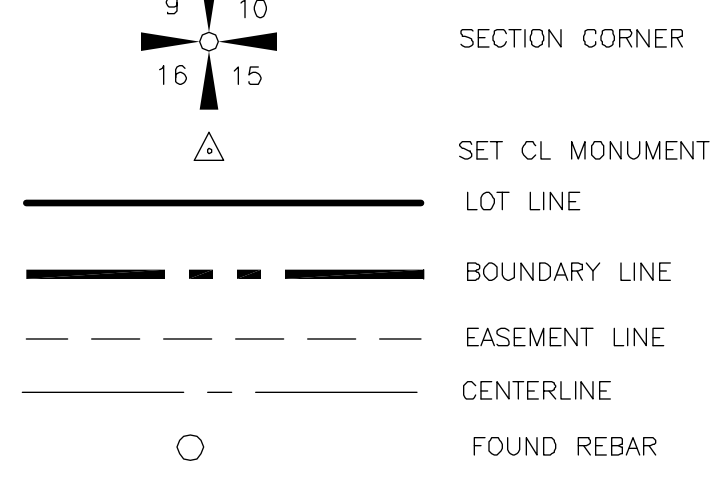
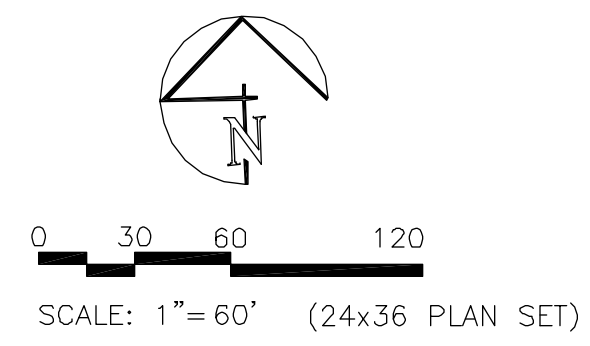
COUNTY RECORDER
State of Utah, County of Weber, recorded and filed at the request of _____
Date _____ Time _____ Fee _____
Entry _____

Index _____
Filed in: File of plats _____ County Recorder _____

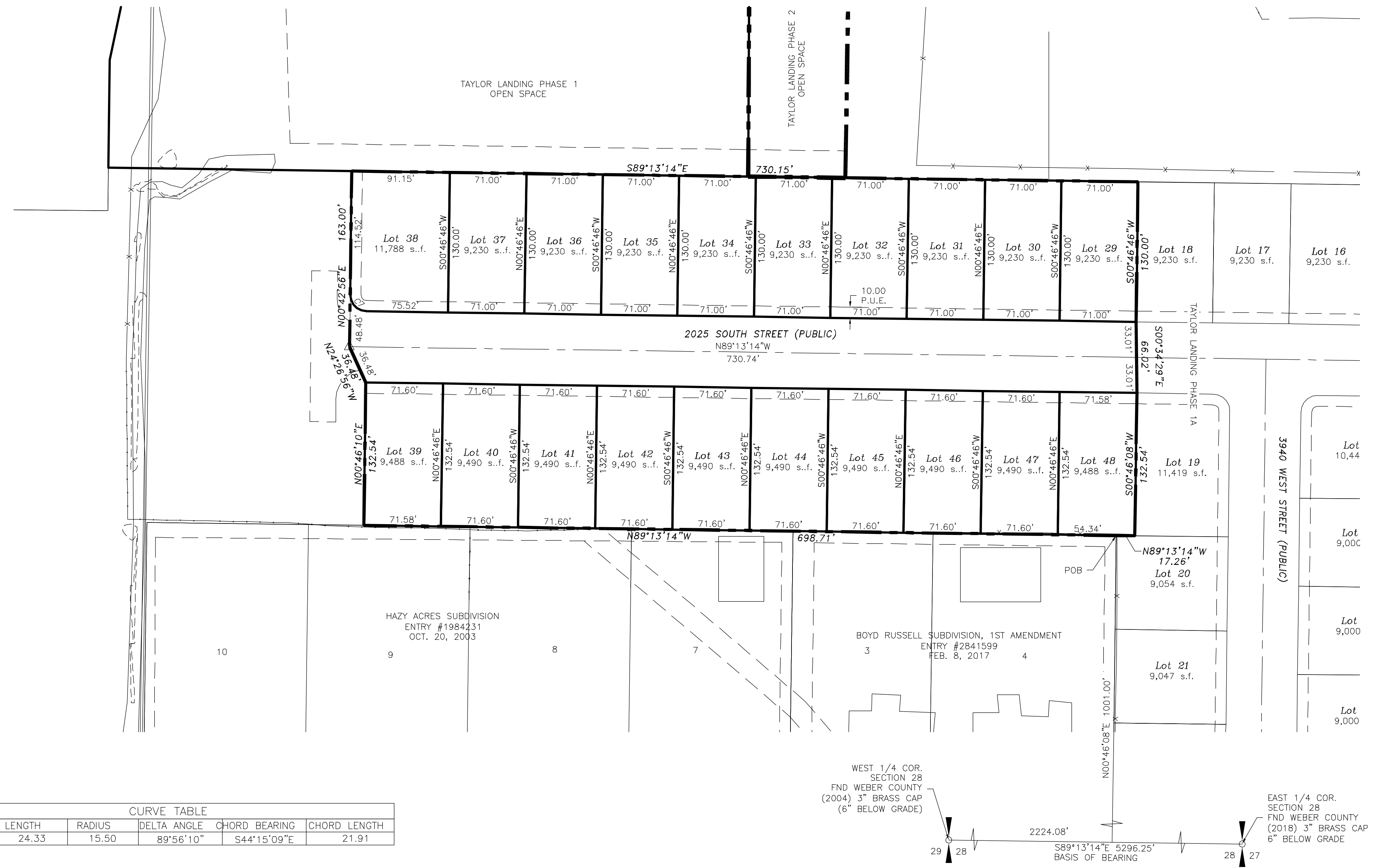
15-078-0158

Exhibit B

LEGEND



TAYLOR LANDING PHASE 2
A CLUSTER SUBDIVISION
PART OF THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 6 NORTH, RANGE 2 WEST,
SALT LAKE BASELINE AND MERIDIAN
WEBER COUNTY, UTAH
FINAL PLAT



CURVE TABLE with columns: CURVE, LENGTH, RADIUS, DELTA ANGLE, CHORD BEARING, CHORD LENGTH. Row 1: C7, 24.33, 15.50, 89°56'10", S44°15'09"E, 21.91

SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 275617, in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and I have completed a survey of the property described on this plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby subdivided said tract into four (4) lots, known hereafter as TAYLOR LANDING PHASE 2, A CLUSTER SUBDIVISION located in Pleasant View City, Weber County, Utah and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said subdivision, based upon data compiled from records in the Weber County Recorder's Office and from said survey made by me on the ground.



BOUNDARY DESCRIPTION

Part of the East Half of the Northwest Quarter of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian described as follows:
Commencing at the West Quarter Corner of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence S 89°13'14" E 2224.08 feet along the south line of the Northwest Quarter of said Section 28; thence N00°46'08"E 1001.00 feet to the POINT OF BEGINNING and running
thence N 89°13'14" W 698.71 feet along the north line of Boyd Russell Subdivision, 1st Amendment and Hazy Acres Subdivision; thence N 00°46'10" E 132.54 feet; thence N 24°26'56" W 36.48 feet; thence N 00°42'56" E 163.00 feet; thence S 89°13'14" E 730.15 feet to the boundary line of Taylor Landing Phase 1A;
thence along said boundary the next four courses:
1) thence S 00°46'46" W 130.00 feet;
2) thence S 00°34'29" E 66.02 feet;
3) thence S 00°46'08" W 132.54 feet;
4) thence N 89°13'14" W 17.26 feet to the point of beginning, containing 5.46 acres, more or less.

OWNER'S DEDICATION

Know all by these presents that we the undersigned owners of the above-described tract of land, hereafter be known as TAYLOR LANDING, PHASE 1A, Do hereby dedicate to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares.
Grant and dedicate a perpetual right and easement over, upon and under the lands designated hereof as public utility, drainage easements and canal maintenance easement, the same to be used for the installation maintenance and operation of public utility service lines, storm drainage facilities, irrigation canals for the perpetual preservation of water channels in their natural state whichever is applicable as may be authorized by the governing authority, with no buildings or structures being erected within such easements.
Dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan. In witness whereof, we have hereunto set our hands this ____ day of _____, 2020.

Doug Nosler Stocking, Manager
3900 WEST/TAYLOR PARTNER, LLC

LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF _____ } ss
On this ____ day of _____ A.D. 2020, personally appeared before me, Jay Stocking who being by me duly sworn did say, for himself that he is the Manager of 3900 WEST/TAYLOR PARTNER, LLC, a Utah Limited Liability Company, and that the within and foregoing instrument was signed on behalf of said Limited Liability Companies.
MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING AT _____

COUNTY RECORDER

State of Utah, County of Weber, recorded and filed at the request of _____
Date _____ Time _____ Fee _____
Index Filed in: File of plats _____ County Recorder _____

WEBER COUNTY ATTORNEY
I have examined the financial guarantee and other documents associated with this subdivision plat and in my opinion they conform with the County Ordinance applicable thereto and now in force and effect.
Signed this ____ day of _____, 2020.
County Attorney

WEBER COUNTY SURVEYOR
I hereby certify that the Weber County Surveyor's Office has reviewed this plat and all conditions for approval by this office have been satisfied. The approval of this plat by the Weber County Surveyor does not relieve the Licensed Land Surveyor who execute this plat from the responsibilities and/or liabilities associated therewith.
Signed this ____ day of _____, 2020.
Weber County Surveyor

WEBER COUNTY PLANNING COMMISSION APPROVAL
This is to certify that this subdivision plat was duly approved by the Weber County Planning Commission on the ____ day of _____, 2020.
Chairman, Weber County Planning Commission

SURVEYOR'S NOTES NARRATIVE
1. The purpose of this survey was to subdivide part of parcel 15-078-0110 into 27 lots. The survey was requested by Jay Stocking of Sierra Homes.
2. The basis of bearing is S 89°13'14" E between the West Quarter Corner and East Quarter Corner of Section 28, Township 6 North, Range 2 West, Salt Lake Base and Meridian.
3. The south line was established along the north line of the Boyd Russell Subdivision, 1st Amendment recorded in the Weber County Recorder's office under Entry 2841599 on February 8, 2017 and the north line of Hazy Acres Subdivision recorded in the Weber County Recorder's Office under Entry 1984231 on October 20, 2003. The east line was established along the west line of Taylor Landing Subdivision, Phase 1A.

GENERAL NOTES
1. All Public Utility Easements shown as dashed lines shall be 10.00 foot wide unless otherwise indicated.
2. 3/8" rebar to be set at all rear property corners. Curb pins to be set at lot line projections along streets.
3. All development within this subdivision is subject to the requirements of Section 108-16 "Outdoor Lighting" of the Weber County Land Use Code.
4. Street trees of a species determined by Weber County Policy are required every 50 feet on both sides of the street within the subdivision boundary. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to 50-foot spacing as otherwise reasonable possible, provided compliance with the clear view triangle as defined in Section 108-7-7 of Weber County Land Use Code.

AGRICULTURAL NOTE
Agriculture is the preferred use in the agriculture zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restrictions on the basis that it interferes with activities of future residents of this subdivision.

WEBER COUNTY ENGINEER
I hereby certify that the required public improvement standards and drawings for this subdivision conform with County standards and the amount of the financial guarantee is sufficient for the installation of these improvements.
Signed this ____ day of _____, 2020.
Weber County Engineer

WEBER COUNTY COMMISSION ACCEPTANCE
This is to certify that this subdivision plat, the dedication of streets and other public ways and financial guarantee of public improvements associated with this subdivision, thereon are hereby approved and accepted by the Commissioners of Weber County, Utah this ____ day of _____, 2020.
Chairman, Weber County Commission
Attest: _____
Title: _____

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
alliance@aceng.com

Developer: Land Development
470 North 2450 West
Tremonton, Utah 84337

Table with columns: No., REVISIONS / SUBMISSIONS, DATE, DRAWN, PROJECT NO., REVIEWED, CADD FILE.

TAYLOR LANDING PHASE 2
A CLUSTER SUBDIVISION
PART OF THE NORTH HALF OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN
WEBER COUNTY, UTAH
FINAL PLAT

DATE: OCT. 29, 2020
DRAWING No. 1
1 of 2

Exhibit B

TAYLOR LANDING PHASE 2 A CLUSTER SUBDIVISION

PART OF THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 6 NORTH, RANGE 2 WEST,
SALT LAKE BASELINE AND MERIDIAN
WEBER COUNTY, UTAH

FINAL PLAT

OPEN SPACE PHASE 2 BOUNDARY DESCRIPTION

Part of the East Half of the Northwest Quarter of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian described as follows:

Commencing at the West Quarter Corner of Section 28, Township 6 North, Range 2 West of the Salt Lake Base and Meridian monumented with a Brass Cap; thence S 89°13'14" E 2224.08 feet along the south line of the Northwest Quarter of said Section 28; thence N00°46'08"E 1001.00 feet; thence S 89°13'14" E 17.28 feet; thence N 00°46'08" E 132.54 feet; thence N 00°34'29" W 66.02 feet; thence N 00°46'46" E 130.00 feet; N89°13'14"W 271.71 feet to the POINT OF BEGINNING and running

thence N 89°13'14" W 90.33 feet;
thence N 00°20'03" E 559.74 feet;
thence N 89°32'33" W 236.27 feet;
thence N 00°52'02" E 768.77 feet to the north line of the Northwest Quarter of said Section 28;
thence S 89°07'58" E 187.81 feet along said north line;
thence S 00°52'02" W 290.33 feet;
thence S 89°07'58" E 144.00 feet;
thence S 00°52'02" W 1,036.32 feet to the point of beginning, containing 6.08 acres, more or less.

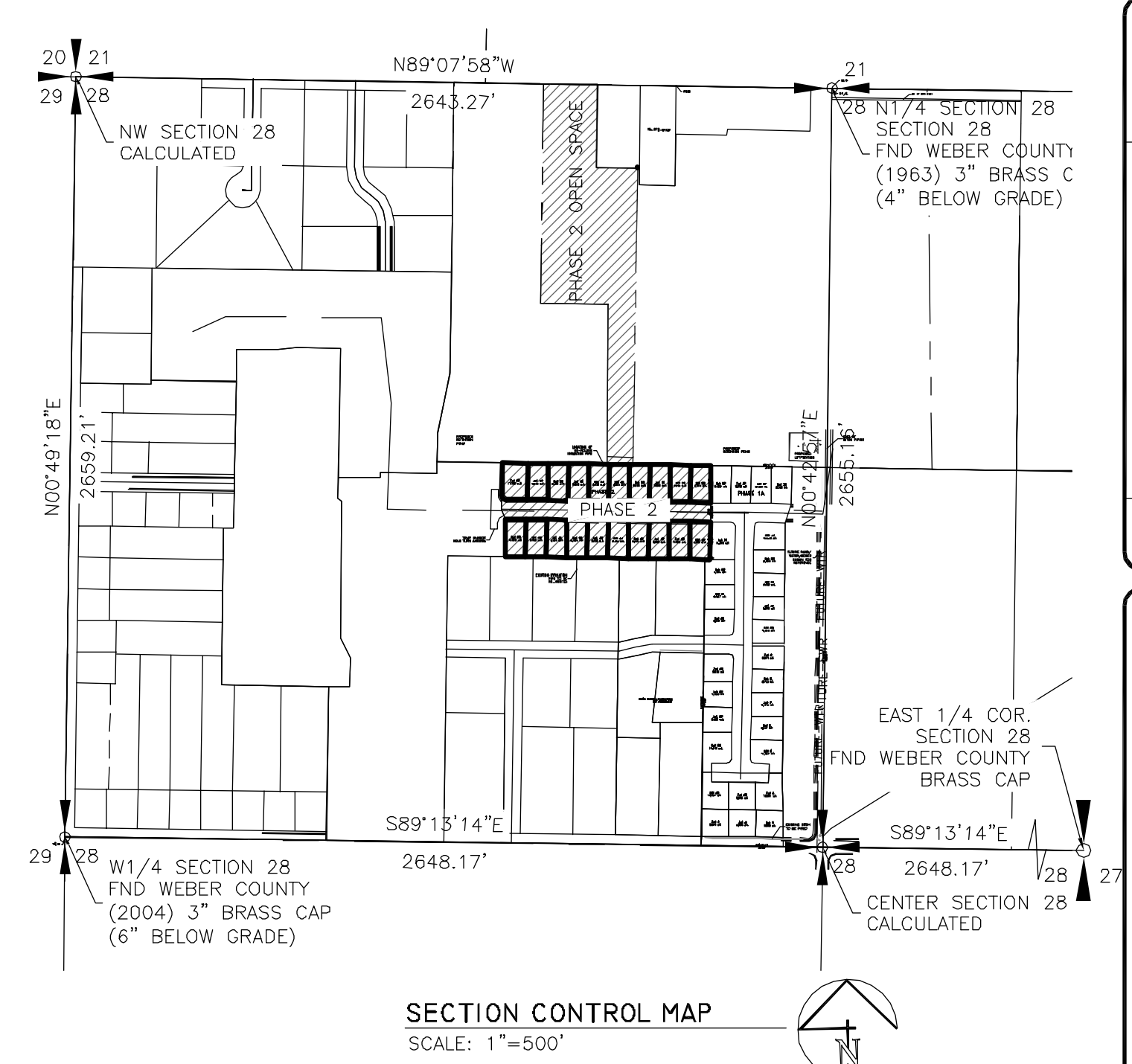
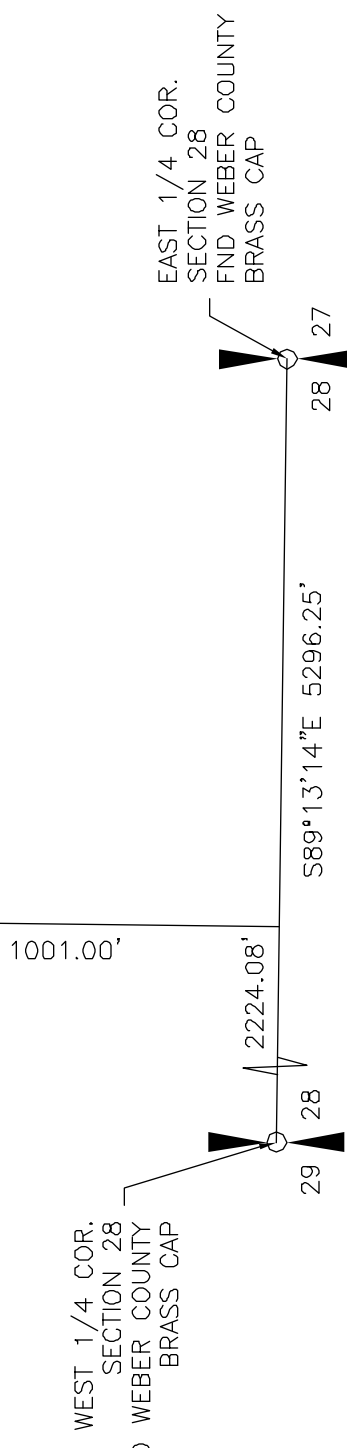
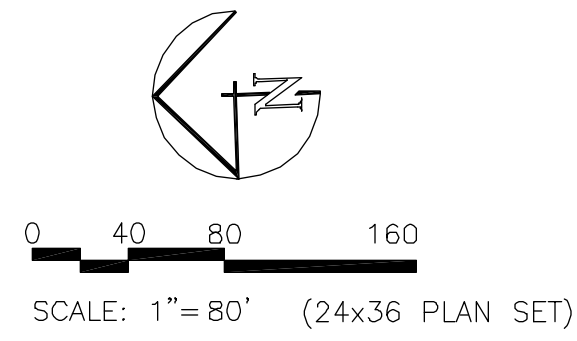
NOTES:

