

## OGDEN VALLEY PLANNING COMMISSION

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### MEETING AGENDA

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**January 25, 2022**

**4:30 p.m.**

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

**1. Minutes: November 30, 2021; December 7, 2021**

**Petitions, Applications, and Public Hearings:**

**2. Administrative Items**

- 2.1 File No: UVG062221** - Request for recommendation of final approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, private road dedication, and an alternative access request to access lot 1. **Presenter: Tammy Aydelotte**

**Petitions, Applications, and Public Hearings:**

**3. Legislative Items:**

- 3.1 ZTA 2021-08:** Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the County's zoning ordinance to adjust and clarify permitted and conditional uses and site development standards in the manufacturing zones (MV-1, M-1, M-2, & M-3), and to include general administrative and clerical amendments.

**Presenter: Scott Perkes**

- 3.2 ZTA 2021-10:** Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the Weber County Land Use Code to define and regulate Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations, and to include general administrative and clerical amendments. **Presenter: Scott Perkes**

- 3.3 ZTA 2021-11:** Public hearing to discuss and/or take action on a county-initiated ordinance to define specific zones in the Ogden Valley Planning Area where dwelling unit rights may be transferred from for the purposes of constructing detached accessory dwelling units, and to include general administrative and clerical amendments. **Presenter: Scott Perkes**

**4. Elections: Chair and Vice-Chair for 2022**

**5. Meeting Schedule: Approval of the 2022 Meeting Schedule**

**6. Approval of Rules of Order**

**7. Public Comment for Items not on the Agenda**

**8. Remarks from Planning Commissioners:**

**9. Planning Director Report:**

**10. Remarks from Legal Counsel:**

**Adjourn**

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/89979789042> Meeting ID: 899 7978 9042

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 801-399-8761***

## 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 will 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 Work Session of the Ogden Valley Planning Commission for November 30, 2021. To join the meeting, please navigate to the following weblink at, <https://lus02web.zoom.us/j/85774900400>, the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** John Lewis, Chair; Shanna Francis, Vice Chair; Commissioners John (Jack) Howell, Trevor Shuman, and Justin Torman.

**Absent/Excused:** Commissioners Jeff Burton and Ron Lackey

**Staff Present:** Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. He noted that the applicant for item 2.3 on the agenda indicated that he believed the Chair had a conflict of interest. He stated he believes it is important to revisit conditions that result in a conflict of interest. He stated that he does not own a number of nightly rental units, but he does own a management company. He did, at one point, consider buying the property being considered with the agenda item, but that does not create a conflict because he does not stand to benefit financially as a result of any decisions made regarding the property. He does have an opinion about development of the property, however, and out of an abundance of caution, he will recuse himself from voting on that item.

#### 1. **Approval of Minutes for September 28 and October 5, 2021.**

Commissioner Howell moved to approve the minutes of the September 28 and October 5, 2021 meetings as presented. Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

#### 2. **Petitions, Applications, and Public Hearings – Administrative items.**

##### **2.1 CUP 2021-17: Consideration and action on a conditional use request to install a public utility substation at 7582 E 900 S, Huntsville, UT, 84317, in the FV-3 zone. *Presenter Tammy Aydelotte.***

A staff memo from Planner Aydelotte explained the applicant is requesting approval of a conditional use permit to install a new public utility substation for the purposes of expanding a fiber network in Ogden Valley. Public utility substations are permitted as a conditional use in the FV-3 zone. This proposal consists of 192 square foot equipment shed, containing an HVAC system, NGF & Rapid fiber termination panel system, equipment racks, a generator, and additional equipment used for maintenance of local infrastructure. The shed exterior will consist of a brown stucco material, with a height of 10'1". Access to this shed will be from a shared drive on the adjacent (east) parcel. Conditional use permits should be approved as long as any harmful impacts are mitigated. The LUC already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application, with reasonable conditions, is able to meet these standards. He discussed staff's evaluation of the request, noting that it is in conformance with the Ogden Valley Mater Plan and is a permitted land use in the FV-3 zone. He summarized the conditional use review process, noting the proposed structure meets the Weber County Land Use Code (LUC) section 108 chapter 2.

The Planning Division recommends approval of file# CUP 2021-17. This recommendation for approval is subject to all review agency requirements, and subject to the following conditions:

1. Landscaping shall be installed or escrowed for prior to final approval of the structure.
2. Per the UDOT shared/cross access easement, the ingress/egress shall be improved to follow design standards in LUC
3. 108-7-29, and be approved by Planning, Engineering, and Weber Fire District.
4. The architectural standards outlined in LUC 108-2-4 shall be met, with this application.
5. Any exterior lighting shall comply with LUC 108-16 (Outdoor Lighting).

This recommendation is based on the following findings:

1. The proposed use conforms to the South East Planning Area Master Plan.
2. The proposed use will not be detrimental to public health, safety, or welfare.

3. The proposed use complies with applicable County ordinances.
4. The proposed use, if conditions are imposed, will not deteriorate the environment or create an unsightly improvement so as to negatively impact surrounding properties and uses.

Ms. Aydelotte reviewed the staff memo.

Commissioner Francis asked if it is reasonable to require the applicant to keep the property and the building free of nuisances, such as graffiti. Ms. Aydelotte stated that upon approval of the CUP, the applicant is responsible for ensuring the structure and uses of the property are compliant with the LUC and if a nuisance arose, the County's Code Enforcement Division would become involved and take enforcement action to ensure that the nuisances are mitigated. Commissioner Francis asked if the LUC addresses graffiti. Planning Director Grover answered yes; it is encompassed within architectural standards, but the Commission could include a condition of approval referencing graffiti. Legal Counsel Erickson added that one of the conditional use standards in the LUC requires cleanup and beautification of the site as the use evolves, or mitigation of aesthetic and nuisance defects.

Chair Lewis invited public input.

Jack Walkenhurst stated he is representing the applicant and is willing to answer any questions the Commission may have. He addressed Commissioner Francis's comment about graffiti and stated that while there have not been graffiti issues in the past, Allwest Communications will ensure that any graffiti placed on the building will be removed and the present condition of the building restored.

Lisa (no last name given) referenced enforcement of the zoning of the property; enforcement is problematic, and the County currently does not take enforcement action when nuisances in violation of zoning are reported. She is not sure how residents are to have any assurance that the promise of enforcement has any merit.

There were no additional persons appearing to be heard.

Commissioner Francis moved to approve CUP 2021-17, conditional use request to install a public utility substation at 7582 E. 900 S., Huntsville, UT 84317, in the FV-3 zone, based on the findings and subject to the conditions listed in the staff report, with the additional condition that the applicant keep the building free of graffiti or any other nuisance that would detract from the aesthetics of the building in accordance with LUC108-4-5(C)(4)(c).

