



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend the subdivision ordinance to better address culinary and secondary water provisions.

**Agenda Date:** Tuesday, April 27, 2021

**Report Author:** Charlie Ewert (webercountyutah.gov)  
(801) 399-8763

### Applicable Ordinances

§ 101-2 Definitions  
 § 106-1-4 Subdivision Application Requirements  
 § 106-1-8 Final Plat Requirements  
 § 106-4-2 Subdivision Improvements Required

### 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 attached proposal is a culmination of several years' worth of discussion between the Ogden Valley Planning Commission, the Western Weber Planning Commission, and the County Commission. It pertains to improving culinary and secondary water requirements applicable the during subdivision review and approval process.

The Ogden Valley Planning Commission reviewed a previous version of the attached proposed ordinance in their last work session meeting. The requirements between the two are very similar. Other than clerical edits, the primary difference is that both the culinary water and the secondary water requirements are merged into one section. The two are so closely related that keeping them in separate sections resulted in a great deal of duplication of language. For administrative, interpretive, and implementation purposes, combining these similarities will assist in review efficiencies and help reduce interpretation errors.

Given the level of attention this proposal has received, in collaboration with multiple agencies and concerned citizens, the attached should be fairly self-explanatory.

### Noticing Compliance

A public 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 give a positive recommendation to the County Commission for file ZTA2019-04, a proposal to amend the culinary and secondary water provisions of the County's subdivision ordinance, with the following findings:

1. That the proposal will help protect culinary water resources for the general public.
2. That the proposal will promote and encourage the merger of multiple different water systems.
3. That the proposal will enhance the collaboration amongst various water service providers and county/agency reviewers during the review subdivision process.
4. That the proposal will discourage the proliferation of private wells.
5. That the proposal will encourage water-wise landscaping.
6. That the proposal does not run contrary to the general plan and will promote the health, safety, and welfare of the public.

## Exhibits

- A. Proposed Ordinance

**SECTION 1:** **AMENDMENT** “Sec 101-2-24 W Definitions” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 101-2-24 W Definitions

**Water, irrigation.** The term "irrigation water" means water usually delivered by a non-pressurized pipe or ditch system that is typically used for crop irrigation, but which may also be used for irrigation of other vegetation.

**Water, secondary.** The term “secondary water” means water delivered by a pressurized water delivery system that is used for crop or landscape irrigation and not treated for culinary drinking water purposes.

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

**SECTION 2:** **ADOPTION** “Sec 106-1-4\* Subdivision Application Requirements” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

Sec 106-1-4\* Subdivision Application Requirements(*Added*)

- (a) **Pre-application meeting required.** Each person who proposes to subdivide land shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, neighborhood circulation plan, landscape design, and water budget submittal.
- (b) **Subdivision application submittal.** Subdivision applications shall be submitted to the planning division. Only complete applications will be accepted. A complete application shall include all applicable submittal requirements for subdivision review as required by this Land Use Code, including, but not limited to:
- (1) **Application form.** A complete subdivision application form, signed by the property owners.
  - (2) **Preliminary plan.** A preliminary plan meeting the requirements listed in this title. This includes a phasing plan if phasing is proposed. All preliminary plan requirements shall be met prior to the submittal for final plat approval.

- (3) **Electronic documents.** All documents submitted for the subdivision application shall be in a PDF file format. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be in a PDF file format.
- (4) **Statement of culinary and secondary water feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying culinary and secondary water provisions for each lot.
- a. The statement of culinary water feasibility shall come from the culinary water authority, pursuant to UCA Sec. 17-27a-603, as follows:
    1. The local health department for lots proposed to be served by a private well;
    2. An existing culinary water service provider; or
    3. If the culinary water authority is being newly formed, the statement shall come from the person with authority to sign on behalf of the newly formed water corporation. The applicant shall also submit written notification from the Utah Department of Environmental Quality indicating their acknowledgement of the new culinary water authority and the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.
  - b. The statement of secondary water feasibility shall come from the secondary water service provider.
  - c. The statements from the culinary water authority and secondary water service provider shall contain:
    1. An acknowledgement of the number of lots proposed to be served;
    2. An acknowledgement of all intended uses of the water, including, but not limited to, culinary uses, fire suppression appurtenances, and secondary water uses, if applicable and as provided for in Section 106-4-2;
    3. The method of water delivery to each proposed lot;
    4. The proposed source of the water rights or shares necessary to serve the lots; and
    5. If applicable, any other requirement expected or necessary to attain the culinary water authority's approval of the final subdivision plat.
- (5) **Statement of sanitary sewer or septic system feasibility.** A written statement of feasibility, also known as a "will-serve letter," specifying wastewater provisions for each lot.
- a. The statement shall come from the sanitary sewer authority pursuant to UCA § 17-27a-603 as follows:
    1. The local health department for lots proposed to be served by a septic system;
    2. An existing sanitary sewer service provider; or
    3. If the sanitary sewer authority is being newly formed, the

statement shall come from the body politic or manager of the system. The applicant shall also submit a written notification from the Utah State Department of Environmental Quality indicating their acknowledgement of the proposed system, and offer any other relevant information necessary for demonstrating system feasibility.

b. The statement shall provide:

1. An acknowledgment of the number of lots proposed to be served;
2. The method of wastewater disposal for each applicable proposed lot;
3. An assertion that there is sufficient capability for safe wastewater disposal using the proposed method; and
4. Any other requirement expected or necessary to attain the sanitary sewer authority's approval of the final subdivision plat.