TAYLOR LANDING OVERALL SUBDIVISION
TOTAL AREA: 109.63 ACRES
PUBLIC R-O-W: 13.55 ACRES
NET DEVELOPABLE GROUND: 96.08 ACRES
NET OPEN SPACE: 55.97 ACRES (58.25%)

PHASE 2
TOTAL AREA: 5.46 ACRES
PUBLIC R-O-W: 1.1 ACRES
NET DEVELOPABLE GROUND: 4.36 ACRES
NET OPEN SPACE: 6.08 ACRES (58.25%)

ALLIANCE CONSULTING
ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435) 755-5121
alliancelogn@yahoo.com

Developer:
Heritage Land Development
470 North 2450 West
Tremonton, Utah 84337



SECTION CONTROL MAP
SCALE: 1"=500'

COUNTY RECORDER

State of Utah, County of Weber, recorded and filed at the request
of _____
Date _____ Time _____ Fee _____
Entry _____

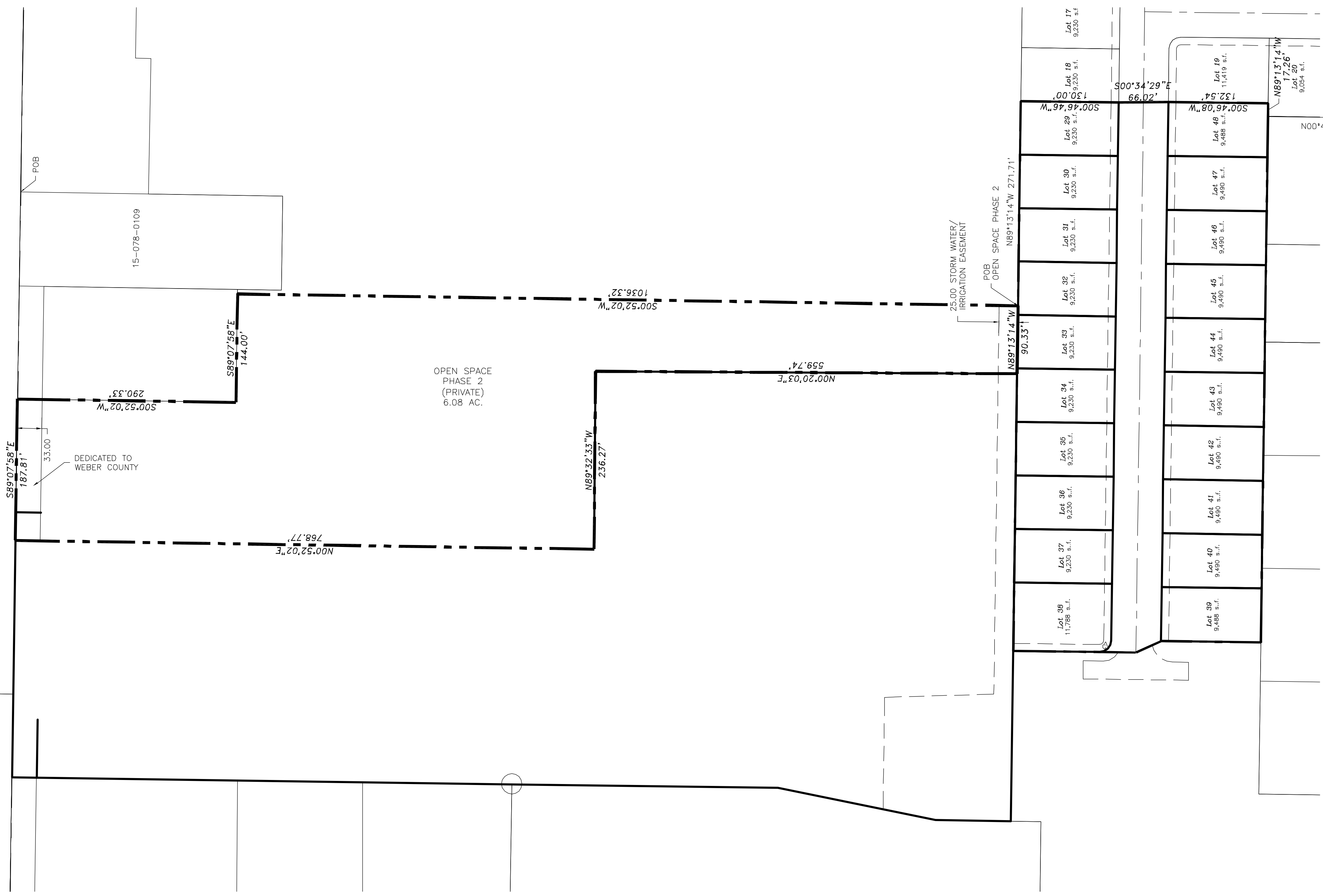
Index _____
Filed in: File of plats _____ County Recorder _____

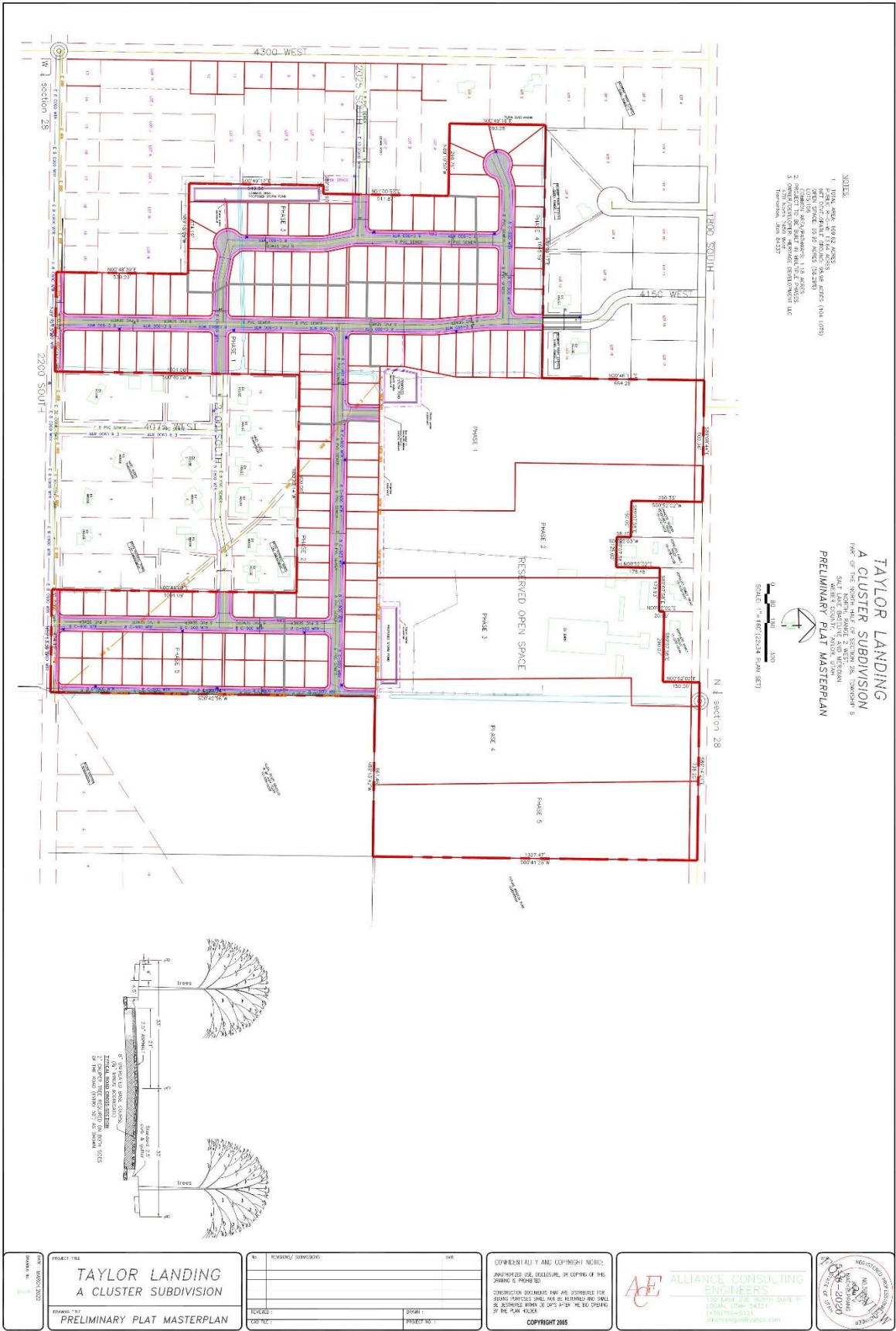
NO.	REVISIONS / SUBMISSIONS	DATE

PROJECT TITLE:
TAYLOR LANDING PHASE 2
A CLUSTER SUBDIVISION
PART OF THE NORTH HALF OF SECTION 28, TOWNSHIP 6
SALT LAKE BASELINE AND MERIDIAN
WEBER COUNTY, TAYLOR, UTAH

DRAWING TITLE:
FINAL PLAT

DATE: SEPT, 2020
DRAWING No. **2**
2 of 2





The background of the slide is a scenic landscape. It features a wide valley with a town at the bottom, surrounded by lush green trees and buildings. In the distance, there are rugged, brown mountains under a clear blue sky. The overall scene is bright and clear, suggesting a sunny day.

WEBER COUNTY

OVPC Public Hearing 10/27/20
Short-Term Rentals Regulation Scenarios

Summary of Public Input

In-Writing Comments Received Through 12:00 PM 10/27/2020

Public Comment Topics	Percent of Respondents Through 9/1/20	Percent of Respondents Through 10/27/20
Community Character / Costs Outweigh Benefits / Unknown Impacts	59%	68%
Noise	41%	40%
Code Enforcement / Complaint Resolution (+&-)	36%	40%
Parking, Large Vehicles, & Snow Removal	34%	36%
Parties / Minimum Length of Stay (+&-)	32%	31%
Safety (Theft, Vandalism, Crime, Intoxication, Drugs, COVID, Sex Predators)	32%	31%
Traffic/ Speeding	27%	26%
HOAs/HOA Autonomy & Enforcement (+&-)	27%	24%
Sheriff Capacity	26%	22%
Uncollected Tax Revenue (+&-)	23%	22%
Property Rights (+&-)	15%	22%
Trash	23%	21%
Occupancy / Large Gatherings / Owner Occupied (+&-)	19%	18%
Stressed Infrastructure (Roads, Sewer/Septic, Water)	16%	16%
Property Values (+&-)	14%	15%
Trespassing / Drones	14%	14%
Absentee Owners	12%	13%
Licensing / Cost Barrier (+&-)	14%	12%
Master Plan Inconsistency	9%	12%
Supports Economy/ Jobs / Attracts Businesses	9%	11%
Fire Safety / Fireworks	9%	8%
Reduced Housing Stock / Increased Commuting / Speculation	9%	8%
Competition For Existing Businesses / Rentals	9%	8%
Additional Lodging Options / Underserved W/Options	8%	8%
Supports STRs W/ Restrictions	8%	8%
False Realtor Advertisements	8%	7%
Disproportionate Impact and Revenue Disbursement	8%	7%
Property Maintenance & Inspections (+&-)	7%	7%
STRs Help Owners Supplement Income/ Mortgage	5%	7%
STRs Capture Lost Business to Other Markets	4%	4%
Dark Skies (+&-)	3%	2%
Complaint Hotline/Website or 3rd Party Enforcement	1%	2%
STRs Reduce Foreclosures	1%	2%
Water Usage	1%	2%
Use Signage W/Contact Info for Owner/Complaints	1%	1%

Short-Term Rental Regulatory Scenarios

Copies of the full draft ordinance are available on Frontier:

The screenshot shows the Frontier web application interface. At the top, there is a navigation bar with various utility links. The main content area displays project information for 'Short-Term Rentals Ordinance Amendment'. A 'Please Note' section states that the document can be found on the document lab. Below this, a metadata table lists details such as Project Type (Text Amendments), Created By (Angela Martin), and Status (Submitted). A 'Documents' section lists several files, including 'Revised Summary of Public Input_102720.pdf' and 'Consolidated Document of Public Comments Through 102720.pdf'. Two red arrows point from the text below to the 'Full Draft' and 'Condensed Draft' links in the document list.

Document Name	Date Uploaded	Options
Full Draft Revised Summary of Public Input_102720.pdf	10/27/2020	Download Remove
Full Draft Revised Consolidated Document of Public Comments Through 102720.pdf	10/27/2020	Download Remove
Condensed Draft 2020_OVPFC_Oct 27_AGENDA amended.pdf	10/26/2020	Download Remove
Full Draft Sec 108-23 Short-Term Rentals Ordinance_3 Scenarios_Full.docx	10/16/2020	Download Remove
Condensed Draft Sec 108-23 Short-Term Rentals Ordinance_3 Scenarios_Condensed.docx	10/16/2020	Download Remove

Full Draft:

Condensed Draft:

Short-Term Rental Regulatory Scenarios

Copies of the full draft ordinance are available on Frontier

The following regulatory scenarios are open to discussion regarding the question of “Where should STRs be allowed”:

- A) Open
- B) Open & Limited
- C) Business as Usual
- D) Closed

Regulatory Scenarios

A) Open

“Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the requirements and standards of this chapter.”

Regulatory Scenarios

B) Open & Limited

“With exception to properties in the FR-1 zone, any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the requirements and standards of this chapter.”

This scenario would also require geographic separation between licensed units. This separation requirement would prevent grouping of STRs and is designed to help protect neighborhood character.

Regulatory Scenarios

C) Business as Usual

“The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).”*

*This language is unchanged from the existing Sec. 108-7-25 “Nightly Rentals”

Regulatory Scenarios

D) Closed

- STRs will continue to be an allowed use in the DDR-1 Zone.
- STRs will no longer be allowed as a conditional use in the FR-3 zone. Owners in the FR-3 zone who are currently operating an STR under a valid conditional use permit and valid business license will be allowed to continue as a non-conforming use.
- Owners within existing PRUD developments (with approved STR use) will be allowed to obtain an STR license or continue renting if already licensed. New PRUD developments will no longer be approved with the STR use.

Operational Requirements

Prohibitions:

- Not allowed in accessory buildings
- Not allowed in Accessory Dwelling Units (ADUs)
- Not allowed in Deed Restricted Housing

Short-Term Rental License Required

- Properties must be inspected prior to licensure
- Owners are required to collect and remit applicable taxes

All licensed properties are required to operate by specific operational standards:

- Information dissemination (info packet)
- Advertising Requirements
- Occupancy limits
- Parking
- Noise
- Trash disposal and collection
- Outdoor lighting
- Signage (not allowed)
- Fire safety

Enforcement

3rd Party Enforcement Support

- “Scrapes” all major and many minor STR websites to identify unique listings and their specific addresses.
- Allows for efficient licensing, tracking, and renewal
- Consistently monitors listings for compliance with County STR ordinance and licensing requirements
- Consistently monitors rental activity and collects data to be used for enforcement efforts.
- Dedicated hotline staffed 24/7 for neighbors to report non-emergency STR complaints, submit evidence, and initiate automatic follow-up activities.

Enforcement

Complaints:

- 24/7 complaint hotline
- Responsible Agent (on-call 24/7) (must respond within 60 minutes)

Violations:

- Minor Violation
 - Any violation of the operational standards (parking, noise, trash, etc.)
- Major Violation
 - Failure of the responsible agent to respond to complaints
- Unlicensed Violation
 - Operating an unlicensed STR

Penalties:

- Proportionate to a property's rental rate
 - Minor violation - 50% of nightly rental rate
 - Major Violation - 100% of nightly rental rate
 - Unlicensed Violation - 200% of nightly rental rate

License Revocation:

- Minor Violation – 4 violations in 3 months or 6 in 12 months
- Major Violation – 2 violations in 3 months or 4 in 12 months

Questions?

Public Comment

35 (c) *Private Covenants*. A short-term rental license will not be issued for any property that is subject
36 to a private covenant that restricts the property's use for short-term rentals.

37 **Sec 108-23-X Short-Term Rental License Required**

38 (a) *Licensing*. It is unlawful for an owner to rent any property for a time period of less than 30 days
39 within the unincorporated area of Weber County without a valid short-term rental license
40 pursuant to this Chapter. An issued short-term rental license shall also be considered a land use
41 permit for the purpose of operating a short-term rental unit.

42
43 (b) *Geographic Separation of Licenses*^[PS4]. With exception to the DRR-1 zone, PRUD developments
44 with short-term rental approvals, and properties in the FR-3 zone with valid short-term rental
45 licenses at the time of the adoption of this chapter (XX/XX/20XX), all licensed short-term rental
46 units shall be located a minimum of 500 feet from other licensed short-term rental units.

47
48 (c) *Initial Licensing Period*.^[PS5] Following the adoption of this chapter, County staff will process
49 short-term rental license applications by the order in which they are received. License
50 applications that are found to have a proposed short-term rental unit within an existing 500-
51 foot separation buffer will be denied until such a time in which a nearby license/s creating the
52 encumbrance become expired or revoked.

53 (d) *Licensing Procedure*

54 (1) The owner or authorized representative shall submit a notarized short-term rental
55 license application on a form provided by the Planning Division, and shall pay the
56 application fee set by County Commission resolution.

57 (2) Applications shall be accompanied by the following materials:

- 58 a. Detailed floor plan and site plan of rental property indicating all areas allowed
59 to be occupied by short-term occupants
60 b. Parking plan demonstrating compliance with the parking standards established
61 in Sec XXX-XX-X
62 c. Trash disposal and collection plan demonstrating compliance with the trash
63 disposal and collection standards established in Sec XXX-XX-X
64 d. Proof of homeowners' and liability insurance
65 e. Preliminary title report dated within 30 calendar days prior to the submittal of
66 an application.
67 f. For properties located within an HOA, applicants must submit a letter from the
68 HOA board, or a copy of the community's Covenants, Conditions, & Restrictions
69 (CC&Rs) that verify the community does not have a regulation to prohibit the
70 short-term rental of dwellings.
71 g. Outdoor lighting plan showing compliance with Section 108-16.