Chair Lewis asked if the motion may create some inconsistencies in terms of other CUP approvals the Commission has granted in the past; the County's LUC already has regulations ensuring that property owners must maintain upkeep of the building and he wondered if it is really necessary to include an additional motion referencing the requirement to keep a building free of graffiti. Mr. Grover stated that upon approval of the architecture of the building to be constructed on the property, the County will have the ability to take enforcement action if there is any nuisance on the property. However, the additional condition on the CUP will give the County the ability to revoke the CUP if the property owner does not comply with the condition regarding graffiti.

Commissioner Howell seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

## **2.2 CUP2021-19 - Consideration and/or action on a conditional use permit for short-term rental use at 3563 N Lakeview Court, Eden, UT 84310, The Village at Wolf Creek 1st Amendment, Lot 80. *Presenter Felix Lleverino.***

A staff memo from Planner Lleverino explained the applicant is requesting approval of a conditional use permit for short-term use in a residential dwelling located in the FR- 3 zone. The proposed use will occur within an existing dwelling that is a 1700 sq. ft., 3-bedroom, 4 bathrooms residence. As such, there is no design review required. The applicant has submitted a project narrative detailing their intended use of their property as a short-term rental property. This narrative also indicates that Lindsay Wilson, who is the managing member of JL Wilson Holdings LLC, will address issues that may arise from noise, security, parking, and garage use. The applicant has also submitted a parking exhibit. This application is being processed for an administrative review through the Ogden Valley Planning Commission as directed by the approval procedures outlined in LUC §108-4-3. This section of code indicates that a review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects. He reported that as a conditional use, this use

is allowed in the FR-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan. The subject property is located within the Forest Residential (FR-3) Zone. The purpose of the FR-3 Zone can be further described in LUC §104-17-1 as follows: "The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent homeownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts." The FR-3 Zone allows for a "nightly rental" as a conditional use. For comparison purposes, the FR-3 Zone also allows similar conditional uses such as condo-tels, group dwellings, lockout sleeping rooms, multi-family dwellings, timeshare buildings, and recreational lodges. A review process and use standards have been outlined in LUC §108-4 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects, and Mr. Lleverino reviewed the conditional use standards. Staff offers the following analysis following review of the application against conditional use standards:

1. Standards relating to safety for persons and property.
  - Apart from the Fire Marshal's review and conditions, the operation of a short-term rental is not anticipated to cause safety hazards to persons or property.
2. Standards relating to infrastructure, amenities, and services.
  - The parking infrastructure for visitors includes one parking space in the garage, one parking space in the driveway. The managing member, Lindsay Wilson, is available at any time to enforce the parking requirements.
3. Standards relating to the environment.
  - Staff does not anticipate any detrimental effects on the natural features of the site or surrounding areas.
4. Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the General Plan.
  - The current FR-3 zoning anticipates short-term rental use and the area has been developed for resort and lodging purposes. As such, staff does not anticipate the proposed use to be detrimental to the characteristics of the area. The zoning is consistent with the General Plan.
5. Standards relating to performance (bonds, agreements).
  - There is an existing dwelling, with a sufficient parking area. No performance bonds or agreements are necessary for the proposed use.
  - Standards generally (economy, other applicable LUC standards).
  - The proposed use is not anticipated to have detrimental effects on the local economy.
  - Before issuance of a conditional use permit, the applicant will need to apply for, and be issued with, a business license.
6. Voluntary contributions providing satisfactory compliance with applicable standards.
  - There are no voluntary contributions that are offered with this request.

Based on the staff analysis above and the findings listed below, staff recommends approval of this conditional use application. This recommendation is subject to the applicant meeting the conditions of approval listed below and any other conditions required by reviewing agencies and the Planning Commission:

1. There is a ten-person limit in non-sprinklered dwelling units. A fire-extinguisher shall be left in plain sight. Carbon monoxide and smoke detectors are required and must be kept in good working order.
2. A business license shall be obtained before the issuance of this conditional use permit.
3. The dwelling's attached garage shall be made available to the guests. Visitor parking is limited to the one-car garage and the one-car driveway.

The following findings are the basis for the staff's recommendation:

1. The proposed use is allowed in the FR-3 Zone and meets the appropriate site development standards.
2. The criteria for issuance of a conditional use permit have been met because mitigation of reasonably anticipated detrimental effects can be accomplished.

Mr. Lleverino reviewed his staff memo and presented an aerial image to orient the Commission to the location of the subject property.

Commissioner Howell asked if on-street parking is prohibited in this project. Mr. Lleverino answered yes and noted that the Commission approved a previous requirement to post 'no-parking' signs.

Chair Lewis invited public input.

James Defenderfer asked what the current zoning of the project is and whether this application coincides with the ongoing discussions of allowing short-term and long-term rentals in Wolf Creek. He added he has heard that there is a maximum occupancy regulation of 10 individuals in a 1,200 square foot unit and that seems unsafe to him.

Tim Bird stated he wished to remind the Commission that there is a problem with short-term rentals in the Ogden Valley; the management of the use has been ineffective as there are 1,249 short term rentals operating in the 84310 zip code. However, only 43 short term rentals have active business licenses; nine currently have problems that need to be resolved, including missing information or permit. Four are awaiting conditional use permits, and 15 are in violation because they do not have permits or are operating in a zone that does not allow short term rentals. He stated that during one meeting, the County Commission acknowledged that there is not an adequate short term rental management plan for Ogden Valley and the Commission should not act to accept or approve additional short-term rentals until there is an adequate policy in place.

Jan Fulmer echoed the comments made by Mr. Bird and Mr. Defenderfer; she agreed that the maximum occupancy per unit is unreasonable as that many people cannot fit in two cars, though there are only two parking spaces at each unit. For previously approved short-term rentals, there are too many vehicles and renters are parking in areas that they are not allowed. She stated that there is no effective enforcement and even though the owner of this unit has indicated that he is always available to respond to situations that may arise, she wants to know if he has hired someone local who can physically respond and address problems. She reiterated Mr. Bird's comments about the County Commission's April 19 work session meeting; they indicated their intention was never to increase short term rentals. And even though the zoning of the subject property allows for short term rentals, there is no effective enforcement in place to respond to violations of the CUP. She asked the Commission to wait to take action on this application until there is some policy in place that can be relied upon to enforce short term rental regulations.