(6) An application fee. Full payment of the application fee is required at the time of application submittal. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

**SECTION 3: REPEAL** "Sec 106-1-4 Subdivision Application Requirements" of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-1-4 Subdivision Application Requirements (Repealed)~~

- ~~(a) Pre-application meeting required. Each person who proposes to subdivide land shall confer with the county planning staff before preparing any plats, charts, or plans in order to become familiar with the county subdivision requirements and existing general plans and to discuss the proposed development of the tract. Additional required submittal information will be identified during the pre-meeting, such as sensitive lands, slope analysis, wetlands, wells, taxes, state roads, and neighborhood circulation plan.~~
- ~~(b) Subdivision application submittal. Subdivision applications shall be submitted to the planning division, by appointment, and shall include:~~
- ~~(1) A completely filled out subdivision application, signed by the property owners.~~
  - ~~(2) Five full size 24 by 36 copies, and one reduced size 11 by 17 copy, and one reduced size 8½ by 11 copy of a preliminary plan meeting the requirements listed in this title. This includes two 24 by 36 copies of the phasing plan. Once all preliminary requirements have been met, two 24 by 36 copies and a one digital copy shall be submitted to the planning division. This requirement shall be met prior to the submittal for final approval.~~

- ~~(3) All documents submitted in the subdivision application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to subdivision plats, improvement drawings, architectural drawings, phasing plans, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.~~
- ~~(4) A written statement of feasibility from the county or state health department which states the recommendation of the health department regarding:~~
- ~~a. Sanitary sewage disposal;~~
  - ~~b. Culinary water availability; and~~
  - ~~c. A project notification form from the Utah State Department of Environmental Quality, Division of Drinking Water.~~
- ~~(5) 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.~~

~~(Ord. of 1952, title 26, § 1-4; Ord. No. 2015-22, Exh. A, 12-22-2015)~~

**SECTION 4:            AMENDMENT** “Sec 106-1-8 Final Plat Requirements And Approval Procedure” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 106-1-8 Final Plat Requirements And Approval Procedure

- (a) ~~f~~**Preliminary approval required.** ~~f~~ Until all preliminary requirements outlined in the agencies' review are met, the subdivision shall not proceed to final approval. Final plat submittal will not be accepted until the conditions of preliminary approval are met.
- (b) **Final plat required.**
- (1) After compliance with the provisions of section 106-1-5, the applicant shall submit five full size, 24 by 36; one reduced size, 11 by 17; and one 8½ by 11 copy of the final plat, meeting the remaining requirements listed in this chapter and any additional requirements set by the land use authority. The registered land surveyor's certification on such plats shall indicate all lots meet the requirements of the Land Use Code. Digital copies shall also be submitted as listed for preliminary plan.
  - (2) The final plat and accompanying information shall be submitted to the planning division at least 45 days prior to a regularly scheduled planning commission meeting.
- (c) **Final plat requirements.**
- (1) Digital copies shall be submitted until the county engineer and surveyor give their approval for a subdivision mylar to be submitted. The final plat shall be a sheet of mylar with dimensions of 24 by 36 inches and the border line of the plat shall be drawn in heavy lines leaving a space of a minimum of one-half-inch or a maximum of 1½-inch margin on all four sides of the sheet. The final plat shall be signed and stamped by a licensed land surveyor licensed in the state. All lines, dimensions and markings shall be made on the mylar with permanent ink meeting industry standards. The plat shall be made to a scale

large enough to clearly show all details in any case not smaller than 100 feet to the inch, unless specified otherwise by the county surveyor, and the workmanship on the finished drawing shall be legible having a text size of not less than 0.10 of an inch (approximately 3/32 of an inch). The plat shall be signed by all parties mentioned in subsection (c)(1)h of this section, duly authorized and required to sign and shall contain the following information:

- a. A subdivision name, approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet. The township, range, and quarter section shall also be shown on the top of the plat.
- b. Where a subdivision complies with the cluster subdivision provisions of this Land Use Code, the final plat shall indicate underneath the subdivision name the words, "Cluster Subdivision."
- c. A north point or arrow which shall make the top of the sheet either north or east, however, exceptions may be approved by the county surveyor, the scale of the drawing and the date of the survey noted in the heading. (Meaning the date, year and month the survey markers were placed.)
- d. Accurately drawn boundaries, showing the distance and bearings of all lines retraced or established by the survey, including the lines of the subdivision. The boundary lines shall be slightly heavier than street lines, and street lines shall be slightly heavier than lot lines. If such a line is a curve, the radius, arc length, and central angle must be shown or noted. If the curve is a non-tangent curve, the chord bearing and distance must be shown as well. The words "basis of bearings" must be shown on the plat between two existing, described government monuments. The government monuments may be section corners, city or county street monuments, or horizontal network stations maintained by a government agency. The State Plane Grid Bearings (where available, or using GPS surveys) shall be used in the survey and noted on the plat in accordance with U.C.A. 1953, titl. 57, ch. 10. The Basis of Bearing sufficient for retracement shall be noted on the final plat. A measurable mathematical relationship between the property and the monument from which it is described. If that monument is not in place, its mathematical location must be shown as well as a mathematical relationship to a monument in place. All measured bearings or distances or bearings and distances calculated from measurements shall be separately indicated from those of record if not in agreement. The mathematical relationship between all monuments found or set.
- e. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively under a definite system approved by the county surveyor. All

proposed streets shall be numbered consecutively under a definite system approved by the county surveyor and conform as far as practicable to the adopted street numbering system of the county, unless there are street alignment situations where a street name may be better utilized as the primary identifier. The county surveyor must approve these allowable situations. Where streets are given a number as the primary identifier a street name may be assigned as a secondary identifier.

- f. A house number indicating the street address for each lot in the subdivision shall be assigned by the county surveyor marked on each lot so as to face the street frontage. Corner lots shall have a house number assigned for frontage. Homes that are built on approved flag lots or rights-of-way shall have the address assigned and posted at the access point from a county road or private road.
- g. Parcels of land to be dedicated as public park or to be permanently reserved for private and/or public common open space area shall be numbered and labeled in accordance with policies of the county recorder.
- h. A signature block conforming to state code and county ordinances shall be included on the plat for the following:
  1. Description of land included in subdivision;
  2. Private licensed land surveyor's "certificate of survey";
  3. Owner's dedication certificate;
  4. Notary public's acknowledgment;
  5. County planning commission's certificate of approval, to be signed by the planning director for the chair;
  6. County engineer's certificate of approval;
  7. County attorney's certificate of approval;
  8. Board of county commissioners' certificate of acceptance;
  9. County clerk's certificate of attest;
  10. County surveyor's certificate of approval;
  11. ~~Weber-Morgan Local Health Department~~ certificate of approval, if required by the local health department.
  12. Culinary water authority certificate of approval, if not the local health department; and
  13. Sanitary sewer authority certificate of approval, if not the local health department.
- i. A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information.
- j. The subdivision boundary and lot corners shall be set on the site prior to recording of the final plat. Lot corners shall be set prior to issuance of a residential building permit. In addition, front lot line corners may be permanently referenced in curbs after completion of the street's construction. The subdivision boundary corners, lot corners and centerline street monuments shall be noted on the final plat in conformance with county ordinances.
- k. Map narrative. The map shall contain a written narrative which

complies with U.C.A. 1953, § 17-23-17 and part I, title 2, chapter 10, of the Weber County Code of Ordinances.

- l. All evidence of occupation such as fence lines, walls, curbs, etc. shall be shown on the dedication plat, as directed by the county surveyor.
  - m. All easements observed, recorded in the recorder's office, or included in a preliminary title report unless legally vacated by all easement holders.
  - n. If no preliminary plans are required, a preliminary title report for each tax parcel included within the subdivision boundary shall be included with the application. The preliminary title report(s) shall be dated within 30 calendar days prior to the submittal of application and shall include a search of recorded documents back to patent identifying at a minimum:
    1. All easements.
    2. Reference (the entry number and or book and page number) to all deeds in chain of title.
    3. All boundary line agreements.
    4. All rights of way whether the parcel is subject to or has reserve rights.
    5. All current owners.
    6. All outstanding liens, taxes, etc.
- (2) A note on the plat shall indicate the subdivision boundary and the lot corners are set as required by state code and county ordinances.
- (3) Remaining parcel. When a division of property leaves a remaining area of 5.00 acres or greater, the remaining parcel boundary and area, using record or measured information will be shown, on the subdivision plat with the note: "Remaining Agricultural Parcel, Not Approved For Development." The remaining parcel boundary need not be labeled with bearings or distances nor is a description of the remainder parcel required. Remaining parcels are not part of the subdivision.
- (4) For subdivisions that include lots of a "restricted" category or lots with a "buildable area" as defined in section 101-1-7, the following shall be required on the final plat:
- a. Restricted lots shall be designated on the final plat by placing the letter "R" immediately to the right of the number of the lot and by including the following notification on the final plat: "Notice to Purchasers of Restricted "R" Lots." Lots designated by the letter "R" after the lot number are restricted lots and building development on such lots is subject to the provisions of title 108, chapter 14: Hillside Development Review Procedures and Standards. Approval of a restricted lot does not guarantee the lot is buildable. A hillside review as outlined in the Hillside Development Review Procedures and Standards chapter of the Land Use Code shall be done to determine if a lot is buildable.
  - b. For lots approved with "buildable area" such buildable area shall be designated on the final plat by short dashed lines. The buildable area shall provide sufficient survey detail to make it locatable within the lot

boundaries. The words "buildable area" shall be placed within the dashed lines and the plat shall include the following notification:  
"Notice to Purchasers of Lots with Designated Buildable Areas." Lots with designated "buildable areas" have been approved subject to the condition that building development shall take place only within such designated areas."