72
73 (e) *Application Review Procedure*. Upon submission of a complete application for a short-term
74 rental license, staff shall circulate the application to the Planning Division, Building Department,
75 Fire District, Health Department, and any other reviewing agency deemed appropriate for
76 adequate review and approval of the license. Reviewing agencies shall have 30 days to review
77 the submitted plans and return any requests for additional information or conditions of

78 approval to the applicant. Applicants shall have 60 days to comply with review agency requests
79 or the application will be removed from consideration.

80
81 (f) *Issuance of License.* All licenses shall be issued to property owners. Licenses are tied to the
82 owner for a specific property and are non-transferable to other properties or other owners,
83 except [PS6] to individuals who are next of kin. Licenses shall be issued for a period of one year
84 and shall expire at the end of each calendar year.

85
86 (g) *License Renewal.* Existing licenses must submit for renewal and pay the required fee by no later
87 than December 1st of each year to remain valid through the next calendar year. Licenses issued
88 anytime mid-year will be required to renew their license by December 1st of the same year in
89 order to become concurrent with the sequential annual licensing cycle. Owners wishing to
90 renew a license must provide:

- 91 (1) License renewal application
- 92 (2) Written clearance from the Treasurer's Office verifying property, sales, and transient
93 room tax compliance.[PS7]
- 94 (3) Inspection report (if required by Sec. XXX-XX-X)

95 96 **Sec 108-23-X Property Inspection**

97 (a) *Initial property inspection.* Properties applying for their first short-term rental license shall be
98 inspected for compliance with the provisions of this chapter and other applicable sections of this
99 Land Use Code. The Planning Division shall have the option of designating a county inspector or
100 a 3rd party building inspector. Any deficiencies found during this initial inspection shall be
101 resolved to the satisfaction of the inspector prior to the release of a short-term rental license.
102 Should the deficiencies not be resolved within 90 days from the time of initial inspection, the
103 application shall be removed from consideration and a short-term rental license will not be
104 issued.

105
106 (b) *License renewal property inspection.* The County, at its discretion, may require that a property
107 be inspected prior to the renewal of an existing license. The Planning Division shall have the
108 option of designating a county inspector or a 3rd party building inspector. Should the property
109 fail the inspection, the owner shall have 90 days to bring their property into compliance or the
110 license will be suspended. A license may be immediately suspended should life/safety concerns
111 arise during the inspection. If a license is suspended due to life/safety concerns, the property
112 owner must rectify the concerns prior to the license suspension being lifted.

113 **Sec 108-23-X Applicable Taxes And Remittance**

114 Owners of short-term rentals are responsible to collect and remit all applicable state and local taxes.
115 Owners who fail to collect and remit applicable taxes during the license period shall have their short-
116 term rental license suspended and shall not be eligible to renew their license for the next year. To have
117 their license reinstated and renewed, owners may submit payment for all unpaid back taxes in addition
118 to payment of an administrative penalty as established in Sec XXX-XX-X for a major violation.

119 **Sec 108-23-X Responsible Agent**

120 The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This
121 appointed agent may be the owner, independent property manager, or a professional property
122 management company. The appointed responsible agent shall be on-call to manage the property during
123 any period within which the property is occupied. This agent must be able to respond, in person if
124 needed, within 60 minutes to address any complaints, to the best of their ability, which may arise from
125 the operation of the short-term rental. A responsible agent is not required to, and should not, place
126 themselves in a situation that could cause them physical harm in order to attempt to address a
127 complaint. The owner shall notify the Planning Division within three days of a modification to the
128 appointed responsible agent and shall provide name, address, and telephone number of any newly
129 appointed agent. It is the owner's responsibility to update this information throughout the term of the
130 license.

131 **Sec 108-23-X Operational Standards**

132 (a) *Information Dissemination Requirements.* The owner shall post the following information in a
133 prominent and visible location:

134 (1) *Internal posting.* Each licensed short-term rental property shall have the following
135 information posted in a conspicuous location where it can be easily viewed by tenants:

- 136 a. Short-Term Rental License number;
- 137 b. Contact information for the owner and responsible agent, including a phone
138 number for 24-hour response to emergencies;
- 139 c. The property's maximum occupancy;
- 140 d. The property-specific parking plan including the maximum number of vehicles
141 allowed to be parked on the property and applicable parking rules;
- 142 e. Description of the location/s of fire extinguishers and emergency egress routes;
- 143 f. Good neighbor requirements regarding noise, parking, trash pickup, and fire
144 restrictions;
- 145 g. Current fire restriction information as disseminated through the Weber County
146 Fire District website; and
- 147 h. Any other information deemed necessary by the reviewing agencies to ensure
148 the public's health and safety.

149 (2) *Street Addressing.* Each licensed short-term rental property shall have its assigned street
150 address posted externally in a conspicuous location where it can be easily viewed day or
151 night from the adjacent access way.

152
153 (b) *Advertising Requirements.* As provided in UCA 17-50-338, the following advertising
154 requirements are not intended to prohibit an individual from listing a property for short-term
155 rental on any short-term rental website. All advertising for a short-term rental property shall
156 include:

- 157 (1) The property's short-term rental license number
- 158 (2) The property's maximum permitted occupancy
- 159 (3) Maximum parking capacity
- 160 (4) A digital link to the County's short-term rental regulations
- 161 (5) The following language shall be included verbatim in a prominent location of the
162 advertisement: "Any advertisement for a short-term rental property in unincorporated

Weber County, Utah, that does not provide a unique license number is unlikely to be a lawfully licensed short-term rental.”

(c) Occupancy

(1) *Occupancy Limits*. The maximum occupancy for a short-term rental property shall be no more than **two** people per bedroom, plus **four** people up to a maximum of **10** people.

a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics, including but not limited to, limited parking, septic/sewer system capacity, culinary water rights, etc.

b. A greater maximum occupancy may be approved following additional review and approval of applicable reviewing agencies and the provision of additional components that would otherwise limit capacity including, but not limited to, fire suppression systems, parking, septic/sewer capacity, culinary water rights, sleeping rooms, etc.

(2) *Single Contract*^[PS8]. Owners shall not concurrently rent individual rooms or areas to unrelated parties for the same night or nights.

(3) *External sleeping accommodations prohibited*. All sleeping accommodations must be maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved during the licensing process. External accommodations such as yurts, teepees, tents, or other temporary structures may not be used for sleeping accommodations or as a means to increase the maximum permitted occupancy.

(4) *Duration*. , No licensed short-term rental unit may be rented for less than **three** consecutive days, with exception to the following areas:

a. Licensed properties within the DRR-1 zone

b. Properties located within PRUD developments with short-term rental approval.

c. Properties located within the FR-3 zone that have obtained a valid conditional use permit and short-term rental license prior to **XX-XX-XXXX**.

(d) *Parking*. In addition to the parking requirements for dwellings, as outlined by Sec. 108-8-2 of this Land Use Code, the following parking regulations are also required for all licensed short-term rental properties.

(1) All vehicles of occupants and visitors of a short-term rental property shall be parked only within the property’s boundary lines. Additionally, no more than **25%** of the property’s front or side yard setbacks shall be dedicated to parking.

(2) No parking is allowed within the property’s adjacent rights-of-way.

(3) No more than one parking space per sleeping room may be provided.

(4) No vehicles shall be parked on the lawn or landscaped areas of the property.

(5) No person shall be permitted to stay overnight in any vehicle which is parked at the property.

(6) No vehicles with a passenger capacity of greater than sixteen **(16) persons** may be parked at the property.

(e) *Noise*. At no time shall the noise emanating from the property exceed **65 dB** as measured from the property line. Between the hours of **10:00 pm and 9:00 am**, no sound exceeding **55 dB**, and no amplified or reproduced sound, shall be allowed as measured from the property line.

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(f) *Trash disposal and collection.* All short-term rental properties shall provide a trash disposal and collection plan at the time of license application to ensure that trash containers are not left outdoors where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With exception to the property's assigned trash pick-up day, trash containers must be stored behind the property's front setback line and must be shielded from the view of adjacent public rights-of-way. The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-up schedule is collected and removed from the property as needed on a case by case basis. Properties with larger maximum permitted occupancies may require the procurement of additional trash cans to accommodate the volume of anticipated trash being generated.

(g) *Outdoor lighting.* Incorporated herein for all properties located in unincorporated Weber County desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all times comply with the exterior lighting requirements set forth in Sec 108-16 of the Land Use Code.

(h) *Signage.* On-site signage intended to advertise the property as a short-term rental is not permitted anywhere on the property or adjacent right-of-way.

(i) *Fire safety.*

- (1) The property must have primary access along a public right-of-way or access easement that meets the fire marshal's requirements for a fire access road.
- (2) The property must have a fire prevention system as approved by the fire marshal.
- (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.
- (4) Smoke and carbon monoxide detectors must be installed and maintained per current building and fire codes.
- (5) Fire extinguishers must be placed in an approved location on each level of the property and adjacent to outdoor fire pits.
- (6) An emergency egress plan must be posted in a conspicuous location on each level of the property.
- (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current Wildland-Urban Interface code requirements.

Sec 108-23-X Complaints And Violations

(a) *Complaints.* The Planning Division requires all complaints regarding the operation of any short-term rental unit to be made through the County's short-term rental hotline or website.

- (1) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made to the County through the County's short-term rental hotline or website. The subject of the complaint may include, without limitation, such things as parking, trash, noise, or other concerns related to the short-term rental unit. The complaining party will then be provided with a reference number associated with their complaint; however, anonymous complaints made through the website or call center will not be processed.

- 249 (2) When a complaint concerning a short-term rental unit has been received, contact to the
250 responsible agent for the unit will be attempted by a County designee using the
251 telephone number on file with the County. If the responsible agent can be reached by
252 phone, the agent will be notified of the details of the complaint as filed by the
253 complaining party. The time that the responsible agent was notified shall be recorded.
- 254 (3) The responsible agent is required to make an attempt to resolve the issue that was
255 subject to the complaint as outlined in **Sec 108-23-XX**. The responsible agent shall
256 promptly notify the County's hotline if the agent believes a complaint has been
257 successfully resolved. If the County's hotline does not receive notification from the
258 responsible agent that a complaint has been successfully resolved within the
259 timeframes outlined in **Sec 108-23-XX**, it shall be presumed that the complaint has not
260 been successfully resolved, and the complaining party may follow up with the County's
261 hotline or website with the reference number issued for the original complaint.
- 262 (4) If a complaint involves the immediate health and safety of any person or property, or if,
263 despite good faith efforts, the problem that was the subject of a complaint cannot be
264 resolved, the responsible agent shall immediately contact the police, and follow any
265 direction(s) given by the police.
- 266 a. If a complaint is not resolved to the satisfaction of the complaining party, a
267 formal complaint may be filed with the Planning Division. The formal complaint
268 shall describe in detail the violation(s) of this chapter alleged to have occurred
269 on the short-term rental property. Within three (3) days of receipt of such a
270 complaint, the County shall provide a copy of the formal complaint to the owner
271 and responsible agent if applicable. Formal complaints shall be signed by an
272 individual and are subject to public inspection; no anonymous formal
273 complaints shall be accepted.
- 274 b. The County shall investigate any formal complaint received, in order to
275 determine if it is a substantiated complaint that represents a documented
276 violation of any provision(s) of this Chapter.
- 277
- 278 (b) *False complaints.* Complaints that are not found to be substantiated, or are not relevant to
279 compliance with this chapter, may be subject to penalties. Multiple false or unsubstantiated
280 complaints by the same person, or regarding the same issue may be considered harassment. If
281 in the judgement of the County Attorney's Office such harassment is taking place, the County
282 Attorney's Office may issue a Cease and Desist Letter will be sent to the offending party. If an
283 additional false or unsubstantiated complaint is made by the same person, after a cease and
284 desist letter has been sent, a citation may be issued to the offending party, which can result in a
285 fine of up to **\$XXXXX** per day per violation.
- 286
- 287 (c) *Violations.* For the purposes of this chapter violations for licensed short-term rental properties
288 shall be classified as either a Minor Violation or a Major Violation. Violations for unlicensed
289 rental properties shall be classified as an Unlicensed Violation.
- 290 (1) *Minor violations.* A minor violation shall be any violation of the short-term rental
291 standards as provided in **Sec XXX-XX-X** and **XXX-XX-X**.

- 292 a. Owners will be given one warning following their first minor violation within
293 each calendar year. If this warning is subject to a static and prevailing concern,
294 owners shall be given three calendar days to correct the issue or the warning
295 will become a documented minor violation.
- 296 b. After three minor violations within 12 consecutive months, the owner shall be
297 issued a major violation on the fourth and subsequent occurrences.
- 298 c. Each minor violation shall be subject to an administrative penalty as provided in
299 **Sec 108-23-XX.**
- 300 (2) *Major violation.* A major violation shall consist of the failure of the responsible agent to
301 perform their responsibilities as provided in Sec. **XXX-XX-X**, or the fourth and
302 subsequent minor violations within a 12 month consecutive time frame as provided in
303 Sec. **XXX-XX-X.**
- 304 a. Owners will be given one warning in the event of a responsible agent failing to
305 perform their responsibilities within each calendar year.
- 306 b. Each major violation shall be subject to administrative penalties as provided in
307 **Sec XXX-XX-X.**
- 308 (3) *Unlicensed violation.* An unlicensed violation is committed upon the rental of an
309 unlicensed property on a short-term basis.
- 310 a. Owners will be given one warning within each calendar year. Each violation
311 thereafter shall be subject to administrative penalties as provided in **Sec XXX-**
312 **XX-X.**

313 **Sec 108-23-X Administrative Penalty**

314 Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in
315 the form of a monetary fine based on the property's average nightly rate. The advertised rental rate of
316 the property shall be determined through advertised nightly rental rate. Each day a violation remains
317 unresolved shall carry a daily administrative penalty and monetary fine as follows:

- 318 (a) *Minor violations.* Monetary fines shall be **50%** of the advertised nightly rental rate on the date/s
319 of the violation.
- 320 (b) *Major violations.* Monetary fines shall be **100%** of the advertised nightly rental rate on the
321 date/s of the violation.
- 322 (c) *Unlicensed violations.* Monetary fines shall be **200%** of the advertised nightly rental rate on the
323 date/s of the violation. If the unlicensed property does not have advertised rental rates, then
324 the administrative penalty shall be the average nightly rental rate for all rental properties
325 located in unincorporated Weber County for the dates associated with the violation.

326 **Sec 108-23-X License Revocation**

- 327 (a) *Revocation due to minor violations.* If a short-term rental unit has **four** minor violations within
328 **three** consecutive months, or **six** minor violations within **twelve** consecutive months, the short-
329 term rental license shall be revoked in accordance with the provisions of Sec. 102-4-3.
- 330 (1) If a short-term rental license is revoked due to an accumulation of minor violations, for a
331 minimum of **one** year following the revocation, the County shall not accept an
332 application for a new license for the same short-term vacation rental property; with the

333 exception that a new application by a new property owner, proven to be unaffiliated
334 with the property owner whose license was revoked, may be considered.

335
336 (b) *Revocation due to major violations.* If a short-term rental unit has **two** major violations within
337 **three** consecutive months, or **four** major violations within **twelve** consecutive months, the short-
338 term rental license shall be revoked in accordance with the provisions of Sec. 102-4-3.

339 (1) If a short-term rental license is revoked due to major violations, for a minimum of **two**
340 years following the revocation, the County shall not accept an application for a new
341 license for the same short-term vacation rental property; with the exception that a new
342 application by a new property owner, proven to be unaffiliated with the property owner
343 whose license was revoked, may be considered.

344 **Sec 108-23-X License Revocation Appeal Procedure**

345 Any owner who has been issued a notice of impending license revocation may file an appeal with the
346 Planning Division as directed by Sec 102-4-3.

347 **Amendment to Sec 102-4-3: [PS9] (Required to accommodate this new ordinance and permit type.)**

348
349 A land use permit or conditional use permit may be revoked for violation of any part of this Land Use
350 Code related to the specific use or permit in accordance with the following:

351 (a) Revocation shall be conducted by the land use authority that is authorized to approve the
352 permit.

353 ~~(b) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable~~
354 ~~opportunity to resolve the violation by bringing the property into compliance or by diligently~~
355 ~~pursuing an amendment or modification to the permit, as may be allowed by this Land Use~~
356 ~~Code.~~

357 ~~(c)(b) In the event compliance cannot be attained, the~~ land-owner and, if different, permittee
358 shall be given a notice of the impending permit revocation 14 days prior to final revocation. The
359 notice of the impending permit revocation shall specify the violation, and inform the land-owner
360 and, if different, permittee of the right to request a hearing.

361 ~~(d)(c)~~ The land owner and, if different, permittee shall have a right to a hearing with the land
362 use authority to show cause for why the permit should not be revoked, if a written request for
363 such is submitted prior to a final written revocation decision. If a hearing is requested, final
364 revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled
365 at a time specified by the land use authority.

366 ~~(e)(d)~~ Revocation of a permit is final upon the issuance of a final written decision. The final
367 written decision may be appealed pursuant to title 102, chapter 3.

368 ~~(f)(e)~~ Revocation of a permit shall not prohibit prosecution or any other legal action taken on
369 account of the violation, as provided in this Land Use Code or any other applicable law

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Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take action on a proposal to amend the zoning code to allow for accessory dwelling units in all zones that allow single-family dwellings as a permitted use.
Agenda Date:	Tuesday, November 10, 2020
Applicant:	Weber County Planning Division
File Number:	ZTA 2020-03

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov (801) 399-8794
Report Reviewer:	CE

Applicable Ordinances

- Weber County Land Use Code Title 101 Definitions (chapter 2)
- Weber County Land Use Code Title 104 Zones (chapters 3, 5, 6,8, 9, 10, 12-17)
- Weber County Land Use Code Title 108 Standards (chapters 8, 15, 19, 21)

Summary and Background

This staff-driven text amendment has become necessary to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life (Ogden Valley General Plan, chapter 4, page 18). These amendments are intended to allow, as a permitted use, accessory dwelling units anywhere single-family dwellings are permitted. The amendments proposed, include removing 'accessory apartments' as a conditional use, and replace the chapter with general provisions and standards for accessory dwelling units. Included in the proposed amendments is a replacement of the term 'carriage house' with 'accessory dwelling unit', the the chapter dealing with agritourism standards. Currently under development by staff, the attached proposal can be properly vetted by the Planning Commission and then forwarded to the County Commission for possible implementation. This amendment only applies to residential zones.

Summary of Proposed Amendments

Clerical Edits:

The re-numbering of the sections and the redesign of the site development table are being made so that they conform to standard practices and make the table easier to use.

Edits to add/edit definitions for terms added to the zoning code:

These definitions have been created/modified to clarify the meanings of various terms and to be helpful in determining applicability.

Edits to the zones that allow for single-family dwellings (Sec. 104):

This allows for accessory dwelling units wherever single-family dwellings are a permitted use.

Edits to the accessory apartments section to replace with the proposed accessory dwelling unit ordinance (Sec 104-19):

Standards and requirements, application and review procedure, and enforcement are outlined in this section.