Lee Shooshman stated his family owns a condominium directly across the parking lot from the subject property; their unit is larger than the subject property and he believes that having 12 people in the unit at one time will greatly tax the resources in the area. Secondly, parking is already very tight, and the amount of parking is adequate for two cars per site at most, and that is considering one car is parked in the garage. He stated that the garage spaces are very small and cannot accommodate a truck. He agreed with those that spoke before him about the lack of enforcement to address the regulations that are being imposed on this property and he asked the Commission to consider very carefully the expansion of short-term rental permits in this area. He is saying this to his own financial detriment as he may like to use his property as a short-term rental in the future but does not think that it can accommodate 12 people at one time.

Kay (no last name given) stated she has been following the short-term rental discussion in this area and nationally for the last 18 months. She relayed a story about a short-term rental being illegally operated in Bountiful and accommodating up to 25 people at a tie; the County that oversees the area indicated they would take enforcement action, but she can still find the property on the VRBO website and rent it if she desires. She stated enforcement is non-existent and it would be irresponsible management on the part of the County to allow any additional short-term rentals until enforcement is addressed. Other communities have placed a moratorium on the short-term rental use and the Ogden Valley will essentially be 'sticking its head in the sand' if a similar action is not taken here.

There were no additional persons appearing to be heard.

Commissioner Howell stated that if a unit does not have a fire suppression system, there can be no more than 10 people staying in the unit at the same time.

Commissioner Francis referenced a previous CUP application for a short-term rental that was denied based on health and safety concerns; the applicant appealed the denial to the Board of Adjustments (BOA), who overturned the denial and indicated there was not a health and safety issue. She asked staff to provide additional information about that decision. Planning Director Grover stated the BOA did overturn the decision based upon input from the Fire Department, who indicated that the road system was safe, and the unit met their requirements. Commissioner Francis asked if a decision of denial could be based upon a lack of enforcement ability on the County's part. Mr. Grover answered no and indicated that is not part of the County's CUP standards.

The County Commission has tasked staff with investigating enforcement options and associated costs, but until additional regulations or policies are put in place, the Commission can only consider current LUC and CUP standards when acting upon this application. Commissioner Francis asked if the Commission could deny based upon a health and safety concern related to the lack of 24-hour surveillance of the property, to which Mr. Grover answered no; however, the Commission could place additional requirements on the CUP if the Commission finds that 24-hour surveillance is warranted, but there are no CUP standards that requires that. Commissioner Francis asked if the Commission could require that the property owner hire a property management or security company that can ensure that conditions placed on the unit are met. Mr. Grover stated that such an individual would not have the authority to enforce County ordinances, but they could enforce the conditions of the CUP. He emphasized that the County is working on an updated CUP and enforcement ordinance for short term rentals, but at present the Commission can only take actions that are in accordance with the current ordinance.

Chair Lewis stated that the Commission is in a difficult position in terms of considering applications for short term rentals; the Commission understands the problems associated with the land use but can only take actions that are allowed by current ordinances. Additionally, a previous denial was overturned by the BOA. He stated that he feels he can speak for the entire Commission in encouraging the County to accelerate efforts to update the LUC and CUP standards for short term rentals and pursue improved enforcement mechanisms, including third-party enforcement. Until that is done, this Commission cannot deny applications that conform with current ordinances and regulations. The Commission engaged in high-level discussion regarding the CUP standards for which they are responsible for evaluating compliance, ultimately concluding that the application should be approved as recommended by staff. Mr. Grover noted that the reason that the Commission has seen an increase in applications for short term rentals is that the County has been taking enforcement action against short term rentals that are operating without proper permits; some that have been notified that they are operating illegally have initiated the CUP application process.

Commissioner Howell moved to approve CUP 2021-19, conditional use permit for short-term rental use at 3563 N. Lakeview Court, Eden, UT 84310, The Village at Wolf Creek 1<sup>st</sup> Amendment, lot 80, based on the findings and subject to the conditions listed in the staff report. Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

### **2.3 UVB050721: Consideration and action on a request for preliminary approval of The Basin Subdivision located at approximately 947 E Old Snow Basin Road, and an application for alternative access. *Presenter Steve Burton.***

Chair Lewis emphasized that this item is simply preliminary approval of the subdivision plat for the Basin Subdivision; he anticipates public input regarding the future use of the land once it is subdivided, but the Commission should only consider the subdivision plat. He noted he is recusing himself from discussion and/or action on this application as he mentioned earlier in the meeting.

A staff memo from Planner Burton This property was previously proposed to be rezoned from CVR-1 to FR-3. The County Commission agreed to rezone the property on the condition that no short-term rentals would be allowed. The applicant, after considering the Commission's condition, has chosen to not be rezoned and has not signed the rezoning development agreement. The property remains CVR-1 and this proposal is to subdivide 12 lots for residential purposes. There are also proposed to be one lot for commercial purposes, as required by the CVR-1 zone, and a lot for recreational amenities. Under the CVR-1 zone, single-family dwelling units require a minimum of 7,500 square feet of overall net developable area per building. On the proposed preliminary plat, each lot, including the recreational lot and the commercial lot, are shown to be approximately 7,500 square feet. The developer has provided a 'will-serve' letter from Lakeview Water Corporation and Mountain Sewer Corporation for water and sewer service. Both letters acknowledge 12 residential units and 1 commercial unit that is limited in its water allowance. The following is an analysis of the project compared to the County Land Use Code. The Ogden Valley General Plan Commercial and Village area map shows this property as part of a mixed-use village area. The existing CVR-1 zoning requires mixed-use development, with ten percent of the project as commercial. The total project area is 144,146 square feet and the commercial lot is approximately 14,700 square feet. The subject property is located in the Commercial Valley Resort (CVR-1) Zone. The purpose and intent of the CVR-1 zone is identified in the LUC §104-11-1 as: "The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained. In this role, even though the area is primarily commercial in nature, it should be compatible with the general surrounding natural environment. To this end, the general sitting and architectural design of buildings and structures, the layout of parking areas and landscaping shall be subject to review and recommendations by the public agencies, design review and approval by the planning commission to ensure that the natural environment is preserved to the



greatest possible extent." The minimum lot size in the CVR-1 zone for "condominium rental apartment or other lodging use that provides nightly or longer lodging" is 7,500 square feet and the minimum lot width for the overall project is 150 feet. All lots within the subdivision meet this minimum zoning requirement. The project width is 430 feet.

The applicant has requested an alternative access; all lots in this subdivision are proposed to have access by a shared private right of way. The county land use code, Section 108-7-31 states the following regarding private rights of way: "Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions: (3) Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions."