- c. Areas with special regulations subject to the Sensitive Lands Ordinance shall be shown on the final plat, which includes wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.
- (5) Subdivisions located in areas which are zoned for agriculture (A-1, A-2, A-3, and AV-3) shall have the following statement on each page of the final plat:  
"Agriculture is the preferred use in the agricultural 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 restriction on the basis that it interferes with activities of future residents of this subdivision."
- (6) Subdivisions that include lots that are partially or completely in the floodplain shall show the floodplain boundaries and when available the floodway boundaries. The plat shall also indicate the base flood elevations in one-foot increments within the floodplain. In lieu of providing the base flood elevations, the floodplain shall be designated as non-buildable for residential and commercial structures. Any construction performed in the floodplain area will need to meet the requirements of title 12, Flood Damage Prevention Ordinance.
- (7) On subdivision plats where no preliminary plans are required, the location of buildings and structures within or immediately adjacent to (within 30 feet) the tract of land to be subdivided shall be shown on the plat.
- (d) **Final improvement plans.** The applicant shall furnish to the county engineer at the same time of submittal of the final plat a complete set of drawings signed and stamped by a state licensed civil engineer for all streets, existing and proposed, and all utilities to be constructed within the subdivision. All such utility and road construction shall be in accordance with the adopted public works standards of the county. A digital copy of the plans shall be submitted, along with letters agreeing to provide services, including the level of service, from applicable utility companies such as water, sewer, electric, gas, and telephone for services to the subdivision.
- (e) **Approval of final plat.**
  - (1) After final approval, the planning division shall submit the plat for signatures to the county surveyor, county health department, and county engineer. After approval and signature by the county engineer, the plat and financial guarantee shall be submitted to the county attorney and the county commissioners respectively, for their approval. The county engineer can approve financial guarantees under \$25,000.00. Financial guarantees can be granted a time extension by the county engineer and/or the planning director if the change in the financial guarantee is less than \$25,000.00 of an increase. The final plat, bearing all official approvals, as above required, shall be recorded in the offices of the county recorder at the expense of the applicant.
  - (2) No street improvements or utilities shall be installed until after approval of the

improvement plans by the county engineer. No lots shall be purchased, sold, exchanged nor offered for sale and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.

- (f) ***Final plat approval; small subdivisions.*** The planning director is delegated administrative authority to approve small subdivisions if in his discretion there are no conditions which warrant its submittal to the planning commission. Administrative approval of subdivisions does not require county commission approval. These subdivisions shall be offered for recording within 18 months from the time the application is deemed complete by the planning division. If the subdivision is not offered for recording within this time frame, the subdivision proposal is void. A subdivision that is considered void will require a new submittal of the subdivision, with the appropriate fees to begin the subdivision process for the same parcel of land.
- (g) ***Additional provisions.*** The land use authority may impose conditions of approval as may be necessary to assure compliance with this Land Use Code. Unusual site-specific conditions or restrictions applied to the development of a lot or lots attributed to topography, geologic or environmental conditions or potential hazards, location, or other site-specific conditions or restrictions authorized by this Land Use Code shall be identified in the actual location of the condition or restriction on the subdivision drawing. A notice of the unusual site-specific condition or restriction shall be recorded to run with the lot or lots affected.
- (h) ***Tax clearance.*** The county may withhold an otherwise valid plat approval until the owner of the land provides a tax clearance letter indicating that all taxes, interest, and penalties owing on the land have been paid.
- (i) ~~***Record of survey.***~~ A copy of the subdivision mylar shall be filed as a record of survey in the county surveyor's Office, prior to the Weber County Surveyor signing the dedication plat.

(Ord. of 1952, title 26, § 1-8; Ord. No. 2012-2, § 2, 1-10-2012; Ord. No. 2014-6, § 3, 4-1-2014; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2016-17, Exh. A, 11-8-2016; Ord. No. 2017-15, Exh. A, 5-9-2017)

**SECTION 5:**            **REPEAL** “Sec 106-4-2(a) Water Supply” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(a) Water Supply (Repealed)~~

~~(a) *Public system.*~~

- ~~(1) Where an approved public water supply is reasonably accessible or procurable, the applicant shall install water lines, or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. Water lines and fire hydrants shall be operational before building permits are issued for any structures.~~
- ~~(2) Capacity assessment letter is required prior to final approval from the planning~~

~~commission. A construct permit from the Utah State Department of Environmental Quality Division of Drinking Water for expansion of the water system and water lines serving the subdivision is required prior to the subdivision receiving final approval from the county commission.~~