Edits to the parking section (Sec 108-8-2):

Edits to include parking requirements for an accessory dwelling unit.

Edits to the Agri-tourism section (Sec 108-21-6, Sec 108-21-6(a)(6)):

The term 'carriage house' will be removed from the code altogether and replaced with 'accessory dwelling unit'.

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

Background and History

Weber County is projected to continue to grow over the course of the next ten years. The need for various housing types to fit a growing diversity in population, calls for changes to the Weber County Land Use Code, allowing for accessory dwelling units in all zones that permit a single-family residence.

This text amendment was presented in a hearing with the Ogden Valley Planning Commission on September 22, 2020.

There have been minimal clerical edits since the previous discussion.

Staff Recommendation

Staff's recommendation to the Western Weber Planning Commission is outlined below:

Staff recommends that the County Commission consider the text included as **Attachment A**. Should the County Commission be comfortable with the proposal, it could be approved based on the following findings:

1. The changes are supported by and are part of the execution of, the 2003 West Central Weber General Plan.
2. The changes are necessary to address the growing need for various housing types in Weber County.
3. The changes will enhance the general health and welfare of County residents.

Attachments

- A. Proposed Ordinance

SECTION 1: AMENDMENT "Sec 101-2-2 A Definitions" of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-2 A Definitions

Abandonment. The term "abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

Abutting. The term "abutting" means having a common border with, or being separated from such a common border by a right-of-way.

Accessory dwelling unit. The term "accessory dwelling unit," also referred to as an "ADU," means a dwelling unit, as defined by this section, that is either attached to the main single-family dwelling or is otherwise located on the same lot or parcel as the main single-family dwelling or an agritourism operation. ~~An accessory dwelling unit is not an accessory apartment, as otherwise defined by this section. Ownership of an accessory dwelling unit shall not be transferred separate from the main single family dwelling to which it is accessory. See also "carriage house."~~

Acreage, adjusted gross. The term "acreage, adjusted gross" means a total of all land area that lies within a project boundary and is classified as "developable" by this or any other county, state or federal law, ordinance or regulation.

Acreage, agri-tourism activity center. The term "agri-tourism activity center acreage" means the land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

Acreage, gross. The term " gross acreage" means a total of all acreage that lies within a project boundary.

Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered or proposed to be encumbered by a street right-of-way or other required right-of-way providing primary access to a lot is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

Acreage, productive agri-tourism. The term "productive agri-tourism acreage" means agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

Acreage unsuitable for development. The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden to prove an area does not meet this definition.

Agricultural arts center. The term "agricultural arts center" means a facility designed for the purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting, acts as a venue for the community to experience, appreciate, and consume art in a variety of forms, including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve meals when served to event participants and/or guests.

Agricultural land, prime. The term "prime agricultural land" means the area of a lot or parcel best suited for large-scale crop production. This area has soil types that have, or are capable of having, highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise specified by this Land Use Code, actual crop production need not exist onsite for a property to be considered to contain prime agricultural land.

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with an onsite agricultural use.

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

Agriculture. The term "agriculture" means use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Agri-tourism. The term "agri-tourism" means an agricultural accessory use that can provide a means of diversifying a farm's income through broadening its offerings and adding value to its products. They operate during more than six (consecutive or non-consecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes.

Agro-ecology research and education center (AREC). The term "agro-ecology research and education center (AREC)" means a facility designed for the purpose of providing academic training in the techniques of agro-ecology and sustainable agricultural systems. An AREC conducts (theoretical and applied) research and community outreach while offering academic education, practical experience/training and public service/instruction opportunities for audiences ranging from local school children to international agencies. Such a facility may afford meals and overnight lodging facilities for faculty, staff, and/or students/apprentices.

Airport hazard. The term "airport hazard" means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of an airport, or is otherwise hazardous to such landing, taking off or maneuvering of aircraft.

Alley. The term "alley" means a public thoroughfare less than 26 feet wide.

Animal/veterinary hospital. The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

Antenna. The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

~~**Apartments, accessory:** The term "apartments, accessory" means accessory apartments shall have a common wall and roof for at least 20 feet with the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and opens up into the common living space of the main home, can be closed off by a door. The accessory apartment opening into a garage or storage area doesn't meet the intent of the ordinance, and is not permitted. An accessory apartment doesn't constitute a dwelling unit.~~

Appeal authority. The term "appeal authority" means a person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance.

Automobile recycling (parts dismantling). The term "automobile recycling (parts dismantling)" a process carried out within a completely enclosed building, of systematically disassembling or dismantling automobile vehicles for their component parts which are cleaned, refurbished, catalogued, and shelf stored as inventory for the purpose of resale. It includes the storage, both inside and outside the building, of not more than 40 disused or damaged vehicles awaiting movement to within the building for disassembly. The process also includes the immediate removal from the site of the vehicle body hulk and other waste material.

Automobile repair/auto body shop (nonmechanical). The term "automobile repair/auto body shop (nonmechanical)" means any building, structure or premises used for the external/non-mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.

Automobile repair shop (mechanical). The term "automobile repair shop (mechanical)" means any building, structure or premises used for the mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of mechanical repairs of automotive vehicles within an enclosed structure.

Automobile service station. The term "automobile service station" means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building or structure, but excluding body and fender work, engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving the creation of a nuisance to adjacent property.

Average percent of slope. The term "average percent of slope" means the average percent of the slope of terrain of a given area. It shall be calculated as follows: $(0.00229 \times I \times L) / A = S$, where "S" is the average percent of slope, "I" is the contour interval in feet, "L" is the combined length of all contours within the given area in feet, and "A" is the acreage of the given area. As may be approved by the county engineer, alternative methods of calculating the average percent of slope are permissible provided the calculations render similar results and address the entire given area.

SECTION 2: AMENDMENT "Sec 101-2-4 C Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-4 C Definitions

Cabaret/nightclub. The term "cabaret/nightclub" means a business establishment open to public patronage where food and drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance.

Campground. The term "campground" means a private, public or semi-public open area with sanitary facilities for overnight camping and may include the parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.

~~**Carriage house.** The term "carriage house" means an accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The carriage house may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a carriage house may not, by any means, be sold separately from the main house. The right to construct a carriage house does not constitute a transferable development right. See also Accessory dwelling unit.~~

Cemetery. The term "cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

Church. The term "church" means a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a "public building."

Clinic, medical/dental. The term "clinic, medical/dental" means a building wherein a staff of one or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.

Club or fraternal lodge/organization, private. The term "club or fraternal lodge/organization, private" means a non-profit association of persons who are bona fide members which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Cluster of residential lots. The phrase "cluster of residential lots" means a grouping of residential lots, as provided title 108 chapter 3 of this Land Use Code, that are contiguous and uninterrupted by other nonresidential parcels except parcels required for a street and other allowed access or as otherwise allowed by this Land Use Code.

Code. The term "Code" means the Land Use Code of Weber County, Utah.

Commercial use. The term "commercial use" means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Common open space. See Open space, common.

Community center. The term "community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Compatible. The term "compatible" means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

Complete street. The term "complete street" means a transportation facility that is planned, designed, operated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including pedestrians, bicyclists, transit vehicles, and motorists.

Conditional use. See Use, conditional.

Condominium. The term "condominium" means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Condominium dwelling unit. The term "condominium dwelling unit" means an individual living/dwelling unit located within a residential condominium project.

Condominium project. The term "condominium project" means a real estate condominium project, a plan or project whereby two or more units, whether contained existing or proposed apartment, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered, for sale. The term "condominium project" shall also mean the property where the context so requires.

Condominium rental apartment (condo-*tel*). The term "condominium rental apartment (condo-*tel*)" means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.

Condominium unit means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

Conference/education center. The term "conference/education center" means a facility designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. A conference/education center may provide office facilities and schedule a range of business related and/or leisure activities (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use and/or overnight lodging facilities.

Conservation easement. The term "conservation easement" means: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.

Convalescent home. The term "convalescent home" means a facility for the care of children, the aged, infirm, or convalescent of any age. See also Nursing home.

Convenience store. The term "convenience store" means any retail establishment offering for sale prepackaged food products, household items, and other goods which are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.

Corral. The term "corral" means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

Cost benefit analysis (CBA). The term "cost benefit analysis" (CBA) means a formal discipline used to help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify, consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and compatibility of a particular proposal.

County health officer. The term "county health officer" means the administrative and executive officer of the county health department and local registrar of vital statistics or his duly authorized representatives.

Cross-access. The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedestrian ingress and egress between a lot or parcel and an adjoining lot or parcel.

Cross-access easement. The term "cross-access easement" means an easement for the purpose of cross-access on a lot or parcel that contains or will contain a cross-access.

Cul-de-sac The term "cul-de-sac" means a minor terminal street provided with a turnaround.

Custom exempt meat cutting. The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

SECTION 3: AMENDMENT "Sec 101-2-5 D Definitions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-5 D Definitions

Dairy: The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

Dark sky: The term "dark sky" means a nighttime sky that is substantially free of interference from artificial light.

Day care. The term "day care" means the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term "day care" is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

Day care (adult) facility. The term "day care (adult) facility" means any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight hours per day.

Day care (child) center. The term "day care (child) center" means a building or structure, other than an occupied residence, where care, protection and supervision are provided.

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

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

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

Development. The term "development" means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development master plan. The term "development master plan" means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned residential unit development, clustered subdivision and planned commercial development.

Distillery. The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound, process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to others.

Duplex. See "dwelling, two family."

Dwelling. The term "dwelling" means a building or portion thereof, which is constructed in compliance with the county's adopted building codes and designed as a place for human habitation, except hotel, apartment hotel, boardinghouse, lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include manufactured home and modular home when the requirements of title 108, chapter 14 are met.

Dwelling, group. The term "dwelling, group" means two or more dwellings arranged around a court.

Dwelling, multiple-family. The term "~~dwelling~~-multiple-family dwelling" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

Dwelling, single-family. The term "~~dwelling~~-single-family dwelling" means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit, unless specified otherwise by this Land Use Code.

Dwelling, two-family (duplex). The term "~~dwelling~~-two-family dwelling-(duplex)" also referred to as a "duplex," means a building arranged or designed to be occupied by two families, the structure having only two dwelling units with approximately the same floor area.

Dwelling unit. The term "dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

SECTION 4: AMENDMENT "Sec 104-3-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-3-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture and agricultural experiment station;
- (d) Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot;
- (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 of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line;
- (h) Golf course, except miniature golf;
- (i) Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation;
- (j) Home occupations;
- (k) Household pets;
- (l) Parking lot accessory to use permitted in this zone;
- (m) Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area;
- (n) Public building; public park, recreation grounds and associated buildings, public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools;
- (o) Single-family dwelling; and
- (p) Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

(Ord. of 1956, § 3-2; Ord. No. 7-76; Ord. No. 28-82; Ord. No. 14-92; Ord. No. 9-93; Ord. No. 96-35; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No 2011-2, § 3-2, 1-18-2011; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 5: AMENDMENT “Sec 104-5-3 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-5-3 Permitted Uses

The following uses are permitted in Agriculture Zone A-1:

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) 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 side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (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, provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Sugar beet loading or collection station.
- (v) Temporary buildings or use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5-2; Ord. No. 7-76; Ord. No. 12-91; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 6: AMENDMENT "Sec 104-6-3 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-6-3 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) 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.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets which do not constitute a kennel.
- (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 20,000 square feet of area devoted exclusively to the keeping of the horses.
- (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) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 7: AMENDMENT "Sec 104-8-3 Permitted Uses" of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-8-3 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station, apiary; aviary.
- (d) Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (e) Cemetery, chinchilla raising, convalescent or rest home.
- (f) Church, synagogue, or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (h) 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 side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (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 of land used for horses within any lot.
- (q) Public building, public park, recreation grounds and associated buildings; public school; private educational 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.

(Ord. of 1956, § 7-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 8: AMENDMENT "Sec 104-9-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-9-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.
- (e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to the animal. The keeping of animals and fowl for family food production. Golf course, except miniature golf courses.
- (f) Home occupations.
- (g) Household pets.
- (h) Private stables, not to exceed one horse per acre.
- (i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; public buildings.
- (j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less than 180 days for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:
 - (1) The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this chapter.
 - (2) County environmental health department approval as to waste disposal by an approved septic tank and drain field with approved connection to the R.V., and a land use permit from the county planning commission for each unit, which shall expire after 180 days from date of issue, and including only the following accessory uses: not more than one storage shed of not more than 200 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.
 - (3) A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land known as common land and/or open space.
 - (4) The following state and local division of health codes and requirements are complied with:
 - a. International Utah Plumbing Code.
 - b. Rules and regulations relating to public water supplies.
 - c. Code of Waste Disposal Regulations.
 - d. Code of Solid Waste Disposal Regulations.

e. Recreation regulations.

- (k) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley area. ~~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.~~
- (l) Single-family residences. ~~Facilities for persons with a disability meeting the requirements of section 108-7-13. Private stables, not to exceed one horse per acre. Household pets.~~

(Ord. of 1956, § 8-2; Ord. No. 96-35; Ord. No. 99-21; Ord. No. 2001-4; Ord. No. 2003-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2014-14, 5-20-2014; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 9:~~AMENDMENT~~ “Sec 104-10-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-10-2 Permitted Uses

The following uses are permitted in the

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, grazing and pasturing of animals.
- (d) Boating.
- (e) Cemeteries.
- (f) Fishing.
- (g) Golf courses, excluding miniature golf courses.
- (h) Home occupations.
- (i) Keeping of animals and fowl for family food production.
- (j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Public buildings
- (k) Single-family dwelling. Signs.
- (l) Water skiing and other water recreation activities.

(Ord. of 1956, § 9A-1; Ord. No. 6-61; Ord. No. 10-73B; Ord. No. 96-35; Ord. No. 98-3; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 10: AMENDMENT “Sec 104-12-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-12-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Church, synagogue or similar building used for regular religious worship.
- (e) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse, for private use only.
- (i) Home occupations.
- (j) Household pets, which do not constitute a kennel.
- (k) Parking lot accessory to uses permitted in this zone.
- (l) Public building, public park, recreation grounds and associated buildings.
- (m) Single-family dwelling.
- (n) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (o) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 10-2; Ord. No. 96-35; Ord. No. 99-25; Ord. No. 2006-24; Ord. No. 2009-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 11: AMENDMENT “Sec 104-13-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-13-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.

- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40 feet from the residence and 75 from the nearest adjacent residence.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land - exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 99-23; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 12: AMENDMENT "Sec 104-14-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-14-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.**
- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any

- side or rear lot line.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12B-2; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 13: AMENDMENT "Sec 104-15-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-15-2 Permitted Uses

The following uses are permitted in the Two-Family Residential Zone R-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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11 of this Land Use Code.
- (j) Home occupations.
- (k) Household pets.
- (l) Parking lot accessory to uses permitted in this zone.
- (m) Public building, public park, recreation grounds and associated buildings.
- (n) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (o) Residential facility for elderly persons meeting the requirements of section 108-7-15.

- (p) Single-family dwelling.
- (q) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (r) Two-family dwelling.

(Ord. of 1956, § 13-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 14:AMENDMENT “Sec 104-16-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-16-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.
- (j) Home occupations.
- (k) Household pets.
- (l) Library or museum, public or nonprofit.
- (m) Multiple-family dwelling with 24 or less dwelling units.
- (n) Parking lot accessory to uses permitted in this zone.
- (o) Public building, public park, recreation grounds and associated buildings.
- (p) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (q) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (r) Single-family dwelling.
- (s) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (t) Two-family dwelling.

(Ord. of 1956, § 14-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 15: **AMENDMENT** “Sec 104-17-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-17-2 Permitted Uses

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

- (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) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Cluster subdivision in accordance with title 108, chapter 3.
- (d) Dwelling unit as part of a Homeowner Association's common facility building, such as a clubhouse, for use by an on-site employed manager or night watchman with the density not greater than one manager or night watchman dwelling for every one hundred residential units within a project or combination of projects.
- (e) Home occupations.
- (f) Household pets.
- (g) Single-family, two-family, three-family and four-family dwellings.
- (h) Temporary building or use incidental to construction work. Such building or use to be removed upon completion or abandonment of the construction work.
- (i) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 15-2; Ord. No. 96-35; Ord. No. 99-29; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2012-3, 2-21-2012; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 16: **AMENDMENT** “Sec 108-8-2 Parking Spaces For Dwellings” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-8-2 Parking Spaces For Dwellings

In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that includes a hard surface area; ~~properly located for a future garage:~~

Single-family dwelling	Two side-by-side parking spaces
<u>Accessory dwelling unit</u>	<u>One parking space</u>
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	
Mixed bachelor, bachelorette and family	1¼ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

- (a) Increased occupancy. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
- (b) Rental sleeping room. In addition to the above parking space requirements, dwelling units with more than two sleeping rooms shall provide three-fourths additional parking space per each additional room used as a rental sleeping room.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011; Ord. No. 2014-18, Exh. A, 6-17-2014)

SECTION 17: AMENDMENT “Sec 108-8-7 Parking Lot Design And Maintenance” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-8-7 Parking Lot Design And Maintenance

- (a) Parking space location. Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.
- (b) Public parking lot standards. Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a

fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

- (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking of no more than two automobiles, which shall be functional and licensed with current registration, but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:
- (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
 - (2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
 - a. Up to and including four dwelling units, 16 feet.
 - b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.
 - c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.
 - (3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
 - (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.
 - (5) Parking requirements for dwellings will be located on the same lot with the dwelling.
 - (6) All private parking facilities must be improved with a hard surface such as

concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

SECTION 18: AMENDMENT “Sec 108-15-2 Other Standards And Requirements” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-15-2 Other Standards And Requirements

In addition to the above, the following standards and requirements shall also be met:

- (a) Single-family dwellings shall:
 - (1) Be attached to a site-built permanent foundation which meets all applicable codes; and
 - (2) Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
 - (3) Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
 - (4) Be permanently connected to all required utilities; and
 - (5) Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.
- (b) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
 - (1) Concrete or masonry materials; or
 - (2) Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
 - (3) Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (c) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:

- (1) A roof pitch of not less than a 2:12 ratio; and
 - (2) Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and
 - (3) A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (d) One or more additional kitchen(s) in detached single-family dwellings shall be allowed in ~~all~~ each zones, where single family dwellings are permitted, provided compliance with the following: if all of the following requirements are met:
- (1) The main dwelling unit shall have only one front entrance.
 - (2) The main dwelling unit shall have only one address. ~~An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental. The dwelling unit shall have no more than one (1) electrical meter.~~
 - (3) Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory ~~or "out"~~ building provided no more than one dwelling unit is established in the main single-family dwelling or in an accessory building ~~the use and occupancy limitations of this section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.~~
 - (4) The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that a second dwelling unit shall not be created as a result of the additional kitchen unless in accordance with Chapter 108-19 ~~the dwelling unit, including any accessory building, may not be converted into two or more dwelling units unless allowed by and in accordance with applicable provisions of this title.~~ The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit. ~~An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to title 108, chapter 19.~~

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17, Exh. A, 5-9-2017; Ord. No. 2018-12, Exh. A, 8-28-2018)

SECTION 19: AMENDMENT "Chapter 108-19 Accessory Apartments" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 108-19 Accessory ~~Apartments~~ Dwelling Units

SECTION 20: AMENDMENT “Sec 108-19-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-1 Purpose And Intent

The purpose of allowing an accessory dwelling unit, whether attached or detached to a single-family dwelling, is to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. ~~accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.~~

(Ord. of 1956, § 42-1)

SECTION 21: REPEAL “Sec 108-19-2 Conditional Use” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 108-19-2 Conditional Use (Repealed)~~

~~Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:~~

- ~~(a) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.~~
- ~~(b) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.~~

- ~~(c) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.~~
- ~~(d) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.~~
- ~~(e) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.~~
- ~~(f) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to section 108-8-13.~~

~~(Ord. of 1956, § 42-2; Ord. No. 2016-4, Exh. F2, 5-24-2016)~~

SECTION 22: **ADOPTION** “Sec 108-19-2 Applicability” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-2 Applicability(*Added*)

- (a) *Applicability.* The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) *Ogden Valley Accessory Dwelling Unit.* In the Ogden Valley, a detached accessory dwelling unit shall only be allowed on a lot:
 - (1) that contains twice the minimum acreage required by the zone; or
 - (2) where an applicant requesting an accessory dwelling unit has successfully negotiated the reallocation of a development right from another landowner's property. The reallocation shall be made by recording an instrument to the lot or parcel that is sending the development right. The instrument shall prohibit the right to develop the applicable dwelling on the sending parcel. The instrument shall be in a form as acceptable to the County Attorney.