The applicant has included a narrative as Exhibit B, explaining why they feel it is not practical to extend a public street through this development. Their reasoning is that The Basin Subdivision is surrounded by existing platted subdivisions, with no opportunities for future public street connections. When the access was originally proposed, the narrative referenced 13 lots, the proposal is now for 12 lots, a common area, and a commercial lot. If approved, the alternative access will be a 20-foot wide, hard surfaced right-of-way that will run through the front of each lot. Each lot owner will own a portion of the private right of way and will be required to maintain their portion. An HOA could also be formed to maintain the private right of way. The private right of way will need to be built to the standards outlined in 108-7-29(a) prior to any building permits being issued.

Culinary Water, Sanitary Sewer, and Secondary Water: The applicant has provided a will-serve letter from Lakeview Water, who will provide culinary and secondary water to the lots. The applicant has also provided a will-serve letter from Mountain Sewer who will provide the sanitary sewer services. The applicant will be required to provide a final approval letter from the water and sewer provider, prior to the recording of the subdivision.

Parking: Each lot in this subdivision will have a two or three-car garage with a full-size driveway (total of 4 spaces per dwelling). Due to the narrow private rights-of-way, the applicant has also provided a spot for 17 standard parking spaces for guest parking, if needed. 11 parking spaces are shown adjacent to the commercial lot for the future commercial use.

Sensitive lands: The property is located within a geologic hazards area. The applicant has submitted a geotechnical engineering and geologic study that was prepared by CMT Engineering Laboratories. The development of the site must follow the recommendations that are listed in the report.

Review Agencies: The Weber County Engineering Division, the Weber County Surveyor's Office and Weber Fire District have reviewed the proposal. Prior to the subdivision being released for Mylar, all review agencies comments will need to be addressed.

Staff recommends preliminary approval of The Basin Subdivision and the alternative access. This recommendation for approval is subject to all applicable review agency requirements and the following conditions:

1. The alternative access shall be constructed in conformance with the design standards in 108-7-29(a) prior to the issuance of land use permits or building permits.
2. An alternative access covenant, where the developer agrees to pay for a proportionate amount of the cost of a public street, will be required to be recorded with the final subdivision plat.
3. The applicant will be required to provide a final approval letter from the water and sewer provider, prior to the recording of the subdivision.
4. Common Areas will need to be labeled properly on the final subdivision plat, and CC&Rs will need to be provided that explain how common areas will be maintained.

This recommendation is based on the following findings:

1. The proposed subdivision amendment conforms to the Ogden Valley General Plan.
2. The proposed subdivision amendment complies with all previous approvals and the applicable County ordinances.
3. The applicant has demonstrated that extending a public road to this property is impractical or unfeasible.

Mr. Burton reviewed his staff report, noting that just tonight he determined that the alternative access request is not necessary as the preliminary plat meets width requirements for the zone.

Commissioner Francis referenced the fourth condition of approval relating to common areas; she asked what is considered to be common area. Mr. Burton stated that parcel A is common area and will be used for parking and lot 13 will include an amenity for the project, such as a pickleball court. Mr. Grover added that lot 14 will need to be converted to a commercial use on the final subdivision plat. Mr. Burton stated that is correct. There are several reviewed the Planning staff will perform as the application continues to move through the process and that issue will be addressed.

Commissioner Howell asked if there is a detention basin on the property. Mr. Burton stated that is not identified on the plat; if water detention is shown to be a problem as the application moves forward, that will be addressed prior to final plat being considered.

Mr. Burton then discussed permitted commercial uses that could be located on lot 14; the majority of the project will be residential as required by the zoning ordinance.

Commissioner Francis invited input from the applicant.

Todd Meyers, CW Land, stated that the zoning designation for this property requires that 10 percent of the project area be commercial; there are four different options for this commercial development, and all require conditional use permits. He plans to discuss these uses further with the Commission in their next work session. He reiterated Mr. Burton's explanation of a previous desire to change the zoning of the property to FR-3; both zoning designations allowed short term rentals, but he preferred the other zone because it did not require commercial use. He stated there is one typographical error in the staff report in the section discussing the alternative access request; it indicates the access would only be 20 feet wide, but it will actually be 26 feet and that is identified on the plat. He then stated he has read and consents to the conditions of approval listed in the staff report.

Commissioner Francis invited public input.

Kevin Irwin stated that the road to the west exits onto land that is not held in CW Land's ownership; this means that the 14 units will have just one access road in and out. The 40-foot-wide parcel is owned by The Chalets, and it is not paved. Second, in looking at the plat, it appears that lot 14 is the same size as the rest of the lots, which means it is not technically 10 percent of the project area. The property is 3.22 acres, meaning the commercial area must be at least 14,000 square feet. Finally, CW Land wants to locate short term rental units on the property, and they are trying to work around the City's zoning ordinances.

Jim Bird stated that it he has been following this property since February and it appears that it is being broken up into smaller and smaller sections. The current question is one of access to the property; the Weber Fire District has not offered support for the CUP or the alternative access; what they did approve was an access for single-family residences. CW Land changed the narrative for the project one day after the Fire Marshall granted approval and the use was converted to recreational lodges. The will-serve letter very clearly identifies 12 single-family units and that no more than 60 water supplies should be made available. He has asked the Planning staff for the definition of recreational lodges and if the will-serve letter is applicable to this use. Staff told him that the lodges will be constructed as single-family dwellings, but their objective is to build units that the owner can live in and rent out. He stated this logic is problematic; the developer is calling the units single-family homes in order to secure will-serve letters, but they are building recreational lodges. This is not transparent. Additionally, there is only a ¾ inch line serving the units, which is not adequate for the number of people that could be there. He refocused on the access to the site and indicated that Old Snow Basin Road cannot handle the current number of vehicles in the case of an emergency; yet, this proposal will result in the construction of 12 additional homes that will use a road that cannot handle current traffic levels. The roads need to be fixed before more development is allowed. The development includes 109 parking stalls. His request is that the property be accessed using Highway 39 rather than Old Snow Basin Road; Highway 39 is maintained by the Utah Department of Transportation (UDOT). He then stated that he has been told by the Planning Division that CW Land could build something worse than what has been proposed; Mr. Meyers has written a letter indicating that he could build up to 20 units on the property. He asked why the County and application have taken that attitude relative to development in the Valley.