- ~~(a) *New system.* Where an approved public water supply or system is not reasonably accessible nor procurable, the applicant shall install a water distribution system and provide a water supply to each lot from a source meeting the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department.~~
- ~~(b) *Wells.* If individual well permits are issued by the Utah State Division of Water Rights, one well permit must be obtained along with a letter of feasibility from the Division of Water Rights and the Weber Morgan Health Department, which states that well permits can be issued in the proposed area by the Division of Water Rights for exchange purposes. The owner of record of the proposed subdivision property shall record a covenant to run with the land which advises the new lot owner of the requirements to be fulfilled before a building permit can be obtained. This shall include but not be limited to:~~
- ~~(1) That a well permit must be obtained;~~
  - ~~(2) The time it may take to obtain the permit;~~
  - ~~(3) The well must be drilled;~~
  - ~~(4) Water quality to be satisfactory; and~~
  - ~~(5) Water quantity to be sufficient as required by the Weber County Health Department, before a building permit can be obtained.~~
- ~~If well permits cannot be obtained, the lot will no longer be deemed a buildable lot.~~

**SECTION 6:**            **ADOPTION** “Sec 106-4-2.1 Water Supply” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

Sec 106-4-2.1 Water Supply (*Added*)

- (a) *Culinary and secondary water supply and delivery system required.*** The applicant is responsible for providing a culinary and secondary water supply and delivery system to or on each lot. The system shall provide sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water. The standard method for accomplishing this, and the default requirement, is for the applicant to connect to an existing public culinary water service provider’s system and to connect to an existing secondary water service provider’s system. However, to benefit applicants in certain circumstances, connection to a new water service provider’s system or a private well may be allowed as an alternative, as described in this Section. Water supply and delivery systems shall comply with the following:
- (1) *Water service provider connection.***
    - a. *Connection to existing water supply and delivery system, requirement qualifiers.***
      - 1. *Connection requirements and qualifiers.*** If any lot within the subdivision is located 300 feet or less from a public

culinary water service provider's existing and functional main delivery line, or that of a secondary water service provider, and the service provider is willing and able to serve the subdivision, then in accordance with the service provider's standards and any applicable County standards. Each lot within the subdivision shall be connected to the service provider's water delivery system;

2. ***Multiple local systems.*** If multiple existing culinary water delivery systems are available, connection to the culinary system that will yield the best organization of culinary water infrastructure in the area is required. The same shall be required for the secondary water delivery system. If conflict arises in making such a determination, the County Engineer shall make the final determination. Overlapping culinary or secondary water infrastructure should be avoided whenever possible.

***b. Connection to new water supply and delivery system.***

1. ***Creation of and connection to new system.*** Where outside the required connection distance of a water service provider's existing and functional main delivery line pursuant to Subsection (a)(1)a. of this Section 106-4-2.1, and where a private well will not be proposed or cannot be approved pursuant to Subsection (a)(2) of this Section 106-4-2.1, a new water source, supply, and delivery system may be created by the applicant, in compliance with state law, to serve the subdivision. Each lot within the subdivision shall be connected to the water supply and delivery system.

2. ***Ownership, operation, and management of new system.*** Unless the new system will be owned, operated, and managed by an existing local water service provider, a new water service provider shall be created pursuant to state law to own, operate, and manage the new system.

3. ***New system in existing water service provider's planned expansion area.*** If any part of the subdivision is situated within the expansion area of an existing culinary or secondary water service provider's water delivery system, then the following are required unless the existing service provider specifies otherwise in writing:

i. ***Existing service provider's ownership of new system.*** At the existing service provider's sole option, upon written request, the applicant shall give the new system to the existing service provider at no cost, unless negotiated by the entities otherwise.

ii. ***New system to conform to existing system.*** The new system shall be constructed pursuant to the requirements and standards of the existing service provider.

- iii. ***New system's future consolidation into existing system.*** The new system shall be created in a manner and with sufficient rights or shares to enable easy and efficient future consolidation of the new and existing systems.
  - iv. ***Contract.*** A contract shall be executed between the applicable existing service provider and the new service provider, obligating the new service provider to consolidate with the existing service provider. Unless negotiated by the entities otherwise, the contract shall provide for the conveyance of applicable ownership and operation rights, necessary water rights or shares, and infrastructure access or easement rights, at a time of the existing service provider's choosing. Unless negotiated by the entities otherwise, the infrastructure expense required to consolidate systems shall be borne by the existing service provider and any debt obligation incurred by the newer service provider shall remain the responsibility of the users of the system for which the debt was incurred.
  - v. ***Service provider maps required.*** An existing service provider intending to use this provision for future expansion shall submit documentation to the County showing its current operating area and adopted future expansion area in an accurate geographically-referenced format.
  - vi. ***Multiple local systems.*** If multiple service providers' expansion areas include portions of the subdivision, then the applicant shall furnish written verification to the County of each provider's intent to eventually serve the development. The existing system that will yield the best organization of services and long-term performance of water infrastructure in the area shall be used to satisfy this part, as determined by the County Engineer.
- (2) ***Private well connection.*** Unless required otherwise by Subsection (a)(1)a. of this Section 106-4-2.1, culinary and secondary water may be provided by private well, in compliance with the standards and requirements of the local health department, Utah Division of Water Rights, and, if applicable, Weber Basin Water Conservancy District. If secondary water is provided by private well, the applicant shall comply with Subsection (b)(2)b. of this Section 106-4-2.1.
- (b) ***Required water quantity.*** Each developable lot shall be connected to a system that provides sufficient quantity, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.
- (1) ***Culinary water quantity.*** The quantity of culinary water shall meet the

minimum standards required by the culinary water authority, applicable agency, or applicable service provider.