SECTION 23:**AMENDMENT** "Sec 108-19-3 General Provisions" of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-3 General Provisions

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

- (a) Number of accessory dwelling units per parcel. No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) Amenities. An accessory dwelling unit shall contain sufficient amenities to be definable by Section 101-1-7 as a dwelling unit.
- (c) Parking. Parking shall be as provided in Section 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) Occupancy. Either the accessory dwelling unit or the single-family dwelling unit shall be owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection 3(d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of seven months of the calendar year. Temporary leave for religious, military, or other legitimate purpose may be permissible.
- (e) Short-term rentals not allowed. Neither the single-family dwelling, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code.
- (f) Relevant authority approvals. The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling unit. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

~~Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences. Nothing shall prevent the owner of the premises from deed-restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation. There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section. All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment. The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety. The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal. (Ord. of 1956, § 42-3)~~

SECTION 24: **ADOPTION** “Sec 108-19-4 Standards And Requirements” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-4 Standards And Requirements(*Added*)

(a) Accessory dwelling units shall comply with the following:

- (1) Standards same as single-family dwellings. If new construction for an accessory dwelling units is proposed or will occur, the standards for detached single-family dwellings, as provided in Title 108 Chapter 15 shall apply, except that an accessory dwelling unit shall not have a second kitchen.
- (2) Size. The floor area of an accessory dwelling unit shall not be less than 400 square feet and shall not exceed 1,000 square feet. In no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in a basement, the entire basement area may be used for the accessory dwelling unit.
- (3) Relationship to the main use; appearance. The exterior of the accessory dwelling unit shall conform to the main dwelling in architectural style and materials on all sides of the building and roof.
- (4) Location. An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.
- (5) Access. The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of the building in a manner that does not require passage through any other part of the building.
- (6) Undivided ownership. Ownership of an accessory dwelling unit shall not be transferred separate from the main single-family dwelling to which it is an accessory, unless the transfer is part of a law fully platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

SECTION 25: **AMENDMENT** “Sec 108-19-4 Application Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-~~4~~5 Application Procedure

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

(a) Application submittal requirements.

- (1) A completed application form signed by the property owner or assigned agent.
- (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
- (4) Details floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.
- (5) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) Review procedure.

- (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
- (2) Planning Division staff will route the application to the local fire authority, local health department, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
- (3) If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
- (4) If the application does not comply, Planning Division staff shall notify the applicant using the notification method typical for similar Planning Division correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.
- (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory

dwelling unit.

- (6) If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment: A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the respective planning area planning commission in accordance with the decision requirements of title 108, chapter 4 of this Land Use Code. Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

SECTION 26:AMENDMENT “Sec 108-19-5 Moderate Income Housing Provision” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-~~5~~6 Moderate Income Housing Provision

In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the planning advisory areas of unincorporated Weber County. Accessory dwelling units created in accordance with this chapter will assist in provided for this need.

~~In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines. To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy. The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.~~

(Ord. of 1956, § 42-5)

SECTION 27: **ADOPTION** “Sec 108-19-7 Enforcement” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-7 Enforcement(*Added*)

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this section shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long term rental of the accessory dwelling unit.

SECTION 28: **AMENDMENT** “Sec 108-21-5 Permitted Uses/Activities Table” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-21-5 Permitted Uses/Activities Table

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

(Ord. No. 2012-19, pt. 1(§ 46-5), 12-18-2012)

SECTION 29: AMENDMENT “Sec 108-21-6 Use/Activity Standards And Limitations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-21-6 Use/Activity Standards And Limitations

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

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

(1) *Agro-ecology research and education center (AREC).*

- a. An AREC shall be limited to providing nightly accommodations for faculty, staff, and/or students/apprentices only.
- b. An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two rooms per one gross acre.
- c. A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.
- d. An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(2) *B&B farm dwelling (two guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.
- c. A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title 106, subdivision.

(3) *B&B farm retreat (seven guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.
- c. A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial

natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

- d. A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106, subdivision.

(4) *B&B farm inn (16 guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.
- c. The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(5) *Luxury camping (glamping).*

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.
- b. Occupancy shall not exceed six persons per tent or cabin.
- c. Meals shall only be served to overnight guests.
- d. Glamping area(s) shall be completely screened from street view.
- e. Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(6) *Accessory dwelling unit. Carriage house.*

- a. An agritourism operation may have more than one accessory dwelling unit onsite, whether or not a main single-family dwelling is also onsite. The number of accessory dwelling units shall not exceed ~~Carriage houses shall be limited to a number that does not exceed~~ the following calculation: net developable acreage of the parcel upon which a ~~carriage house(s)~~ accessory dwelling unit is located, divided by the minimum lot area required by the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot area) × 20 percent = Maximum number of ~~carriage houses~~ accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.

- e. ~~A carriage house shall consist of not more than 800 square feet, as measured by its footprint.~~
- d. ~~Carriage houses~~An accessory dwelling unit shall not be located closer than 150 feet to ~~the~~any agri-tourism operation's ~~perimeter~~exterior boundary ~~line~~, and in no case located closer than 300 feet ~~to~~from an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) *Conference/education center.*

- a. An agri-tourism operation shall be limited to one conference/education center.
- b. A conference/education center shall be limited to a maximum of 20 guest units/rooms.
- c. Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) *Health farm.*

- a. An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or hotel).
- b. A health farm shall be limited to a maximum of ten guest units/rooms.
- c. A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(9) *Motor coach/caravan area.*

- a. A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one site per five gross acres. In no case shall a motor coach/caravan area or combination of areas exceed 20 sites.
- b. A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual

- and/or audible impacts to neighboring property.
- (10) *Single-family dwelling; a.k.a. farm house.*
- a. An agri-tourism operation shall be limited to one single-family dwelling/farm house and is subject to the Weber County zoning and platting requirements of title 106, subdivision.
- (b) *Agriculturally related uses/activities.*
- (1) Argo-ecology research and education center (AREC).
 - a. See section 108-21-6(a)(1).
 - (2) Educational classes.
 - a. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.
 - (3) Harvest-market.
 - a. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.
 - (4) Multi-farmer open air (farmer's) market.
 - a. The operation of a multi-farmer open air (farmer's) market shall be limited to the months of June through December.
 - b. A multi-farmer open air (farmer's) market shall not be located closer than 200 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
 - (5) Petting farm/zoo.
 - a. Limited to parcels with access provided by a collector or arterial road when located within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation information.
- (c) *Non-Agriculturally Related Uses/Activities.*
- (1) Bakery/cafe featuring farm product(s).
 - a. Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is operated.
 - b. A bakery/cafe shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
 - (2) Farm stay.
 - a. See section 108-21-6(a).
 - (3) Gift shop (retail).

- a. A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

(4) Hunting preserve.

- a. Limited to the Western Weber County Planning Area.
- b. Limited to upland game and waterfowl hunting only.
- c. Subject to Utah Division of Wildlife Resource standards.

(5) Motor coach/caravan area.

- a. See section 108-21-6(a)(1).

(6) On-farm store/retail market.

- a. Not less than one agricultural product, offered at an on-farm store/retail market, shall be raised/cultivated and/or produced by the farm on which the on-farm store/retail market is operated.
- b. An on-farm store/retail market and its outdoor display area or on-farm store/retail market area within a multi-use building shall be limited to the following size standards:

1.	Large farm (40<80 ac)	600 square feet maximum.
2.	Ranch (>80 ac)	800 square feet maximum.

- c. Products made available at an on-farm store/retail market shall be limited to those commonly offered by a small-scale neighborhood grocer.
- d. An on-farm store/retail market shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be

reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) Restaurant featuring farm product(s).

- a. Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.
- b. A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) Value added product processing and packaging (VAPPP).

- a. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.
- b. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.
- c. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

- d. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- e. The structure in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single-family dwelling on an adjacent

lot/parcel.

(Ord. No. 2012-19, pt. 1(§ 46-6), 12-18-2012; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2018-6, Exh. A, 5-8-2018)



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2019-06, a request to amend the Weber County Land Use Code to create standards for storage units in the commercial zones.

Agenda Date: Tuesday, October 27, 2020 and November 10, 2020

Staff Report Date: Tuesday, October 20, 2020

Applicant: Weber County

File Number: ZTA 2019-06

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

- § 101-2 – Definitions
- § 104-20-4 – Special Regulations in the C zones
- § 104-20-2 – Site Development Standards in the C zones
- § 104-21-2 – Site Development Standards in the CV zones
- § 104-21-4 – Special Regulations in the CV zones
- § 104-20-5 – Uses in the C zones
- § 104-21-5 – Uses in the CV zones
- § 104-22-2 – Permitted uses in the M-1 zone
- § 104-23-2 – Permitted uses in the MV-1 zone
- § 104-23-3 – Conditional uses in the MV-1 zone
- § 104-24-3 – Conditional uses in the M-2 zone

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 use of storage units has been a recent topic for debate for both the Planning Commissions and the County Commission. If not held to higher standards, storage unit facilities tend to present poorly due, in part, to the absentee owner phenomenon. However, storage units are needed and will continue to be needed as the communities continue to grow. If they can be designed into the community in a manner that draws the least attention and generates the least impact, their usefulness can be enjoyed without their effects becoming a detriment to the community.

The attached ordinance is designed to require new storage unit proposals in the C and CV zones to be designed in a manner that they hide in plain sight. It will require street-facing storefronts/commercial spaces to be placed in front of a storage unit facility.

The proposal also addresses a number of clerical edits, and brings the C zones into alignment with the recent village-oriented ordinance modifications recently passed for the CV zones.

Policy Analysis

The proposed ordinance draft is attached as Exhibits A. The following is an analysis of the proposal based on the

existing general plan and existing ordinances.

General plan. The West Central Weber County General Plan does not offer much information by way of regulating storage units. However, it does provide for a community village and suggests that the County create commercial design standards to be employed in the village areas:

Implementation Action: Develop commercial design standards to help commercial development better fit with the character of the area.¹

The Ogden Valley General Plan does similarly:

Commercial Development Principle 2.1: Require new commercial development to conform to community design standards to ensure compatibility with the character of Ogden Valley and to provide for aesthetic and functional transition to surrounding residential and agricultural areas.²

Zoning. The term “storage units” is currently only present in the CV-2 and MV-1 zones, leading to the assumption that because it is so specifically regulated in these two zones, the fact that it is not mentioned in others means it is prohibited in them. The proposal addresses that by expanding the use to other commercial and manufacturing zones.

To endure a storage unit facility is designed to blend well in a commercial area, there needs to be some stringent standards applied. These standards a likely to drive up the cost of constructing a storage facility, so the Planning Commission will need to determine whether the added expense to a potential applicant/landowner is worth the community aesthetics the regulation might bring.

A section-by-section synopsis of the proposal, along with commentary from staff explaining the reasoning behind it, is provided in the notes in the columns of the attached proposed ordinance.

In brief, the proposed ordinance does the following:

- Provides consistency in the terminology of an indoor storage unit facility.
- Provides standards to which an indoor storage unit facility must adhere in each commercial zone.
- Defines outdoor storage and sets permissions/prohibitions in each commercial and manufacturing zone.
- Consolidates the C-1, C-2, C-3 zoning chapter with the CV-1 and CV-2 zoning chapter, creating a single chapter for all five commercial zones. This is to eliminate redundancies and reduce possibilities for clerical or interpretive errors.

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 2019-06, the addition of development and architectural standards for indoor storage unit facilities and other related clerical edits.

1. Both the West Central Weber General Plan and the Ogden Valley General Plan call for commercial design standards in village areas.

¹ West Central Weber County General Plan, p. 2-15. Pulled from <http://www.webercountyutah.gov/planning/plans.php> on August 18, 2020.

² Ogden Valley General Plan, p.33. Pulled from <http://www.webercountyutah.gov/planning/plans.php> on August 18, 2020.

2. The regulations will protect villages from the poor aesthetics that are typical of storage unit facilities, and thereby supporting the potential vitality of village areas.
3. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinances.
4. That the proposal is not detrimental to the health, safety, and welfare of the public.

Exhibits

- A. Proposed Ordinance Changes with staff annotations.

SECTION 1: AMENDMENT “Sec 101-2-16 O Definitions” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 101-2-16 O Definitions

On-farm store/retail market, agri-tourism. The term "agri-tourism on-farm store/retail market" means an agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally related products and, in some cases, non-agriculturally related products directly to the consumer or agri-tourist.

Open space. The term "open space" means an area which offers amenities such as, but not limited to, undeveloped land, trails, parks, and associated facilities, open space may be owned publically and/or privately.

Open space, common area. The term "open space, common area" means open space within or related to a development, which is not held in individually owned lots or dedicated for public use, but which is owned in common by the owner's association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.

Open space, conservation. The term "open space, conservation" means an undisturbed, public or private use, area that is undeveloped and permanently preserved in order to maintain scenic qualities and habitat values. Conservation open space is intended to preserve natural resources and/or to buffer natural areas including open or wooded lands, wetlands, lakes and watercourses. Typical conservation open space uses and/or designations include: vacant land, scenic viewsheds, agriculture, watershed protection zones, groundwater recharge areas, wildlife habitat and non-motorized trails/pathways including associated maintenance and signage.

Ordinary high water mark. The term "ordinary high water mark" means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

Outdoor Storage. The term "outdoor storage" means items for sale, storage, or display outside a completely enclosed building for a period greater than 24 hours, which are for or associated with a commercial or manufacturing use.

↑ New definition used to allow outdoor storage in the M-2 and M-3 zones, but prohibit in others.

Overlay district. The term "overlay district" means a zone or district that encompasses one or more underlying zones with additional requirements or special regulations. These special requirements shall take precedence over the provisions of the underlying zone.

SECTION 2: AMENDMENT “Chapter 104-20 Commercial Zones C-1, C-2, C-3” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 104-20 Commercial Zones C-1, ~~C-2~~, Cv-1, C-2, Cv-2, And C-3

Consolidating chapters 104-20 and 104-21. The chapters are consistent enough to eliminate pages of code by consolidating, and also reduce the possibility of inaccurate interpretation/administration where there are differences. The consolidation allows the user see the *intentional* differences between the zones.

SECTION 3: AMENDMENT “Sec 104-20-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-1 Purpose And Intent

- (a) The purpose of the ~~C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional Commercial Zones~~ commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Weber County. It is also to separate into three zones uses, based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.
- (b) The C-1 Zone (Western Weber Planning Area Neighborhood Commercial Zone) and the CV-1 Zone (Ogden Valley Planning Area Neighborhood Commercial Zone) is established for the purpose of providing shopping facilities and services within neighborhoods that are more likely to be primarily patronized by those in the surrounding neighborhood. Commercial uses that are primarily patronized by those outside the surrounding neighborhood are less suitable for this zone.
- (c) The C-2 Zone (Western Weber Planning Area Community Commercial Zone) and the CV-2 Zone (Ogden Valley Planning Area Community Commercial Zone) is established for the purpose of providing a broad range of commercial services and goods to serve a larger community area. These areas are intended to be clustered around traditional town or village centers and not strung out along the highways.
- (d) The C-3 Zone (Regional Commercial Zone) is established for the purpose of providing commercial goods and services that are more likely to be patronized by those in surrounding region.

The changes presented in this section are a result of consolidating chapter 104-20 and 104-21, and clarifying how the zones are intended to work in relation to each other.

(Ord. of 1956, § 18-1)

SECTION 4: AMENDMENT “Sec 104-20-2 Site Development Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-2 Site Development Standards

The following site development standards shall apply to the ~~C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional~~ Commercial Zones:

(a) Lot area:

	C-1 <u>AND CV-1</u> ZONE	C-2 <u>AND CV-2</u> ZONE	C-3 ZONE
Minimum lot area:	None	None	None

(b) Lot width:

	C-1 <u>AND CV-1</u> ZONE	C-2 <u>AND CV-2</u> ZONE	C-3 ZONE
Minimum lot width:	None	None	None

(c) Yard Setbacks:

(1) Front yard setbacks:

	C-1 <u>AND CV-1</u> ZONE	C-2 <u>AND CV-2</u> ZONE	C-3 ZONE
Minimum front yard setback	<u>None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street.</u> 20 ft. on streets of less than 80 ft. in width; 50 ft. on streets and highways of 80 ft. or more in width		

(2) Side yard setback:

In the CV-1 and CV-2 zones, this was recently changed to "none." The new language here is to bring "none" to the other commercial zones, and to also clarify that "none" assumes the street right-of-way is at least a 50 foot 1/2 width, which is the standard needed to provide a pedestrian friendly village area.

	C-1 AND CV-1 ZONE	C-2 AND CV-2 ZONE	C-3 ZONE
Minimum side yard setback	<u>10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel.</u> None, except 10 feet adjacent to residential zone boundary		
Minimum side yard facing street on corner lot	20 feet <u>20 feet</u> 20 feet None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street. Clear view of intersecting streets shall be maintained, as provided in Section 108-7-7 or as otherwise prescribed by the County Engineer.		
(3) Rear yard setback	10 feet <u>10 feet</u> 10 feet None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street. Clear view of intersecting streets shall be maintained, as provided in Section 108-7-7 or as otherwise prescribed by the County Engineer.		
	C-1 AND CV-1 ZONE	C-2 AND CV-2 ZONE	C-3 ZONE
Minimum rear yard setback	<u>10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or the building will abut a building on the adjoining lot or parcel.</u> None, except 10 feet where building rears on a residential zone		

Copied from the CV-1 and CV-2 zones.