Ian Heuton stated that he owns a unit near the subject property; he indicated that he has served in a Planning Commission capacity in the past and he understands the challenges the Commission is facing. He has serious concerns about the project, and he understands the importance of only discussing the application before the body tonight, but that is difficult when the public has the knowledge of the next step in the subdivision process. The issue is that the intent of the builder is to circumvent regulations on short term rentals in the Ogden Valley; they have threatened to build something 'worse', but they really do not want to do

that. They have created a subdivision plat that makes it look as if the property will contain single family residential lots, but they are really commercial lots because the intent is to operate a large-scale vacation rental project with a great deal of traffic, especially on the weekend. His concern is that it is a mistake to approve the preliminary plat without acknowledging what will happen next. The County needs policies in place for managing short term rentals or whatever other type of use that may appear on this property or others like it. His recommendation would be to deny the preliminary plat until such policies and regulations are in place. He stated the will serve letters were obtained using a classic 'bait and switch' move; the developer communicated an intent to construct normal residential use on the property, but there will be a huge spike on the weekends that will overload the systems in place. This is not 12 single residential units, but rather they will be commercial uses. The application process is cut up in a way that enables an inappropriate use of the property and has an incredibly negative impact for the people who live in the valley. He questions why Weber County is bending over backwards for a developer from Davis County when it should, instead, be looking out for the interests of the people who live in the Ogden Valley.

Commissioner Torman stated it is his understanding that once preliminary plat approval is granted, the applicant must address the issues of water and sewer provision, and access to the site. Mr. Grover stated that is correct; before the application can move to final approval, the applicant will need to address all conditions of approval and provide proof that the service providers have capacity to serve the property. He agreed that the preliminary input from service providers does reference single family use, but the County will likely want to reach out to the service providers to determine if there is capacity for recreational lodges and the commercial use. He noted that for the preliminary plat approval, the Commission should consider whether the plat meets the requirements of the zone. Commissioner Torman stated the action tonight will communicate that the Commission is comfortable with the proposed layout of the subdivision and give the developer the ability to pursue approvals from other entities that will serve the project. Mr. Grover stated that is correct; if significant changes are made to the preliminary plat, the Commission could require them to resubmit for preliminary approval. And, before the project can move to final approval, the applicant will need to address the conditions for the conditional uses for commercial development on the property.

Gwendolyn Smith stated that if the commercial lot that has been set aside does represent 10 percent of the project area, she would suggest a condition of approval requiring construction of the commercial use as part of the first 25 percent of the development. She stated that a similar project was approved across the street from the subject property, but that developer built all residential units first and has yet to begin working on the commercial component; therefore, the area is left without a service that was promised in the project. The intent of this zoning designation is to provide services for the new people moving to these areas. She referenced previous discussions of the County's intent to update its short-term rental regulations and improve enforcement capabilities; she asked that the Commission wait on moving forward with this application until those things are accomplished. Otherwise, the development may be approved and be held to comply with regulations that are approved at a later date. She added she feels it appropriate for the County to determine if there is adequate water capacity for the project before even granting preliminary approval.

Lee Shooshman reiterated many of the points made by those who spoke before him. He asked for a response from staff about the will serve letter based upon the entity's understanding that the project will be single-family in nature.

Andy DeJordan stated he lives in the Edgewater Beach project, and he echoed the comments made by those who spoke before him; he invited the Commissioners to visit the project he lives in as he does not know how it was ever approved and deemed compliant with the General Plan. He personally believes that this type of application is a disgrace to the Valley and anyone who would be part of that approval, including the applicant, has their 'head in the sand'; the project is not consistent with the General Plan. He stated he is moving to Trapper's Crossing soon, but he suggested that the Commission visit his property to gain a clear understanding of what is being proposed; he likened this current proposal to 'Edgewater Beach on steroids'.

Glade McCombs stated he is building a home in Edgewater Chalets. CW Land's model is to build high density projects and it would be wise for the Commission to ask them what their ultimate intent is for the project. The ultimate intent is to build short term rentals on the property, though the Commission has already placed limits on that use. He encouraged denial of the preliminary plat.

Shane Dunleavy stated he is a resident of Liberty and owns property close to the subject property; his question is in regard to the will-serve letters, which indicate capacity for 12 parcels. However, the preliminary plat identifies 14 parcels and he asked if there is an additional commercial connection or irrigation water for the common areas.

Dan Wright stated he lives on Old Snow Basin Road, and he asked the Commission to take into consideration the access to the property; the access identified is very dangerous and he asked the Commission to consider the project from the viewpoint of their own family travelling on that road.

There were no additional persons appearing to be heard.

Mr. Grover asked Mr. Burton to address the comments about the commercial requirement for the project area, adequacy of will-serve letters for the project, and any dialogue he has had with the Engineering Department regarding safe access to the property. Mr. Burton first stated that the Planning Division is not advocating for this applicant or his project; however, they are a property owner and have paid a fee to the County for this application and the Planning Division is obligated to evaluate that application and present it to the Commission. The application would not be before the Commission tonight if staff did not feel that it met the requirements for preliminary plat approval. The request for approval of short-term rentals will come before the Commission at a future date as part of a conditional use permit application, as that is a requirement of the zoning. He addressed the comment that the commercial lot is not 10 percent of the total project area; he zoomed in on lot 14 on the plat and indicated it is 14,765 square feet, which meets the 10 percent requirement for the overall boundary. Regarding access, the maximum number of lots that can be accessed off a terminal street is 14 homes; there is no differentiation between residential and commercial lots in a project area. Commissioner Francis asked if turning lanes should be required. Mr. Burton stated the County's ordinances do not outright require turning lanes, but the Engineering Division is trained in road safety standards, and they have asked for a traffic impact study for the project to determine if a turning lane is needed. He noted that if the access is from a State Road, a turning lane could only be required by UDOT. He then stated that CW Land is not proposing to access the common area in The Chalets project as mentioned by one of the individuals who provided input. He stated the Fire District does review these types of applications and will need to give their consent before the application can move to final approval; they will also evaluate the conditional use permit application and provide input. They have not officially reviewed the application or provided their recommendations but will do so before final approval is considered.

Commissioner Shuman asked Mr. Burton to restate the action before the Commission tonight and whether there are any grounds for denial of the application. Mr. Burton stated that the County's subdivision ordinance states that a preliminary approval application must be granted by the Planning Commission before a subdivision can move to final approval; this is the first step a property owner takes when subdividing their land. Commissioner Howell stated the preliminary nature of the approval is vital; there are so many other things that the applicant will need to do before they can do anything with the property. Mr. Burton agreed; he then noted that if the Commission finds that the plat does not meet the County's preliminary subdivision approval requirements, they could deny it, but in that situation, he recommends tabling. Unless the Commission can find that the plat does not comply with the County's subdivision ordinance, denial is not an option.