(2) ***Secondary water quantity.*** Sufficient secondary water shall be provided so that all areas of the lot that will be landscaped with living plant materials can be regularly watered. At a minimum, the annual duty for crop irrigation, as prescribed by the Utah Division of Water Rights, is required for all areas of the lot that will contain non-drought tolerant vegetation.

a. ***Secondary water by service provider.*** If secondary water is provided by a culinary or secondary water service provider, then the service provider is responsible for ensuring compliance with this part.

b. ***Secondary water by private well.*** If secondary water will be provided by a private well, then it shall be assumed that at least 60 percent of the lot will be covered in non-drought tolerant vegetation. However, this percent may be reduced to the actual percentage of the lot covered by non-drought vegetation if a restricted-landscape covenant is recorded to the lot. The covenant requirements are as follows:

1. The covenant shall restrict the area of non-drought tolerant vegetation to the actual area allowed by their water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights;
2. A note shall be placed on the final recorded plat that generally explains the landscaping and watering restrictions per lot, and references the recorded covenant or, if applicable, covenants; and
3. The approved Exchange Permit from the Utah Division of Water Rights shall be submitted for each well, and shall demonstrate the total acre-feet approved for each well.

(c) ***Capacity assessment.*** Prior to final plat approval, the applicant shall provide the county with a written capacity assessment for the culinary and secondary water supply and delivery system.

(1) ***Water service provider capacity assessment.*** For the creation or expansion of a water service provider's water supply and delivery system, the capacity assessment shall include:

a. Written verification from the water service provider. The assessment shall verify:

1. That the system is, or will be at the time the subdivision improvements are complete, capable of serving the culinary or secondary water needs of each applicable subdivision lot;
2. That adequate culinary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of culinary water including, but not limited to, applicable secondary water uses and fire suppression appurtenances;
3. That adequate secondary water flow and storage is available, or will be available at the time the subdivision improvements are complete, for all intended or proposed uses of secondary water; and

4. The specific details regarding the requirements or conditions for the water service of which the county should be aware during the approval or construction process.
  - b. For a culinary water supply and delivery system, evidence that a state construct permit has been secured from the Utah Department of Environmental Quality's Division of Drinking Water.
- (2) ***Private well capacity assessment.*** For a private well's water supply and delivery system, the capacity assessment shall include:
- a. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
  - b. The following items, if secondary water is provided by contract with Weber Basin Water Conservancy District:
    1. Written verification from the District that an adequate allocation of water has been secured for each proposed well;
    2. Evidence that the annual cost for the District's allocation is, or will be, attached to the tax notice of each lot; and
  - c. Proof of adequate allocation of water shall be demonstrated for all intended uses of the well water, including, but not limited to, applicable secondary water uses and fire suppression appurtenances.
- (d) ***Water supply and delivery system improvements required.***
- (1) ***Improvements required for water service provider.*** The following requirements are a minimum. The applicable culinary or secondary water service provider may have additional requirements.
    - a. ***Main delivery line extents.*** Culinary and secondary water main delivery lines shall be provided to the furthest extent of the subdivision boundary within a public street right-of-way or a public utility easement, and laterals shall be stubbed to each lot.
    - b. ***Infrastructure not allowed under street asphalt.*** Unless authorized by the County Engineer, water system infrastructure shall be located outside of the asphalt area of a public street.
    - c. ***Infrastructure capacity.*** Infrastructure shall be designed with sufficient capacity for the system service area as determined by the water service provider, or as may otherwise be required by the County Engineer.
    - d. ***Improvements operational before permit.*** Water lines and fire hydrants shall be operational before building permits are issued for any structures.
    - e. ***New source.*** If the service provider determines the source is needed to serve the new lots, a new water source shall be provided, with all needed rights or shares, and connected to the service provider's water delivery system in compliance with the provider's requirements and standards.
    - f. ***Conflicting requirements.*** The County Engineer has discretion to waive or modify any of the foregoing requirements in this Subsection (d)(1) if in conflict with the service provider's requirements.