In the CV-1 and CV-2 zones, this was recently changed to "none." The new language here is to bring "none" to the other commercial zones, and to also clarify that "none" assumes the street right-of-way is at least a 50 foot 1/2 width, which is the standard needed to provide a pedestrian friendly village area.

(d) Building height:

	C-1 AND CV-1 ZONE	C-2 ZONE	CV-2 ZONE	C-3 ZONE
Minimum building height	1 story	1 story	<u>1 story</u>	1 story
Maximum building height	35 feet	None	<u>35 feet</u>	None

(e) Lot coverage:

	C-1 AND CV-1 ZONE	C-2 AND CV-2 ZONE	C-3 ZONE
Maximum lot coverage by buildings	60 percent	60 percent	None

(Ord. of 1956, § 18-2; Ord. No. 2-89)

SECTION 5: AMENDMENT “Sec 104-20-3 Sign Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-3 Sign Regulations

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in ~~¶Title 110, chapter 1, Signs,~~ of this Land Use Code. ~~Permitted signs are listed in section 104-20-5.~~

(Ord. of 1956, § 18-3)

SECTION 6: AMENDMENT “Sec 104-20-4 Special Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-4 Special Regulations

- (a) Manufacturing uses. All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration. ~~Hereinafter specified permitted and conditional uses shall be permitted only when the following conditions are complied with: All manufacturing shall be done within a completely enclosed building. All uses shall be free from objection because of odor, dust, smoke, or noise. In the C-1 Neighborhood Commercial Zone, no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.~~
- (b) Car wash. A car wash shall be permitted subject to the following restrictions:
 - (1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.
 - (2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.
 - (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related

Everything in this section, except paragraph (g) which is a new addition for all commercial zones, has been copied and pasted from the CV-1 and CV-2 chapter. The C-X chapter and the CV-X chapter share the same origination, but it appears that more modifications have occurred to the CV-X chapter as a result of more development in commercial areas and needed changes to accommodate that development. Applying these changes to the C-X zones now may help avoid the untimely need for changes in the future.

improvements.

- (4) The off-street vehicle spaces or queues required shall be as follows:
- a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

A car wash shall be permitted subject to the following restrictions:

- ~~(a) Operation or use is forbidden between the hours of 10:00 p.m. and 6:00 a.m. on the following morning in C-1 Zones only. There shall not be more than four washing bays for a manual spray car wash in C-1 Zones only. One bay car wash, four spaces in the approach lane. Two bay car wash, three spaces in the approach lane for each wash bay. Three or more bay car wash, two spaces in the approach lane for each wash bay.~~

- ~~(b) Off-street vehicle storage required as follows:~~

(c) Complete street.

- (1) A complete street, as defined in Chapter 101-2, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the lot's entire street-frontage in the commercial zone.

- a. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.
- b. For portions of a lot's frontage in the commercial zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.

- (2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

- (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in Section 104-20-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:

- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
- (2) The building shall not be setback any greater than 20 feet at any point from the

property line that runs parallel to the public or private street; and

(3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2.

(e) **Perpetual building maintenance agreement.** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:

(1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;

(2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;

(3) require allowances of access to the property for repairs and maintenance purposes;

(4) be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and be recorded on the title of both properties.

(f) **Cross-access and cross-access easement.** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable.

(1) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.

(2) The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area.

(3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.

(4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.

(5) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

(g) **Storage Unit.** When allowed by Section 104-20-5, and unless exempted herein, storage units are allowed if located on the same lot or parcel with street-facing commercial

New paragraph to regulate the appearance and development standards of storage units.

space. The use shall comply with the following:

- (1) Storage units shall be located behind or above building area that provides or reserves first-story street-facing commercial space. The building providing street-facing commercial space shall be designed by an architect and shall:
 - a. Provide street-facing commercial space that is at the street level and extends the entire length of the building's street-facing facade;
 - b. Be setback from the front property line, or side-facing street property line if on a corner lot, no greater than 20 feet;
 - c. Have one or more main entrance(s) accessible from the street right-of-way on the building's street-facing facade;
 - d. Have at least 50 percent fenestration for the part of a building's facade(s) that provide(s) first-story street-facing commercial space;
 - e. Have at least 30 percent fenestration for the part of a building's facade(s) that do(es) not provide first-story street-facing commercial space;
 - f. Appear from the exterior as if office or residential space is offered in the area housing the storage units; and
 - g. Comply with the architectural design theme specified in the respective general plan.
- (2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified in Subsection (g)(1) herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall only be as wide as the building providing first-story street-level commercial space. The building shall be designed by a licensed architect to have similar architectural features as the building providing first-story street-level commercial space.
- (3) Storage unit bay doors or garage doors shall face away from the nearest property line, and shall be completely obscured from view from any public right-of-way; except a bay or garage door may face a public right-of-way if the door is constructed of 80 percent window area and designed to appear as fenestration for first-story street-facing commercial space.
- (4) The lot's street frontage shall be developed as a complete street, as specified in Section 104-21-4(c).
- (5) Exemption: The requirements of this Subsection (g) shall be waived if:
 - a. The lot or parcel has no street frontage;
 - b. No street is planned that would give the lot or parcel frontage, as shown on any street plan or similar document adopted by the County; and
 - c. The parcel is surrounded on all sides by a zone that allows first-story street-facing commercial space, or is shown on a general plan, area plan, or other similar document adopted by the County to become surrounded on all sides by a zone that allows first-story street-facing commercial space.

(Ord. of 1956, § 18-4)

SECTION 7: AMENDMENT “Sec 104-20-5 Uses” of the Weber County
 County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-5 Uses

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

This table consolidates all of the C-X and CV-X zones into one table. Seeing the uses and how they relate in each zone will help provide clarity and consistency when administering the code.

	C-1	CV- 1	C-2	CV- 2	C-3
<u>Academies/studios for dance, art, sports, etc.</u>	C	C	P	P	P
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	P	P	P	P	P
Air conditioning, sales and service	N	N	N	C	P
Altering, pressing and repairing of wearing apparel	P	P	P		
Ambulance base stations	N	N	C	C	P
Amusement enterprises	N	N	N	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	N	N	C	C
Antique, import or souvenir shop	N	N	P	P	P
Archery shop and range, provided it is conducted within completely enclosed building	N	N	P	P	P
Art and artists supply store	N	P	P	P	P
Athletic, <u>recreational equipment</u> , and sporting goods stores <u>sales or rentals</u> , excluding sale or repair of motor vehicles, motor boats or motors	N	N	P	P	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	N	N	N	P
Athletic club	N	P	P		
Auction establishment	N	N	N	C	C

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Already exists as "tailor" below

See "fitness center"

Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	<u>N</u>	N	<u>C</u>	P
Automobile, new or used; sales and service	N	<u>N</u>	N	<u>C</u>	P
Awning sales and service	N	<u>N</u>	P	<u>C</u>	P
Baby formula service	P	<u>N</u>	P	<u>N</u>	P
Bakery, manufacture -limited to goods retailed on premises	P	<u>C</u>	P	<u>P</u>	P
Bakery goods manufacturing	N	<u>N</u>	N	<u>N</u>	P
Bank or financial institution, <u>not including payday loan services</u>	P	<u>P</u>	P	<u>P</u>	P
Barbershop	P	<u>P</u>	P	<u>P</u>	P
Bath and massage establishment	N	<u>N</u>	P	<u>N</u>	P
Beauty culture school	N	<u>N</u>	N	<u>N</u>	P
Beauty parlor for cats and dogs	N	<u>N</u>	P	<u>P</u>	P
Beauty shop	P	<u>P</u>	P	<u>P</u>	P
<u>Bed and breakfast dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Bed and breakfast inn	N	<u>N</u>	P	<u>P</u>	P
Bed and breakfast hotel	N	<u>N</u>	C	<u>C</u>	P
Beer parlor, sale of draft beer	N	<u>N</u>	N	<u>C</u>	C
Bicycle sales and service	P	<u>P</u>	P	<u>P</u>	P
Billiard parlor	N	<u>N</u>	N	<u>C</u>	P
Blue printing or photostating	N	P	P		
Boarding house	N	<u>N</u>	C	<u>C</u>	P
Boat sales and service, <u>including water craft rentals as an accessory to boat sales and service</u>	N	<u>N</u>	C	<u>C</u>	P
Bookbinding	N	<u>N</u>	N	<u>N</u>	P
Bookstore, retail	P	<u>P</u>	P	<u>P</u>	P
Bottling and distribution plant	N	<u>N</u>	N	<u>N</u>	P
Bowling alley	N	<u>N</u>	C	<u>C</u>	P
Boxing arena	N	<u>N</u>	N	<u>N</u>	P
<u>Brewery, micro; in conjunction with a restaurant</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Building materials sales or yard	N	<u>N</u>	N	<u>N</u>	P
Bus terminal	N	<u>N</u>	P	<u>P</u>	P

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

See "printing" below.

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

<u>Butcher shop, excluding slaughtering</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
Cabaret	N	<u>N</u>	N	<u>N</u>	C
Cafe or cafeteria	P	<u>P</u>	P	<u>P</u>	P
Camera store	P	<u>P</u>	P	<u>P</u>	P
Candy manufacture	N	<u>N</u>	N	<u>N</u>	P
Candy store, confectionery	P	<u>P</u>	P	<u>P</u>	P
Carbonated water sales	N	<u>N</u>	P	<u>P</u>	P
Carpenter and cabinet shop	N	<u>N</u>	N	<u>N</u>	P
Carpet and rug cleaning	N	<u>N</u>	N	<u>N</u>	P
Carpet, rug and linoleum service	N	<u>N</u>	P	<u>N</u>	P
<u>Car rental agency</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Car wash, automatic laundry type	N	<u>N</u>	C	<u>C</u>	P
Car wash, manual spray	C	<u>C</u>	P	<u>P</u>	P
Cash register sales and service	N	<u>N</u>	P	<u>N</u>	P
Catering establishment	N	<u>C</u>	P	<u>P</u>	P
China, crystal and silver shop	C	<u>C</u>	P	<u>P</u>	P
Christmas tree sales	P	<u>N</u>	P	<u>N</u>	P
Church	P N	<u>P</u>	P E	<u>P</u>	P
Church, temporary revival	N	E	E		
Circus, carnival or other transient amusement	N	<u>N</u>	N	<u>N</u>	C
Cleaning and dyeing establishment	N	<u>N</u>	P	<u>N</u>	P
Clinics, medical or dental	P	<u>P</u>	P	<u>P</u>	P
Clothing and accessory store	N	<u>N</u>	P	<u>P</u>	P
Coal and fuel sales office	N	<u>N</u>	N	<u>N</u>	P
Communication equipment building	N	<u>N</u>	P	<u>P</u>	P
Contractor shop, provided work is conducted within a completely enclosed building	N	<u>N</u>	N	<u>N</u>	P
<u>Convenience store</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
Costume rental	N	<u>N</u>	P	<u>P</u>	P
Dairy products store	P	<u>P</u>	P	<u>P</u>	P
Dance hall	N	<u>N</u>	N	<u>N</u>	C
Data processing service and supplies	N		P		P

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Regulating a church differently than other churches is not advisable.

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

		<u>N</u>		<u>P</u>	
<u>Day care center</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>N</u>
Delicatessen	P	<u>P</u>	P	<u>P</u>	P
Department store	N	<u>N</u>	P	<u>P</u>	P
Detective agency	P	<u>N</u>	P	<u>N</u>	P
Diaper service, including cleaning	N	<u>N</u>	P	<u>P</u>	P
Drapery and curtain store	N	<u>N</u>	P	<u>P</u>	P
Drive it yourself agency or business	N	<u>N</u>	P	<u>N</u>	P
Drug store	P	<u>P</u>	P	<u>P</u>	P
Dry cleaning- establishment	P <u>N</u>	<u>P</u>	P	<u>P</u>	P
<u>Dry cleaning pickup station</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Dwelling unit in compliance with Section 104-21-4(d)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that 3,000 sq. ft. of green area is provided for the family	C	<u>P</u>	C	<u>P</u>	N
Educational institution	N	<u>N</u>	P	<u>P</u>	P
Educational/institutional identification sign	C	<u>C</u>	C	<u>C</u>	C
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	<u>P</u>	P	<u>P</u>	P
Electrical and heating appliances and fixtures sales and service	N	<u>N</u>	P	<u>P</u>	P
Electronic equipment sales and service	N	<u>N</u>	P	<u>P</u>	P
Employment agency	N	<u>N</u>	P	<u>P</u>	P
Express and transfer service	N	<u>N</u>	N	<u>N</u>	C
Fabric and textile store	P	<u>C</u>	P	<u>P</u>	P
Farm implement sales	N	<u>N</u>	N	<u>C</u>	P
Film exchange establishment	P	<u>N</u>	P	<u>N</u>	P
<u>Fitness, athletic, health, or recreation center, or gymnasium</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Five and ten cent store	P	<u>N</u>	P	<u>N</u>	P
<u>Flooring sales and service, carpet, rug, and linoleum</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Florist shop	P	<u>C</u>	P	<u>P</u>	P
Frozen food lockers, incidental to a grocery store or food business	P	<u>P</u>	P	<u>P</u>	P

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Perhaps this can be governed by "dry cleaning" above?

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

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Consolidation of uses.	Fruit <u>or vegetable</u> store or stand	P	<u>P</u>	P	<u>P</u>	P
	Furniture sales and repair	N	<u>N</u>	P	<u>P</u>	P
Use separated. See below.	Fur apparel sales, storage or repair	N	<u>N</u>	P	<u>P</u>	P
	Garden supplies and plant materials sales	P	<u>C</u>	P	<u>P</u>	P
	Gift store	P	<u>P</u>	P	<u>P</u>	P
	Glass sales and service	N	<u>N</u>	P	<u>P</u>	P
	Government <u>office</u> buildings or uses, nonindustrial	C	<u>N</u>	P	<u>P</u>	P
	Greenhouse and nursery; soil and lawn service	N	<u>N</u>	P	<u>P</u>	P
	Grocery store	P	<u>C</u>	P	<u>P</u>	P
	Gunsmith	N	<u>P</u>	P	<u>P</u>	P
	Gymnasium	N	<u>N</u>	P	<u>P</u>	P
	Hardware stores	N	<u>N</u>	P	<u>P</u>	P
Consolidation with fitness center.	Health club	N	P	P		
	Health food store	P	<u>P</u>	P	<u>P</u>	P
Redundant	Heliport	N	<u>N</u>	C	<u>N</u>	C
	Hobby and crafts store	P	<u>P</u>	P	<u>P</u>	P
	Hospital supplies	N	<u>N</u>	P	<u>N</u>	P
	Hotel	N	<u>N</u>	C	<u>C</u>	P
	House cleaning and repair	N	<u>N</u>	P	<u>P</u>	P
	House equipment display	N	<u>N</u>	P	<u>N</u>	P
	Household appliance sales and incidental service	N	<u>N</u>	C	<u>C</u>	P
	Household pets, dwelling units only	P	<u>P</u>	P	<u>P</u>	P
	Ice cream manufacture	N	<u>N</u>	N	<u>N</u>	P
	Ice cream parlor	P	<u>P</u>	P	<u>P</u>	P
	Ice manufacture and storage	N	<u>N</u>	N	<u>N</u>	P
	Ice store or vending station	P	<u>P</u>	P	<u>P</u>	P
	Insulation sales	N	<u>N</u>	P	<u>P</u>	P
	Insurance agency	N	<u>N</u>	P	<u>P</u>	P
	Interior decorator and designing establishment Interior decorator and designing establishment	N	<u>P</u>	P	<u>P</u>	P
	Janitor service and supply	N	<u>N</u>	P	<u>N</u>	P
	Jewelry store sales and service	P	<u>P</u>	P	<u>P</u>	P

Knitting mills	N	<u>N</u>	N	<u>N</u>	C
Laboratory, dental or medical	N	<u>N</u>	P	<u>P</u>	P
Laundry or dry cleaners, laundromat type	P	<u>P</u>	P	<u>P</u>	P
Laundry or dry cleaning establishment	N	N	P		
Laundrette or laundromat	P	P	P		
Lawn mower sales and service	N	<u>N</u>	P	<u>P</u>	P
Leather goods, sales and service	N	<u>N</u>	P	<u>P</u>	P
Legal office	N	<u>N</u>	P	<u>P</u>	P
Library	P	<u>P</u>	P	<u>P</u>	P
Linen store	N	<u>N</u>	P	<u>P</u>	P
Linen supply service	N	<u>N</u>	N	<u>N</u>	P
Liquor store	N	<u>N</u>	C	<u>C</u>	C
Locksmith	P	<u>P</u>	P	<u>P</u>	P
Lodge or social hall	N	<u>N</u>	P	<u>P</u>	P
Lodging house	N	<u>N</u>	C	<u>N</u>	P
Lounge	N	<u>N</u>	N	<u>N</u>	C
Luggage store	N	<u>N</u>	P	<u>N</u>	P
Lumber yard	N	<u>N</u>	N	<u>N</u>	C
Machine shop operations incidental to any use permitted in C-3 district	N	<u>N</u>	N	<u>N</u>	P
Manufacture of goods retailed on premises	N	<u>N</u>	C	<u>N</u>	C
Meat custom cutting and wrapping, excluding slaughtering	N	<u>N</u>	C	<u>C</u>	C
Meat, fish and seafood store	P	<u>P</u>	P	<u>P</u>	P
Medical office	P	<u>P</u>	P	<u>P</u>	P
<u>Medical supplies</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Millinery	N	<u>N</u>	P	<u>N</u>	P
Miniature golf	N	<u>N</u>	N	<u>C</u>	C
Mobile home sales	N	<u>N</u>	C	<u>N</u>	P
Mobile home service	N	<u>N</u>	N	<u>N</u>	P
Monument works and sales	N	<u>N</u>	P	<u>P</u>	P
Mortuary	N	<u>N</u>	C	<u>C</u>	P

Redundant

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Motel	N	<u>N</u>	C	<u>C</u>	P
Motorboat sales and service	N	<u>N</u>	C	<u>N</u>	P
Motorcycle and motor scooters sales and service	N	<u>N</u>	C	<u>C</u>	P
Museum	C	<u>C</u>	P	<u>P</u>	P
Music store	N	<u>C</u>	P	<u>P</u>	P
Needlework, embroidery or knitting store	P	<u>N</u>	P	<u>N</u>	P
Newsstand	P	<u>P</u>	P	<u>P</u>	P
Nightclub or social club	N	<u>N</u>	N	<u>N</u>	C
Notion store	P	<u>N</u>	P	<u>N</u>	P
Novelty store	N	<u>N</u>	P	<u>N</u>	P
Nursery school	C	<u>N</u>	P	<u>N</u>	P
Office in which goods or merchandise are not commercially created, exchanged or sold	N	<u>N</u>	P	<u>N</u>	P
Office supply	N	<u>N</u>	P	<u>P</u>	P
Office machines sales and service	N	<u>N</u>	P	<u>N</u>	P
Oil burner shop	N	<u>N</u>	N	<u>N</u>	C
Optometrist, optician or oculist	P	<u>P</u>	P	<u>P</u>	P
Ornamental iron sales or repair	N	<u>N</u>	C	<u>C</u>	P
<u>Outdoor storage, except where expressly permitted otherwise in the zone</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Paint or wallpaper store	N	<u>N</u>	P	<u>P</u>	P
Paperhanger shop	N	<u>N</u>	P	<u>N</u>	P
Park and playground	P	<u>P</u>	P	<u>P</u>	P
Parking lot or garage <u>as a main use</u> for passenger automobiles	C	<u>N</u>	C	<u>C</u>	C
Pawnshop	N	<u>N</u>	N	<u>N</u>	P
Penny arcade	N	<u>N</u>	N	<u>N</u>	C
Pest control and extermination	N	<u>N</u>	P	<u>P</u>	P
Pet and pet supply store	N	<u>N</u>	P	<u>P</u>	P
Pharmacy	P	<u>P</u>	P	<u>P</u>	P
Photographic supplies	P	<u>P</u>	P	<u>P</u>	P
Photo studio	P	<u>P</u>	P	<u>P</u>	P
Physician or surgeon	P	<u>P</u>	P	<u>P</u>	P

New use listed.