Mr. Grover asked Mr. Burton to discuss the will serve letters and reference to single family lots versus recreational lodges. Mr. Burton stated the will-serve letter references 12 residences, which is what is being proposed. He stated he understands that someone brought up a concern that a short-term rental is not a residence, but he disagrees with that. A short-term rental use can happen in a single-family dwelling if the owner can secure a conditional use permit. The will-serve letter is also for a commercial office use and irrigation of the common area. He stated the subject of recreational lodges should be discussed when the Commission is dealing with the conditional use phase of the project, and discussions of that matter will commence during the December 7 work session meeting.

Commissioner Howell stated it is important to clearly state that this not a rezone application and the Commission has not approved a zone change with limitations on short term rentals on the site. Mr. Burton stated that is correct; this was an application that was considered in the past, but the County Commission would not approve the zone change unless the developer would agree to not pursue short term rentals on the property. The owner declined to sign the agreement and the property was not rezoned.

Commissioner Francis asked if conditions can be placed on the timing of the commercial development on the site. Mr. Burton stated that is not required by the CV-1 zoning ordinance, but if the developer volunteered to agree to that type of condition, the Commission could consider it.

Commissioner Francis stated that she closed the public input period, but another online meeting participant had their hand raised and she did not give him an opportunity to speak. She reopened the public input period to give him the opportunity to address the Commission.

Eric Householder stated that he did not have any input to provide.

Commissioner Francis closed the public input period.

Legal Counsel Erickson referenced Commissioner Shuman's question about the matter before the Commission tonight; he noted that Mr. Burton provided an answer, but Mr. Erickson clarified that the LUC provides requirements for preliminary approval of a plat presented to the Commission; the Code states that 'after applicable staff and agency reviews, the preliminary plat and phasing plan shall be presented to the land use authority. The land use authority shall review the preliminary plan to verify compliance with applicable ordinances. After determining compliance with applicable ordinances or determining compliance after adding conditions of approval to ensure compliance with local laws, the land use authority shall approve the preliminary plan or plat.' Before the Commission tonight is determining if the plat meets the requirements of the LUC and staff's recommendation is based upon that same evaluation.

Commissioner Shuman asked if an appropriate condition of approval would be requiring a traffic impact study for Old Snow Basin Road. Mr. Erickson answered yes and reiterated Mr. Burton's mention of the Engineering Department also recommending an impact study.

Commissioner Francis stated the applicant has indicated that the development of the commercial parcel has not been determined and she asked if the Commission should table this application until that matter has been addressed. Mr. Burton stated the developer will need to secure a conditional use permit for certain land uses on the commercial parcel, but the number of lots will be the same. The Commission could approve the preliminary plat with the condition that the development of the commercial parcel be clearly defined at final approval, but that the same number of lots be included on the plat.

Mr. Grover stated his recommendation to the Commission would be to only consider what is before them tonight; they have not received any documentation of a condominium plat for any portion of the property. If the developer wishes to pursue a condominium plat for any or all of the subject property, he should present that so it is clear and concise prior to preliminary approval being voted upon. Commissioner Shuman stated that was the reason for his earlier question; if the applicant makes a change to the plat, the Commission should have the authority to require them to resubmit their preliminary plat application. Mr. Grover stated that the Planning Director typically has the authority to determine whether there is a significant change to something that has received approval from the Commission; in his mind, adjusting the plat to include a condominium use on the project would be a significant change that would require the applicant to resubmit for preliminary approval. Mr. Meyers stated that he only made a reference to a condominium use earlier in the meeting in the event that he desires to preserve that option for the future. However, that is not his preferred option, and he wants to proceed with the plat as it has been presented.

Commissioner Howell moved to approve UVB050721, preliminary approval of The Basin Subdivision located at approximately 947 E Old Snow Basin Road, and an application for alternative access, zoned CVR-1, based on the findings and subject to the conditions listed in the staff report, and an additional condition to perform a traffic study for the project. Commissioner Torman seconded the motion.

Commissioner Shuman asked for clarification on the width of the alternative access.

Commissioner Howell stated that he needs to add to his motion that lot 12 is the common area. Mr. Burton stated lot 13 is the common area and lot 14 is the commercial lot. Mr. Meyers stated there are two common areas; the main common area is lot 13, which is stated in the notes for the application. He then addressed the question about the alternative access; if there were to be an alternative access, it would be a minimum of 20 feet wide, but maximum width would be 30 feet. If the Fire Department does require the alternative access, it will be 26 feet.

Commissioner Francis called for a vote on the motion. Commissioners Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 4-0). Commissioner Lewis abstained from voting.

### **3. Petitions, Applications, and Public Hearings – Legislative items.**

**3.1 ZMA 2021-05- Public Hearing to consider and take action on a rezone request from F-40 to FR-3 on 37 acres, property located at approx. 5793 North Powder Mountain Road, Eden. *Presenter Steve Burton.***

A staff memo from Planner Burton explained this is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments. This item is an applicant-driven request to amend the zoning map from F-40 to FR-3 on approximately 3 acres located south of the Powder Mountain Resort. The developer is proposing 6 buildings, with each building having 16 condominium units (96 units total). Each building is proposed to be 4 stories with underground parking. The developer has submitted a concept site plan with a slope analysis and concept images of the building elevations. As stated in the application, the developer is proposing to purchase density rights within the Ogden Valley and to transfer the rights to this location. The developer has had discussions with the Planning Division regarding employee housing at Powder Mountain. If the Planning Commission and County Commission are willing, the developer would deed restrict one building (16 units) to be sold to employees at Powder Mountain or individuals that meet moderate income to assist in providing moderate income housing. The developer proposes that the 16 units do not need to be bought and transferred. This would mean the developer would be required to transfer 80 density rights from the valley floor and transfer them to this site.

The Ogden Valley General Plan states that the County will support the transfer of development rights from the valley floor to village or resort areas. If written into the development agreement, this proposal will transfer units from the valley floor to the subject parcel. Transferring units from the valley floor to an area adjacent to a ski resort is in compliance with TDR section of the general plan. The purpose and intent of the FR-3 zoning is listed in LUC 104-17-1 as follows: "The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts." Under the proposed FR-3 zoning, the developer will need to meet the following development standards: "Developments using a community or group wastewater disposal facility meeting the requirements of the state division of health code of wastewater disposal regulations: Multiple-family: 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two."

The proposed concept plan does not show the future lot sizes. The developer will be required to show a concept plan that meets the lot size requirement of approximately 5 acres (35,500 square feet of net developable area x 6 = 4.8 acres) before the proposal goes to the County Commission for consideration. The concept plan shows the six buildings and the future private drive. An amended concept plan will need to show compliance with the building setbacks before the proposal goes before the County Commission. The maximum building height of the FR-3 zone is 35 feet. The developer will need to show, in revised building elevations, that the proposal will not exceed the 35-foot height limit, prior to a public hearing with the County Commission.