- g. **Prior to County's final acceptance.** The applicant shall submit to the county written approval and acceptance of new culinary and secondary water infrastructure from the culinary water service provider and secondary water service provider prior to final acceptance of the subdivision's improvements by the County.
  - h. **No obligation to County.** Acceptance of the subdivision's improvements shall not constitute an obligation to the county for the ownership or operation of the water facilities.
- (2) **Improvements required for private well.**
- a. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours. A copy of pump-test results shall be submitted to the County and the local health department. The pump test results shall demonstrate that adequate flow exists to serve all intended uses of the well. An inadequate pump-test shall result in that subdivision's approval being void unless another lawfully approved water source can be provided.
  - b. **Metering.** The applicant shall install a radio-meter, or other automated usage-reporting meter, pursuant to the standards and specifications of the Weber Basin Water Conservancy District, if applicable.
- (c) **Verification of secondary water service provider's capability to serve.** A culinary water service provider that has conditioned its service on adequate access to a secondary water service bears full responsibility for verifying a secondary water system's capability to satisfy the culinary water service provider's conditions and requirements before it will offer culinary water service to the subdivision.
- (1) **Final plat approval.** Final plat approval by the culinary water authority indicates satisfaction of the proposal for secondary water services.
  - (2) **Financial guarantee.** The culinary water provider is encouraged to secure any financial guarantees necessary to ensure satisfactory performance from a secondary water provider or system. At the county engineer's discretion and when the culinary water provider declines, the county may require secondary water infrastructure to be a part of the county's financial guarantee for the subdivision, pursuant to Section 106-4-3.
  - (3) **Capability considerations.** As a basis to establish capability to serve, a culinary water service provider that has conditioned its service on adequate access to a secondary water service is responsible for determining the adequacy of a secondary water system's source, storage, pumping, distribution, rights or shares, and administration. If that culinary water service provider fails to do so, the county may do so at the discretion of the County Engineer.
    - a. **Source.** Source considerations may include diversion structures, source flow measurement, screening of the water, and adequate shares or rights deeded to the system provider.
    - b. **Storage.** Storage considerations may include adequate volume for daily demands (which may be a week of storage depending upon water turns), chemical treatment capability for algae and mussels, accounting for evaporation, basin capable to accommodate

- groundwater table fluctuations, barrier to minimize infiltration or exfiltration, fencing for security, and maintenance of water quality including separation from storm water.
- c. **Pumping.** Pumping considerations may include adequate power, pump capacity and variability for minimum flows to peak instantaneous flows of the future system, above ground shelter, wet well, and ventilation.
- d. **Distribution.** Distribution considerations may include consistent pipe materials, locating wires, sizing adequate for future peak day flows, service laterals including meters, draining and filling appurtenances, valves and installation of pipes only within public rights-of-way for accessibility.
- e. **Water rights or shares.** Water right or share considerations may include proof of water rights or shares, written verification from Weber Basin Water Conservancy District, written verification from a trusted existing secondary service provider, or by any other reasonable means as may be deemed necessary to verify legal access to the secondary water source.
- f. **Administration.** Administration considerations may include ability to provide billing to users, enforcement of any watering restriction, maintenance ability, contingency funding for emergency repairs, annual reporting ability to the State Division of Water Rights, and management of Bluestakes.
- (4) **Exactions and denials of water service provider.** A water service provider, whether culinary or secondary, shall not use this section to require an unlawful exaction or an unlawful subdivision denial, pursuant to state law. Requirements for secondary water shall be reasonable and in accordance with industry best practices.
- (f) **Transfer of rights or shares and penalty for removal.** If required by the water service provider, all necessary culinary or secondary water rights or shares required for each lot shall be transferred to the culinary or secondary water service provider, respectively. Otherwise, the rights or shares required shall be recorded to the lot for an individual well, or a governing owner's association or entity for a shared private well, at the time of subdivision recordation. Removal or reallocation of required rights or shares shall constitute a violation of this land use code, with all associated enforcement measures being at the County's disposal. The County is also authorized to void the recorded plat or withhold any further land use approvals for the affected lot or lots, as determined by the Planning Director or County.

**SECTION 7:** **RENUMBER** "Sec 106-4-2(b) Sewage Disposal" of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(b) Sewage Disposal

Sec 106-4-2(~~b~~).2 Sewage Disposal

**SECTION 8:** **RENUMBER** “Sec 106-4-2(c) Stormwater” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(c) Stormwater

Sec 106-4-2(~~e~~).3 Stormwater

**SECTION 9:** **RENUMBER** “Sec 106-4-2(d) Street Grading And Surfacing” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(d) Street Grading And Surfacing

Sec 106-4-2(~~d~~).4 Street Grading And Surfacing

**SECTION 10:** **RENUMBER** “Sec 106-4-2(e) Curbs And Gutters” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(e) Curbs And Gutters

Sec 106-4-2(~~e~~).5 Curbs And Gutters

**SECTION 11:** **AMENDMENT** “Sec 106-4-2(f) Sidewalks” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 106-4-2(~~f~~).6 Sidewalks