Clarification.

Pie manufacture	N	<u>N</u>	P	<u>P</u>	P
Plumbing shop	N	<u>N</u>	C	<u>P</u>	P
Pony ring, without stables	N	<u>N</u>	N	<u>N</u>	C
Pool hall	N	<u>N</u>	N	<u>N</u>	P
Popcorn or nut shop	P	<u>P</u>	P	<u>P</u>	P
Post office	C	<u>C</u>	P	<u>P</u>	P
<u>Pottery, sales and manufacture of crafts and tile</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Printing, lithographing publishing or reproductions <u>or copying</u> sales and services	N	<u>N</u>	C	<u>P</u>	P
Private liquor club	N	<u>N</u>	N	<u>C</u>	C
Professional office	N	<u>N</u>	P	<u>P</u>	P
Public utilities substation	C	<u>C</u>	C	<u>C</u>	C
Public building	P	<u>P</u>	P	<u>P</u>	P
Radio and television sales and service	C	<u>C</u>	P	<u>P</u>	P
Radio, <u>or</u> television of FM broadcasting station	N	<u>N</u>	P	<u>P</u>	P
Real estate agency	N	<u>C</u>	P	<u>P</u>	P
Reception center or wedding chapel	N	<u>N</u>	C	<u>C</u>	P
Recreation center	N	<u>N</u>	C	<u>N</u>	P
Recreational vehicle storage, <u>indoor only</u>	C	<u>N</u>	C	<u>C</u>	P
Rental agency for home and garden equipment	N	<u>N</u>	P	<u>P</u>	P
Restaurant	P	<u>C</u>	P	<u>P</u>	P
Restaurant, drive-in	N	<u>N</u>	P	<u>C</u>	P
<u>Restaurant, drive-through</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
Roller skating rink	N	<u>N</u>	C	<u>N</u>	P
Roofing sales or shop	N	<u>N</u>	P	<u>N</u>	P
Secondhand store	N	<u>N</u>	P	<u>P</u>	P
Seed and feed store, retail	N	<u>N</u>	P	<u>P</u>	P
<u>Self-storage, indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
Service station, automobile excluding painting, body and fender and upholstery work	P	<u>P</u>	P	<u>P</u>	P
Service station, automobile, with rotating brush <u>one-bay</u> car	P	<u>C</u>	P	<u>P</u>	P

Updating

Clarifying

Primary subject of this amendment

Updating

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

wash as accessory use					
Sewing machine sale and service	N	<u>N</u>	P	<u>P</u>	P
Sheet metal shop and retinning, provided all operations are conducted within completely enclosed bldg.	N	<u>N</u>	N	<u>N</u>	C
Shoe repair or shoe shine shop	P	<u>P</u>	P	<u>P</u>	P
Shoe store	N	<u>N</u>	P	<u>P</u>	P
Shooting gallery	N	<u>N</u>	N	<u>N</u>	P
Sign manufacture or sign painting	N	<u>*</u>	N	<u>*</u>	P
Sign, animated; <u>only the time and temperature may be animated in the C-1 zone;</u>	*P	<u>*</u>	P	<u>*</u>	P
Sign, business	P	<u>*</u>	P	<u>*</u>	P
Sign, flat	P	<u>*</u>	P	<u>*</u>	P
Sign, construction project	P	<u>*</u>	P	<u>*</u>	P
Sign, directional	P	<u>*</u>	P	<u>*</u>	P
Sign, freestanding	P	<u>*</u>	P	<u>*</u>	P
Sign, identification and information	P	<u>*</u>	P	<u>*</u>	P
Sign, marquee	P	<u>*</u>	P	<u>*</u>	P
Sign, nameplate	P	<u>*</u>	P	<u>*</u>	P
Sign, off premises	N	<u>*</u>	P	<u>*</u>	P
Sign, projecting	P	<u>*</u>	P	<u>*</u>	P
Sign, roof	N	<u>*</u>	P	<u>*</u>	P
Sign, temporary	P	<u>*</u>	P	<u>*</u>	P
Sign, wall	P	<u>*</u>	P	<u>*</u>	P
<u>Snow plow and removal service</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Snowmobile and ATV sales and repair</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Soil and lawn service</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Spa</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Supermarket	P	<u>N</u>	P	<u>N</u>	P
*only time and temperature animated sign in C-1 Zone					
Tailor shop	P N	<u>P</u>	P	<u>P</u>	P
<u>Tavern, beer pub</u>	N	<u>N</u>	N	<u>C</u>	C
Taxicab stand	P	<u>N</u>	P	<u>N</u>	P

Clarifying

All of these four were brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Clarifying. See "sign, animated" above.

Taxidermist	N	<u>N</u>	P	<u>P</u>	P
Telegraph office	P	P	P		
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	<u>P</u>	P	<u>P</u>	P
Theater, indoor	N	<u>N</u>	P	<u>P</u>	P
Theater, outdoor	N	<u>N</u>	N	<u>N</u>	C
Tire recapping or retreading sales and service	N	<u>N</u>	N	<u>N</u>	C
Tobacco shop	P	<u>N</u>	P	<u>P</u>	P
Tool design (precision) repair and manufacture	N	<u>N</u>	N	<u>N</u>	C
Toy store, retail	P	<u>N</u>	P	<u>P</u>	P
Trade or industrial school	N	<u>N</u>	C	<u>C</u>	P
Trailer sales and service	N	<u>N</u>	N	<u>N</u>	P
Travel agency	P	<u>C</u>	P	<u>P</u>	P
Truck terminal	N	<u>N</u>	N	<u>N</u>	P
Upholstery shop	C	<u>C</u>	P	<u>P</u>	P
Used car lot	N	<u>N</u>	N	<u>N</u>	C
Variety store	P	<u>N</u>	P	<u>N</u>	P
Vegetable store or stand	P	P	P		
Vendor, short term, <u>in compliance with the requirements of Section 108-13-3 (see definition under 1-6)</u>	P	<u>P</u>	P	<u>P</u>	P
Ventilating equipment sales and service	N	<u>N</u>	C	<u>C</u>	P
<u>Video sales and rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Warehouse storage	N	<u>N</u>	N	<u>N</u>	P
Weather stripping shop	N	<u>N</u>	P	<u>N</u>	P
Welding shop	N	<u>N</u>	N	<u>N</u>	C
Wholesale business	N	<u>N</u>	N	<u>N</u>	P
Window washing establishment	N	<u>N</u>	P	<u>P</u>	P

Updating

Consolidated with fruit stand above.

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

* See Section 110-2 for sign types allowed in the CV-1 and CV-2 zones.

(Ord. of 1956, § 18-5; Ord. No. 10-83; Ord. No. 2-85; Ord. No. 16-89; Ord. No. 95-19; Ord. No. 96-42; Ord. No. 97-20; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 8: AMENDMENT “Chapter 104-21 Commercial Valley Zones Cv-1 And Cv-2” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 104-21 ~~Commercial Valley Zones Cv-1 And Cv-2~~ Reserved

Consolidating this entire chapter with chapter 20 to create a single commercial zoning chapter. The content of all subsections below are being deleted and reserved for a different zone at a later time.

SECTION 9: AMENDMENT “Sec 104-21-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-1 Purpose And Intent

- (a) ~~The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial zones, uses based upon the type of activity which are compatible and complementary, as well as the intensity of land utilization and accessory use needs. The CV-1 Zone (Neighborhood Commercial) has been established for the purpose of providing shopping facilities and services within neighborhoods in the Ogden Valley, primarily for the convenience of people living in a neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, and personal services such as a barber and beauty shop, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, other uses such as automobile sales, furniture, and other stores, in which the principal patronage originates outside the surrounding neighborhood, have been excluded from the CV-1 zone. The maximum size of a CV-1 zone node shall be approximately five (5) acres exclusive of minimum lot widths and areas. The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.~~

Reserved.

(Ord. of 1956, § 18B-1; Ord. No. 2011-5, § 18B-1, 3-15-2011; Ord. No. 2012-17, § 18B-1, 10-23-2012)

SECTION 10: AMENDMENT “Sec 104-21-2 Site Development Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-2 Site Development Standards

~~The following site development standards apply to the CV-1 and CV-2 zones: Lot area: Lot width: Yard Setbacks: Building height: Lot coverage: Front yard setbacks: Side yard setback: Rear yard setback: CV-1 ZONE CV-2 ZONE Minimum lot area: None None CV-1 ZONE CV-2 ZONE Minimum lot width: None None CV-1 ZONE CV-2 ZONE Minimum building height: 1-story 1-story Maximum building height: 35 feet 35 feet CV-1 ZONE CV-2 ZONE Maximum lot coverage by buildings: 60 percent 60 percent CV-1 ZONE CV-2 ZONE Minimum front yard setback: None None CV-1 ZONE CV-2 ZONE Minimum side yard setback: 10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(c); or the building will abut a building on the adjoining lot or parcel. CV-1 ZONE CV-2 ZONE Minimum rear yard setback: 10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(c); or the building will abut a building on the adjoining lot or parcel.~~

Reserved.

(Ord. of 1956, § 18B-2; Ord. No. 2011-5, § 18B-2, 3-15-2011; Ord. No. 2012-17, § 18B-2, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

SECTION 11: AMENDMENT “Sec 104-21-3 Sign Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-3 Sign Regulations

~~The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.~~

Reserved.

(Ord. of 1956, § 18B-3; Ord. No. 2011-5, § 18B-3, 3-15-2011; Ord. No. 2012-17, § 18B-3, 10-23-2012)

SECTION 12: AMENDMENT “Sec 104-21-4 Special Regulations” of the Weber County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-4 Special Regulations

- (a) ~~**Manufacturing uses.** All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration. In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m. In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash. Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements. One bay car wash, four spaces in the approach lane; Two bay car wash, three spaces in the approach lane for each wash bay; Three or more bay car wash, two spaces in the approach lane for each wash bay. **Car wash.** A car wash shall be permitted subject to the following restrictions: Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements. The off-street vehicle spaces or queues required shall be as follows: For portions of a lot's frontage in the CV-1 or CV-2 zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer. **Complete street.** A complete street, as defined in Section 101-1-7, shall be installed to span the street frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the entire street frontage of the lot in the CV-1 or CV-2 zone. A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer. **Dwelling unit.** A dwelling unit is allowed, as part of a mixed use building, only if allowed in section 104-21-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following: The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage; The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street; The building shall be subject to the requirements of chapter 108-1 and chapter~~

~~108-2; and The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(e). **Perpetual building maintenance agreement.** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall be reviewed for compliance with this section by the Planning Division and County Attorney's Office; place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building; require allowances of access to the property for repairs and maintenance purposes; be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and be recorded on the title of both properties. **Cross-access and cross-access easement.** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable. When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner. The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area. Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer. When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic. If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.~~

Reserved.

(Ord. of 1956, § 18B-4; Ord. No. 2011-5, § 18B-4, 3-15-2011; Ord. No. 2012-17, § 18B-4, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

SECTION 13: AMENDMENT “Sec 104-21-5 Uses” of the Weber County
County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-5 Uses

in the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

~~CV-1 CV-2 Academies/studios for dance, art, sports, etc. CAccessory 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 PPAAnimal hospital NCAntique, import or souvenir shop NPArchery shop and range, provided it is conducted within an enclosed building NP Art and artists gallery or supply store PPAssisted living facility including convalescent or rest home PPAthletic, recreational equipment, and sporting goods sales/rentals, excluding sale or repair of motor vehicles, motor boats or motors NPAuction establishment NCAutomobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building NCAutomobile, new or used sales/service NCAwning sales and service NP Bakery CPBank or financial institution not including payday loan services PPBarbershop PPBeauty shop PPBed and breakfast dwelling PPBed and breakfast inn NPBed and breakfast hotel NCBrewery, micro in conjunction with a restaurant NP Bicycle sales and service PPBilliard parlor NCBBoarding house NCBBoat sales and service NCBBoat and personal water craft rentals as an accessory use to boat sales and service NCBBook store, retail PPBowling alley NCBButcher shop, excluding slaughtering CPCafe PPCamera store PPCandy store, confectionery PPCar rental agency NPCar wash, automatic NCCar wash, manual spray CPCatering establishment CPChurch PPClinics, medical or dental PPClothing and accessory store NPCommunication equipment building NPConvenience store CPCostume rental NPData processing service and supplies NPDay care center CPDelicatessen PPD diaper service, including cleaning NP Drapery and curtain store NPDrug store PPDry cleaning PPDwelling unit, if in compliance with section 104-21-4(d) NP Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use. The provisions of section 104-21-4(d) are not applicable. PPEducational institution NPElectrical and heating appliances and fixtures sales and service NPElectronic equipment sales and service NPEmployment agency NPFabric and textile store CPFarm implement sales NCFEed and seed store, retail NPFlooring sales and service, carpet, rug and linoleum NPFFlorist shop CPFitness, athletic, health, recreation center, or gymnasium NPFruit and vegetable store or stand PPFurniture sales and repair NPFur apparel sales, storage or repair NPGarden supplies and plant materials sales CPGift store PPGlass sales and service NPGovernment office buildings NPGreenhouse and nursery NPGrocery store CPGrooming for small animals PPGunsmith PPHardware store NPHealth food store PPHobby and crafts store PPHotel NCHouse cleaning and repair NPHousehold appliance sales and incidental service NCIce cream parlor PPI nsulation sales NPInterior decorator and designing establishment PPJewelry store sales and service PPLaboratory, dental or medical NPLaundromat PPLawn mower sales and service NPLibrary PPLinen store NPLiquor store NCLocksmith PPLodge or social hall NPMeat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering NCMedical supplies NPMiniature~~

~~golfNCMonument works and salesNPMortuaryNCMotelNCMotorecycle and motor scooters sales and serviceNCMuseumCPMusic storeCPOffice supplyNPOrnamental iron sales or repairNCPaint or wallpaper storeNPPark and playgroundPPParking lot or garage as a main useNCPest control and exterminationNPPet and pet supply storeNPPharmacyPPPhoto studioPPPumbing shopNPPost officeCPPottery, sales and manufacture of crafts and tileNPPrinting, copy sales and servicesNPPrivate liquor clubNCProfessional officeNPPublic utilities substationCCRadio and television sales and serviceCPRadio or television broadcasting stationNPRReal estate agencyCPReception center or wedding chapelNCRRecreational vehicle storageNCRental, equipmentNPREstaurantCPRestaurant, drive-inNCRestaurant, drive-throughNCSecond-hand storeNPSelf storage, indoor units for personal and household itemsNCSERVICE station, automobile excluding body, fender, and upholstery workPPSERVICE station, automobile with 1-bay automatic car wash as an accessory useCPSewing machine sales and serviceNPShoe repairPPShoe storeNPSnow plow and removal serviceNCSnowmobile, ATV sales and repairNCSoil and lawn serviceNPSpaNPTailor shopPPTavern, beer pubNCTaxidermistNPTemporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.PPTheater, indoorNPTobacco shopNPToy store, retailNPTrade or industrial schoolNCTravel agencyCPUpholstery shopCPVendor, short-termPPVentilating equipment sales and serviceNCVideo sales and rentalPPWindow washing establishmentNP~~

Reserved.

(Ord. of 1956, § 18B-5; Ord. No. 10-83; Ord. No. 2001-6; Ord. No. 2001-16; Ord. No. 2006-25; Ord. No. 2011-5, § 18B-5, 3-15-2011; Ord. No. 2012-1, § 3, 1-3-2012; Ord. No. 2012-17, § 18B-5, 10-23-2012; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2016-10, Exh. A, 8-23-2016)

SECTION 14: AMENDMENT “Sec 104-22-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

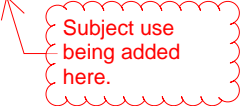
Sec 104-22-2 Permitted Uses

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

- (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) Any permitted use in a C-3 Zone except dwelling units.
- (c) Agriculture.
- (d) Animal hospitals.
- (e) Animals and fowl for family food production.
- (f) Boat building.

- (g) Bookbinding.
- (h) Body and fender work, if conducted within an enclosed building.
- (i) Bottling works, soft drinks.
- (j) Cannabis production establishment, in compliance with Section 108-7-34.
- (k) Carpenter shop, cabinet shop.
- (l) Carpet and rug cleaning and dyeing.
- (m) Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six feet in height.
- (n) Construction of buildings to be sold and moved off the premises.
- (o) Dairy.
- (p) Dry cleaning plant.
- (q) Dwelling unit for night watchman or guard and family.
- (r) Egg handling, processing and sales.
- (s) Electric appliances and/or electronic instruments assembling.
- (t) Express office.
- (u) Garage, public.
- (v) Home occupations.
- (w) Honey extraction.
- (x) Ice manufacturing and storage.
- (y) Kennel.
- (z) Knitting mill.
- (aa) Laboratory.
- (ab) Laundry.
- (ac) Lithographing, including engraving and photo engraving.
- (ad) Machine shop.
- (ae) Manufacturing, compounding, processing, packing and treatment of the following products:
 - (1) Bakery goods.
 - (2) Candy.
 - (3) Dairy products.
 - (4) Pharmaceuticals.
- (af) Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials:
 - (1) Cellophane.
 - (2) Canvas.
 - (3) Cloth.
 - (4) Cork.
 - (5) Felt.
 - (6) Shell.
 - (7) Straw.
 - (8) Textile.
 - (9) Wood.
 - (10) Yarn.
- (ag) Manufacturing and maintenance of the following:
 - (1) Business machines.