Parking and Snow Removal: The developer is proposing 16 underground parking stalls for each building as well as 16 exterior parking stalls per building that will be located around the site. The developer is also proposing to use an area on the east side of Powder Mountain Road as overflow parking. LUC 108-8-2 requires 1 ¾ parking spaces per unit. The developer is providing 2 spaces per unit. This requirement will be written into the development agreement that will be considered by the County Commission. The developer has not shown areas for snow removal, or a snow removal plan for this development. The developer will be required to provide a snow removal plan and to show areas for snow removal on a revised concept plan before a public hearing with the County Commission.

Building Architecture and Material: The staff memo included images to depict the proposed building architecture and building materials. The building materials are shown to incorporate wood siding with stone accents. The colors of the buildings will be muted earth tones. Gable and hip roof pitches are proposed. It is the staff recommendation that no shed roofs or stucco be permitted. These standards will be written into the development agreement that will be considered by the County Commission at a later date.

Water and Sewer Feasibility: The developer's plan for water and sewer is to connect to the Powder Mountain Water and Sewer Improvement District's infrastructure for both water and sewer service. The developer has had conversations with the District and a feasibility letter will be provided for 96 units prior to the public hearing with the County Commission.

UDOT Access: The developer has had a pre-application meeting with UDOT and understands that access permits may be required as the subdivision applications are submitted and processed.

Public Benefit: The developer has shown on the concept plan several trail easements that will be granted in favor of the county if the rezone is approved. There will be a trail easement along the east side of Powder Mountain Road and an easement through the north end of the property connecting to the Powder Mountain recreational property. The width of the easements will be specified in a development agreement to the County Commission.

Transferring Density: The developer is proposing to buy development rights from the valley floor and to transfer them to this location. Currently there is not a method that allows the transfer of rights to the FR-3 zone. There are a few options for the Planning Commission and County Commission to consider in regard to transferring density.

Option 1: The rezone can be approved, with a development agreement that states that "no units shall be platted until the developer can show that the units have been successfully bought and legally transferred from a sending area designated by the county, at such a time that the county ordinances allow for TDRs".

Option 2: If the Planning Commission and County Commission feel that the TDR ordinance needs to be in place prior to the rezone of this property, these bodies may choose to table or deny the rezone, until the county ordinances allow for the density to be transferred.

County Rezoning Procedure: The land use code lists the following as considerations when the Planning Commission makes a recommendation to the County Commission:

*"A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:*

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*
- c. The extent to which the proposed amendment may adversely affect adjacent property.*
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service."*

Staff recommends the following options to the Planning Commission for a recommendation to the County Commission.

Option 1: The Planning Commission forward a positive recommendation to the County Commission of the proposed rezone from F-40 to FR-3, with a development agreement allowing 96 units, of which 80 units will be transferred and 16 will be restricted to employee housing or moderate-income housing. The development agreement will state that "no units shall be platted until the developer can show that the units have been successfully bought and legally transferred from a sending area designated by the county, at such a time that the county ordinances allow for TDRs". The following information must be provided prior to the County Commission considering this item:

1. The developer will be required to show a concept plan that meets the lot size requirement of 9,500 square feet of net developable area.
2. An amended concept plan will need to show compliance with the FR-3 zoning building setbacks.
3. The developer will need to show, in revised building elevations, that the proposal will not exceed the 35-foot height limit.
4. The developer will be required to provide a snow removal plan and to show areas for snow removal on a revised concept plan.
5. The developer will provide a feasibility letter from Powder Mountain Water and Sewer Improvement District for 96 units.

This recommendation may come with the following findings:

1. The use helps support the 2016 Ogden Valley General Plan by implementing transferrable development rights to resort areas.

2. The development will help provide more options for moderate income housing in the Ogden Valley.

Option 2: The Planning Commission may make a recommendation to the County Commission that the proposed rezoning be denied or tabled until the County ordinances allow for the proposed density to be transferred. This recommendation may come with the following findings:

1. There are currently no County ordinances that allow for the transfer of units to the proposed zone.

Mr. Burton reviewed his staff memo.

Commissioner Shuman asked if the Commission could ask for a traffic study prior to approving the rezone. Mr. Burton answered yes. Mr. Grover stated if the Commission is not comfortable forwarding a recommendation to the County Commission, they can table the application to ask for more detailed information, or deny the application based upon their comfort level.

Commissioner Howell stated that at present, the County's ordinance does not allow for a transfer of development rights (TDRs) to achieve the proposed density of this development. Mr. Burton stated the ordinance does not explicitly allow a TDR, but it does allow the negotiation of a development agreement that could include a TDR.

Commissioner Francis asked Mr. Burton to identify the reasons that the application could be denied besides the lack of a TDR ordinance. Mr. Burton stated that the County's ordinance indicates that the applicant should have a feasibility letter for water and sewer services. The County is in the process of removing that requirement from the ordinance (pending legislation), but technically that is still a requirement. He noted that staff believes the applicant will have the necessary feasibility letters within a week. Commissioner Francis asked if health and safety concerns could be a basis for denial. Mr. Burton stated the Commission would not need to site those reasons when recommending denial.

Chair Lewis invited input from the applicant.

Todd Strong referenced the portion of the property for which he has requested a zone change and stated the reason it is not the entire property is that only a portion is developable. He has performed extensive topographical studies on the property and of the 37-acre property, the small portion is all that can ever be developed. If the Commission would like him to work with his surveyor to identify a clear five-acre parcel with defined boundaries, he is willing to do that. He noted he has done a great deal of work on this project before getting to this point; he has met with the Utah Department of Transportation (UDOT), and they are comfortable with the proposal as they feel that the plan complies with sight triangle and safety requirements. He has met with Powder Mountain water and sewer and will cooperate with them to drill additional wells and improve water service in the area. They will issue a feasibility letter the next time their board meets. He has worked with County staff on this project and will incorporate Rocky Mountain West architectural styles on the buildings, similar to what is seen in Park City or Jackson Hole; there will be flat roofs to provide for roof-top outdoor spaces. He is trying to minimize the impact on the land, so he will include the majority of the parking below ground and a small overflow parking area above ground. He discussed trail improvements planned around the project area. He then noted that it was his understanding, after his discussions with staff, that the TDR ordinance was not required in order for him to secure the rezone. They informed him that the TDR could be accomplished through a development agreement because his project complies with the spirit of the TDR concept.