~~Sidewalks. Five foot wide sidewalks shall be required by the planning commission for reasons of safety and public welfare, and where the proposed subdivision is located within the walking distance established by the local school district on both sides of the street, unless specified otherwise in this Land Use Code or other adopted street right-of-way standard. Deferrals for sidewalk will be required for lots in Ogden Valley. Where no sidewalk currently exists in the area, or where a subdivision's required sidewalk is premature given existing conditions, the required sidewalk may be deferred to a later time by recording a deferral agreement to each lot in a form as approved by the County Attorney, County Engineer, and County Planning Director. Weber County will not waive sidewalk requirements on state highways unless the Utah State Department of Transportation has waived the sidewalk requirement. If a letter is provided by the Utah State Department of Transportation for a waiver, then a deferral agreement may be approved by the county commission. Approved walking paths may be substituted for sidewalks. A pathway, either paved or concrete as determined by the County Engineer given site conditions, may shall be substituted for a sidewalks along routes that are delineated on an adopted trail or pathway plan or map, or as may be required in this Land Use Code. Otherwise, at the option of the developer, a pathway may be substituted for a sidewalk as long as it is constructed of a material as determined by the County Engineer.~~

**SECTION 12:**        **RENUMBER** “Sec 106-4-2(g) Street Monuments” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(g) Street Monuments

Sec 106-4-2(~~g~~).7 Street Monuments

**SECTION 13:**        **RENUMBER** “Sec 106-4-2(h) Street Trees” of the Weber County County Code is hereby *renumbered* as follows:

RENUMBER

Sec 106-4-2(h) Street Trees

Sec 106-4-2(~~h~~).8 Street Trees

**SECTION 14:**        **RENUMBER** “Sec 106-4-2(i) Street Signs” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(i) Street Signs

Sec 106-4-2(~~8~~).9 Street Signs

**SECTION 15:** **REN U M B E R** “Sec 106-4-2(j) Fencing Or Piping Of Canals, Etc” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(j) Fencing Or Piping Of Canals, Etc

Sec 106-4-2(~~9~~).10 Fencing Or Piping Of Canals, Etc

**SECTION 16:** **REN U M B E R** “Sec 106-4-2(k) Staking Subdivision Corners” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(k) Staking Subdivision Corners

Sec 106-4-2(~~10~~).11 Staking Subdivision Corners

**SECTION 17:** **REN U M B E R** “Sec 106-4-2(l) Peripheral Fencing” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(l) Peripheral Fencing

Sec 106-4-2(~~11~~).12 Peripheral Fencing

**SECTION 18:** **REN U M B E R** “Sec 106-4-2(o) Fire Protection” of the Weber County County Code is hereby *renumbered* as follows:

REN U M B E R

Sec 106-4-2(o) Fire Protection

Sec 106-4-2~~(e)~~.13 Fire Protection

**SECTION 19:** **REPEAL** “Sec 106-4-2(m) Secondary Water\*” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(m) Secondary Water\* (Repealed)~~

~~The term "secondary water" shall mean water furnished for other than culinary purposes. Where a subdivision is proposed within an existing culinary water district or service area of an existing water corporation or within a water district or water corporation service area created to serve such subdivision, the planning commission shall, as part of the approval of the subdivision, require the applicant to furnish adequate secondary water and install a secondary water delivery system to the lots in the subdivision sufficient to conform to the public works standards, if such water district or company files or has filed a written statement with the Weber County Planning Division which specifies that the policy of such water district or company is to the effect that its water is not to be used for other than culinary purposes and will not permit culinary water connections unless secondary water is provided by the applicant. A certified copy of the minutes of the board of trustees of such water district or company showing the enactment of such policy must be furnished to the planning commission. If secondary water is to be by shallow well, then a copy of the approved well permit shall be submitted, and the shallow well shall be pump tested with a copy of the test results submitted for review prior to the subdivision being recorded. When subdivisions are within the service area of a secondary water provider company or district, the applicant shall install a secondary water system in accordance with the provider's requirements or standards.~~

**SECTION 20:** **REPEAL** “Sec 106-4-2(n) Transfer Of Irrigation Water Rights” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 106-4-2(n) Transfer Of Irrigation Water Rights (Repealed)~~

~~Where the county, on behalf of a culinary water agency, requires irrigation water to be provided to each lot in a subdivision as part of the required improvements, the applicant shall provide for the transfer of irrigation water rights by either of the following methods as determined by the planning commission:~~

- ~~(a) The applicant shall form a lot owners association as a non-profit corporation for owning the irrigation water rights or stock for the lots in the subdivision. The applicant shall transfer to the association at the time of subdivision recording, sufficient rights or stock as required by the irrigation agency for the number of lots in the subdivision. The articles of incorporation of the association shall provide, in addition to the association~~

~~owning the required water rights or shares on behalf of each and every lot owner, that each lot owner shall automatically be a member of the association, is entitled to a pro rata share of irrigation water, is subject to a water distribution schedule and procedure established by the association, and is responsible for his share of the costs of ditch and system maintenance and assessments as made by the association from time to time; or~~  
(b) ~~The applicant shall provide the county with evidence that sufficient irrigation water rights or shares for all of the lots in the subdivision are held by the developer/property owner. At the time of recording the approved subdivision plat, the developer/property owner shall record a covenant to run with the land that these rights or shares will not be disposed of except to the lots in the subdivision and with the sale of each lot, a transfer at no cost, the required water rights or shares needed to properly irrigate the lot, to the lot purchaser who is to be responsible for the proper use of the water as outlined in the irrigation water district or company's distribution schedule and procedures.~~