- (2) Cameras and photographic equipment.
- (3) Electric and neon sign, billboards and/or commercial advertising structures.
- (4) Light sheet metal products, including heating and ventilating ducts and equipment.
- (5) Musical instruments.
- (6) Novelties.
- (7) Rubber and metal stamps.
- (8) Toys.
- (ah) Monument works.
- (ai) Motion picture studio.
- (aj) Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning.
- (ak) Parking lot.
- (al) Planing mill.
- (am) Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- (an) Public and quasi public uses.
- (ao) Public transit yards.
- (ap) Radio and television transmitting towers.
- (aq) Retail sale of products produced by, developed in conjunction with or normally required and used in the performance of a commercial or manufacturing operation permitted in this zone; and provided the retail sale is clearly an accessory use to the main permitted use and is conducted within the same building or if the main use is not a building then on the same property provided however, no retail sale of products may be made in conjunction with a warehousing or wholesale business.
- (ar) Rubber welding.
- (as) Sand blasting.
- (at) Self-storage, indoor units for personal and household items.
- (au) Service station.
- (av) Sign painting shop.
- (aw) Temporary building for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.
- (ax) Tire retreading and/or vulcanizing.
- (ay) Transfer company.
- (az) Truck service station.
- (ba) Trucking terminal.
- (bb) Upholstering, including mattress manufacturing, rebuilding and renovating.
- (bc) Used car lot.
- (bd) Veterinary, and hotel and beauty parlor for cats and dogs.
- (be) Warehouse.
- (bf) Weaving.
- (bg) Welding shop.
- (bh) Wholesale business.



Subject use
being added
here.

SECTION 15: **AMENDMENT** “Sec 104-23-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-23-2 Permitted Uses

The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- (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) Agricultural implement repair.
- (c) Ambulance base station.
- (d) Animal hospital.
- (e) Archery shop and range, provided conducted within completely enclosed building.
- (f) Auction establishment.
- (g) Carpenter shop, cabinet shop.
- (h) Cleaning and dyeing establishment.
- (i) Communication equipment building.
- (j) Contractor's equipment storage yard, maintenance, and repair.
- (k) Distillery.
- (l) Farm implement sales.
- (m) Garden supplies and plant material sales.
- (n) Greenhouse and nursery.
- (o) Gymnasium.
- (p) Lawn mower sales and/or service.
- (q) Meat custom cutting and wrapping excluding slaughtering.
- (r) Monument works and/or sales.
- (s) Ornamental iron sales and/or repair.
- (t) Pest control and extermination.
- (u) Plumbing shop.
- (v) Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- (w) Public and quasi public uses.
- (x) Recreation center.
- (y) Recreational vehicle storage.
- (z) Rental agency for home and garden equipment.
- (aa) Roofing sales or shop.
- (ab) Self-storage, indoor units for personal and household items.
- (ac) Small-batch artisan food processing limited to food for human consumption, e.g., baked goods, confectioneries, and craft cheese.

Subject use
being added
here.

- (ad) Small brewery.
- (ae) Soil and lawn service.
- (af) Taxidermist.
- (ag) Trade or industrial school.
- (ah) Upholstery shop.
- (ai) Ventilating equipment sales and service.
- (aj) Warehouse, including storage units.
- (ak) Window washing establishment.

(Ord. of 1956, § 21B-2; Ord. No. 2009-31; Ord. No. 2011-4, § 21B-2, 2-22-2011; Ord. No. 2014-7, § 1, 4-1-2014; Ord. No. 2015-7, Exh. A, 5-5-2015)

SECTION 16: **AMENDMENT** “Sec 104-23-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-23-3 Conditional Uses

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

- (a) Automobile repair, auto body and fender work, if conducted within an enclosed building.
- (b) Cement batch plants with the following conditions:
 - (1) The cement silo mixer shall not be larger than 200 barrel.
 - (2) There shall be a 15 feet landscape buffer with six feet high earth berm planted with six feet or larger Evergreen trees. The trees shall be Canada Hemlock, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees per 100 feet. These trees shall be, Maples, Linden, Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch caliper. This landscaping shall be planted on the crest of the six feet berm when the property abuts agricultural or residential zones.
 - (3) There shall be no more than eight, trailers with up to two-cubic-yard capacity.
 - (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand and gravel mix shall be stored in a three-wall bin and covered when not in use.
 - (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of the lot shall be dedicated for this use.
 - (6) A detailed plan for the trailer washout area is required.

- (c) Daycare when located on the same lot/parcel and established in conjunction with and as an accessory to a recreation center.
- (d) Dwelling unit for proprietor or employee, who also serves as night watchman and his immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the resident.
- (e) Machine shop.
- (f) Public utility substations.
- (g) Sign painting shop.
- (h) Site leveling and preparation for future development.
- (i) Water storage reservoir developed by a public agency and meeting the requirements of title 108, chapter 10 of this Land Use Code.
- (j) Wastewater treatment or disposal facilities meeting the requirements of the state division of health code of waste disposal regulations.
- (k) Welding shop.
- ~~(l) Dwelling unit for proprietor or employee, who also serves as night watchman and his immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the resident.~~

Moving for alphabetical consistency.

(Ord. of 1956, § 21B-3; Ord. No. 2001-12; Ord. No. 2001-27; Ord. No. 2007-30; Ord. No. 2009-31; Ord. No. 2011-4, § 21B-3, 2-22-2011; Ord. No. 2011-4, § 21B-3, 2-22-2011; Ord. No. 2015-22, Exh. A, 12-22-2015)

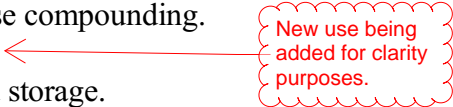
SECTION 17: AMENDMENT “Sec 104-24-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 104-24-3 Conditional Uses

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

- (a) Any conditional use allowed in an M-1 Zone.
- (b) Automobile recycling (parts dismantling) when conducted within a completely enclosed building. The recycling facility shall have no more than 40 automobiles at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a solid wall or fence of not less than seven feet in height.

- (c) Go cart racing or drag strip racing.
- (d) Incinerator, nonaccessory, provided that no objectionable fumes and odors are emitted.
- (e) Manufacturing, fabrication, assembly, canning, compounding, packaging process treatment, storage and/or maintenance of the following:
 - (1) Alcohol.
 - (2) Brass, brick.
 - (3) Candles, cast stone products, cement and cinder products, copper, ceramic products, clay products.
 - (4) Dyestuff.
 - (5) Feathers, fiber, fish food products.
 - (6) Glass, glucose, gypsum.
 - (7) Hair.
 - (8) Ink, iron.
 - (9) Lampblack, linoleum, lime.
 - (10) Malt, meats.
 - (11) Oilcloth, oiled rubber goods.
 - (12) Paper, paint, pulp, pickles, plaster, plaster of Paris, plastic.
 - (13) Sauerkraut, sheet metal, shellac, shoddy, shoe polish, soap, and detergent, starch, steel.
 - (14) Terracotta, tile, turpentine.
 - (15) Varnish, vinegar.
 - (16) Yeast.
- (f) Metals and metal products treatment and processing.
- (g) Oil or lubricating grease compounding.
- (h) Outdoor storage. 
- (i) Petroleum refining and storage.
- (j) Public utility substations.
- (k) Railroad yards, shop and/or roundhouse.
- (l) Rock crusher.
- (m) Sewage disposal or treatment plant.
- (n) Site leveling and preparation for future development.
- (o) Wrecked car sales.
- (p) Uses which follow, provided they are located at least 600 feet from any zone boundary:
 - (1) Animal by products plants, garbage, offal or dead animal reduction or dumping; automobile wrecking yard, provided the use is enclosed with a seven foot high solid fence or wall.
 - (2) Blast furnace.
 - (3) Cement, mortar, plaster or paving material, central mixing plant.
 - (4) Fat rendering.
 - (5) Gravel pits, quarries.
 - (6) Junk or salvage yard, provided the use is enclosed with a seven foot high solid fence or wall.
 - (7) Manufacturing, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, asphalt, bleaching powder and chlorine, bone, chemicals of an objectionable or dangerous nature, coal or

wood, creosote, disinfectants or insecticides, fat, fireworks or explosives, fur, gas, gelatin or size, glue, hide, ore, plastic, potash, pyroxylin, roofing or waterproofing materials, rubber or guttapercha, tallow grease or lard, tar, wood, or metals crushing for salvage.

- (8) Ore beneficiation.
- (9) Smelting or refining of materials.
- (10) Steel or iron mill mines.
- (11) Stockyards, slaughterhouse.
- (q) Manufactured housing, to serve as quarters for guard or night watchman and family so long as it is permanently affixed on approved concrete or concrete block foundation.
- (r) Dwelling unit for proprietor or employee, who also serves as night watchman, and their immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the residents.

(Ord. of 1956, § 22-3; Ord. No. 15-85; Ord. No. 12-90; Ord. No. 3-91; Ord. No. 96-42; Ord. No. 2001-33; Ord. No. 2010-20; Ord. No. 2015-22, Exh. A, 12-22-2015)



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to add a height limit for weeds and turf grasses.

Agenda Date: Tuesday, October 27, 2020 and November 10, 2020

Staff Report Date: Tuesday, October 22, 2020

Applicant: Weber County

File Number: ZTA 2020-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

§ 108-7-6 Garbage, Junk, and Weeds Unlawful

Legislative Decisions

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

Summary and Background

The County Commission has request consideration of amended language to the weed ordinance to regulate the height of weeds and non-ornamental turf grasses. The attached proposal is intended to satisfy this concern. Staff is recommending approval.

Policy Analysis

In 2019, the County adopted an administrative code enforcement ordinance that enabled a more efficient method of enforcement of the land use code. Part of that new ordinance included provisions for weeds and unkempt yards (§ 108-7-6 of the Weber County Code). The ordinance did not specify a height limit at which the County would consider weeds or grasses “unkempt,” but rather left this to interpretive measures. The proposed ordinance specifies the height, thereby removing the interpretive guess-work when enforcing against violators.

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 2020-07, the addition of a weed height regulation, based on the following standards:

1. Both the West Central Weber General Plan and the Ogden Valley General Plan support a community that is aesthetically pleasant.
2. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinance.
3. That the proposal is not detrimental to the health, safety, and welfare of the public.

Exhibits

- A. Proposed Ordinance Changes

SECTION 1: AMENDMENT “Sec 108-7-6 Garbage, Junk, And Weeds Unlawful” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-7-6 Garbage, Junk, And Weeds Unlawful

- (a) *Weeds and unkempt yards.* ~~landowners are responsible for clearing~~ All weeds shall be cleared from residential, commercial, manufacturing, and institutional ~~their~~ property's, including their property's perimeters and any adjacent sidewalk, trail or pathway, parkwaystrip, or unimproved portions of public rights-of-way. ~~The yard portions of the property~~ A yard, and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portion of public rights-of-way that are visible from ~~the~~ a public right-of-way shall be maintained so that the property's appearance does not detract from the appearance of the neighborhood. Weeds, except noxious or invasive weeds which shall be removed promptly, and non-ornamental grasses shall be maintained at a height of not more than 6 inches at any time, and the cuttings shall be promptly disposed of in an organized manner. It is the responsibility of the property owner, not the County, to maintain the vegetation that is between the edge of the vehicle-travel-surface within the public right-of-way, and the edge of the public right of way adjoining the owner's property, in a healthy and attractive manner.
- (b) *Exemptions.* This section shall not apply to items which are clearly accessory and incidental to any agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building or enclosure where it is not visible from a public or private way or other public or private property and which does not constitute a nuisance, endanger or adversely affect the health or welfare of the community, or the keeping of which does not violate any other law or ordinance.
- (c) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation of this section shall make proper arrangements for the correction of the violation.
- (d) *Public streets and other public property.*
- (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other public property in unincorporated areas of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of the people of the county.
 - (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.
 - (3) In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than

five acres shall also be required to ensure continual removal of snow from the pathway.

(Ord. No. 2019-14, Exh. A, 7-30-2019)

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: November 4, 2020
Subject: Text Amendment for Substandard Streets/Roads

In the July 14, 2020 Western Weber Planning Commission meeting you held a public hearing regarding a text amendment regarding two subjects within the County's subdivision ordinance: storm water drainage easements and facilities, and substandard roads. In an effort to be efficient, staff combined the two unrelated subjects into one proposal.

In that meeting you tabled the proposed language pending further refinement of the drainage topic. Since then it has been determined that the best way to generate the accurate code language for the topic is to convene a small working committee to flesh out the details and vet final language. The challenge since that time has been aligning committee member's individual schedules in order to meet.

While I do anticipate that this committee will meet in the near future, I know the County Commission wanted the substandard road topic fast-tracked, and the drainage topic is delaying their ability to consider it.

Thus, in the attached ordinance proposal I have separated the topics by only including the substandard road amendment in order that they may run their own courses and timelines. I have also included the July 14, 2020 staff report to help refresh your recollection of the issues.

Feel free to reach out to me if you have any questions.



SECTION 1:**AMENDMENT** “Sec 106-4-1 General Requirements” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 106-4-1 General Requirements

- (a) The owner of any land to be platted as a subdivision shall, before recording the final plat, either install all improvements required by this chapter or provide a financial guarantee for the completion of the improvements as allowed by section 106-4-3.
- (b) All improvements shall comply with the specifications and standards contained in the county's current "Public Work Standards and Technical Specifications."
- (c) All improvements shall be installed prior to issuance of any land use permit within a newly approved subdivision. The only improvements that may not be required prior to construction of a dwelling are the asphalt, chip and seal, landscaping, street monuments, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk.
- (d) All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road will require a special permit and include requirements for special backfill and asphalt replacement.
- (e) The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the county surveyor signing the final subdivision plat Mylar.
- (f) Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the county engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible Mylars prior to county acceptance for maintenance of roads.
- (g) Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available to the buyers of the lots. The applicant shall be responsible for coordinating the installation of utilities, streets, water lines, fire hydrants, and all other required improvements with the buyers of lots.
- (h) ~~New subdivisions with sole access from a~~ A new subdivision located along a street route that is at any point the single means of access from the subdivision to the greater interconnected public street network shall not be approved unless the entirety of the single-access street route is constructed to the County's public work standards and has the appropriate right-of-way width. ~~substandard street shall not be approved until the substandard street is fully improved to county public work standards and adopted right-of-way width.~~
 - (1) This requirement shall be waived if:
 - a. A traffic study, conducted by a qualified professional and funded by the applicant, demonstrates that the existing single-access street route is adequate and safe, or can be made adequate and safe with

- improvements volunteered by the applicant, for the increased traffic demand of the new subdivision; and
- b. The Planning Director and County Engineer can mutually make the following findings:
1. That due to topographic or other environmental characteristics of the area, it is unlikely that a another street route will be established that provides a second connection from the new subdivision to the greater interconnected public street network within the next 10 years; and
 2. That not providing the new subdivision with a single-access street route that complies with currently adopted standards, or that not providing the new subdivision with a second street route access to the greater interconnected public street network, does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document.
- (2) In order for the provisions of (h)(1) to apply, owners having interest in the new subdivision shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:
- a. Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards;
 - b. Require a deferral agreement that specifies that the owner or successors and heirs are responsible at a time the governing authority deems it necessary for their roughly proportionate share of improving the parts of the single-access street route that do not conform to County standards;
 - c. Cause for the governing authority, at their option, to withhold any written protest filed by the owner or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is:
 1. limited to the actual estimated value, adjusted for market changes over time, of improving the substandard public street to the standards applicable at the time of the agreement's execution; and
 2. only applied to:
 - i. improving the substandard street to the standards applicable at the time of the agreement's execution;
 - ii. the larger cost of improving the street to an updated or better standard; or
 - iii. creating a second street route from the subdivision to the greater interconnected public street network; and

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

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

a. The individualized determination is required to show that the established roughly proportionate share is related in both nature and extent to the impact of the developed lot.
b. For each lot, the following factors shall be considered to determine their relevance to the calculation:

1. The minimum lot width of the applicable zone;
2. The actual lot width;
3. The average daily distance travelled;
4. The uses on the lot, the weight of a typical vehicle related to those uses, and the average daily trips related to those uses;
5. The total number of actual daily trips over a given time;
6. The longevity of current ownership and longevity of existing development or uses as they relate to historical property taxes paid; and
7. Any other consideration deemed necessary relative to the lot's impact on the substandard street route.

c. A lot owner may provide the County with a third-party study, conducted by a qualified professional as defined in Section 101-2, to assist in determining the nature and extent of the impact of the lot on the substandard street, or to analyze the financial obligation of the lot owner, or both.

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

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



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.

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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~~

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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.

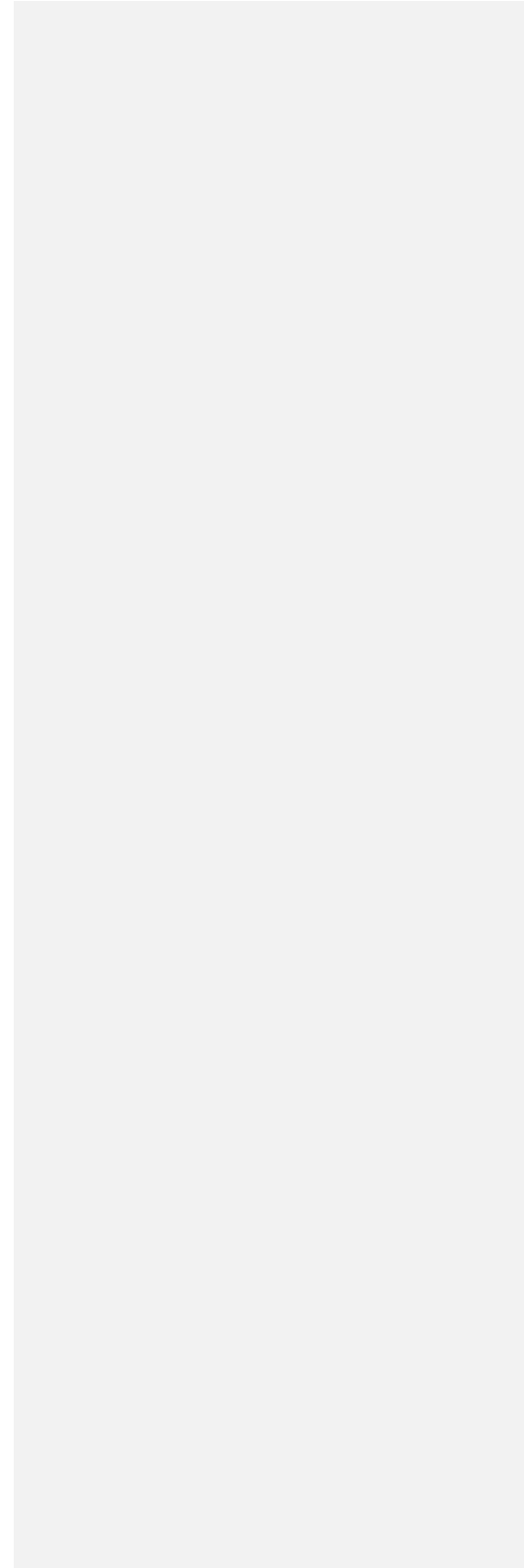
I have rewritten this paragraph after their discussion to try to mitigate some of the discomfort. It is now reads less heavy handed in terms of a landowner's ability to file a protest, gives the governing authority more leniency, and limits the governing authority's scope on what can be assessed in one 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.

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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.



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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:

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- 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.