Chair Lewis asked if the Commission is required to hold the public hearing if they decide to table or continue this application to a future meeting. Legal Counsel Erickson stated the Commission should hold the public hearing; if they choose not to, they must communicate the date certain when the public hearing will be continued to. Chair Lewis asked the public to keep in mind that the Commission may be tabling this application for a future meeting. He noted that from his perspective as a resident of the Ogden Valley, it is a good idea to keep the density off the valley floor, but he is concerned about the density of this project and an additional 16-plex building is essentially 16 more roof ridges in on the mountain. He stated that a will-serve letter is very important, and he does not believe that Powder Mountain water and sewer can provide the additional connections that will be needed for this project. He stated that he understands Mr. Strong indicated he will drill additional wells, but that type of activity in this area will be very difficult and it is important that the Commission have some proof that water is available. He stated that he also does not feel the site plan is well enough designed. He would prefer that the County's TDR ordinance be in place and that the applicant have will-serve letters for the project before the Commission considers an action; he would prefer tabling or denying the application.



Commissioner Francis asked if there is a history of avalanches on the portion of the subject property that is included in the rezone application. Mr. Strong stated that people have been skiing on the property for years and he is not aware of a history of avalanches. Mr. Grover added that one requirement of the development agreement would be to include an avalanche prevention plan.

Commissioner Shuman stated that he actually feels the plan is fairly solid and the requested density is appropriate for the property as it is located directly adjacent to a ski resort. He also feels that it accomplishes the desire of moving development off the Valley floor, but there are some concerns about the TDR concept. He is concerned that the project boundary is not clearly defined and for those reasons, tabling the application makes sense to him.

Chair Lewis opened the public hearing.

Gary Fulmer stated he lives in Eden, and he sees two positive aspects of the project; one is the definite need for employee housing for Powder Mountain. The resort brings people from overseas to work at the resort and they need somewhere near the resort to house them permanently. Second, the movement of units from the Valley floor is a positive aspect of the project, but there has been no clear explanation of how many units there will be. His greatest concern is the confusion about the portion of the property that will be rezoned; if the Commission decides to rezone, they should only support rezoning the five-acre portion of the property, but only after it is possible to trust and verify the commitments expressed by the applicant. He then stated that the overriding concern for him is the access to the property from the main Powder Mountain Road; it appears it is very near where the bus turnaround is and this is a dangerous area. He would like for the Commission to include a condition of approval that the applicant improve that area of the road or determine a safer place for the access.

Jamie Lythgoe stated she is very familiar with the property as it is owned by her aunt and uncle; originally, when Powder Mountain was sold, her family did not want to make the transition complicated. They did not include this parcel with the original sale because they did not want to include the 'out parcels', and they thought that someone would buy it later. She stated the property is in the area that is regularly bombed for avalanches by the people who do control work at Powder Mountain; there are some areas that are very steep near the roadway, but that is not near where the development would occur. She believes that the applicant will be required to add a turning lane for the project. She referenced the TDR ordinance and noted that it often happens that an ordinance is partially completed and placed on the 'back burner' until something comes along that is the catalyst for its completion. She feels this property is a perfect candidate for a receiving area for TDRs. It cannot be seen from the Valley floor since it is nestled in a gully. She stated she feels it is appropriate to work through the TDR concept with a development agreement rather than waiting for the ordinance to be adopted. She stated the applicant is willing to work with Planning staff in terms of the recommended conditions of approval for the project.

Lynette Ridge stated she also thinks there are some good things about the project, including the transfer of density and the limited visibility of the project area, but she also has some concerns, and it feels as if the project is just not ready to move forward. There is some confusion about building heights and maybe it is necessary to fully complete the TDR ordinance to ensure that everything is thought of and there are no unintended consequences of rushing such an important issue. She feels that a traffic study should be conducted as she is very familiar with the area and is aware of points along the road that are very steep and dangerous. She also has a question about whether the property meets the requirement for 4.5 developable acres in order to receive the zoning the applicant is requesting; the developer has indicated the developable area is closer to 3.5 acres. There are too many conflicts that needs to be resolved before the Commission should consider approval of the rezone. Her biggest concern is the adequacy of water for increased development. There have been limitations placed on other types of development because of the lack of water and she can not see how it is possible to justify the increase in residential units in this area where all the water will run downstream.

Mark Schroetel stated he is the General Manager of Powder Mountain, and he lives in Eden. He agrees there are some positive aspects, the greatest being that it would be nice to have employee housing so close to the resort, but there are some major issues in terms of the availability of water. He stated he is also a Board Member of Powder Mountain Water Sewer District and there are two water sources that have been developed for development purposes, which supply water for roughly 150 ERUs, but the District itself does not have a water resource and it is using Powder Mountain's water currently. This will become a problem in the future because Powder Mountain has spent a lot of money developing the water sources while the District has not. He is concerned that the District is giving away Powder Mountain's water by indicating they will provide a will serve or feasibility letter. He asked the Commission to consider that issue.

Lisa Arbogast stated she lives in Eden, and she is extremely concerned; she heard the developer indicate he feels this proposal is in line with the General Plan for the Ogden Valley, but she disagrees. The General Plan clearly identifies the subject property as an area with a 40-acre minimum zoning requirement. The reasons for that are included in the General Plan. The idea that chipping away at the General Plan by indicating the project is small is incorrect; at one mention she heard there were 16 units in the project, but in another discussion a unit number of 96 was referenced. As a resident of the lower area of the Valley, discussions have always been aimed at clustering down low to leave the foothills as they are. There is not enough water to support current building in the Valley; some are in the middle of building a home and are unable to secure a water connection. Chair Lewis noted that no one can legally build a home without a will-serve letter, so there is no one building in the Valley without a will serve letter. Ms. Arbogast stated she has heard that there are homes that are partially built but cannot proceed further because they cannot get water connections. Chair Lewis asked Mr. Grover if there is any chance that is correct. Mr. Grover answered no. Ms. Arbogast stated the owner of the property has said he plans to drill wells to provide water to the project, but that is a huge concern because sinking wells higher on the hill will take the water from those in the Valley that need it. Everyone is monitoring their water use and to allow someone to place a greater demand on resources is inappropriate.

Lee Shushman stated he lives in Eden, and he echoed the comments from Ms. Arbogast and Mr. Schroetel; Eden Hills Water Company was party to a lawsuit relating to illegal water action and the State Watermaster has assured the Company that it will not allow development upstream to take any water if it impacts their water rights. He would support TDRs and high density in proper areas, but what is being done is basically transferring 96 water units from the Valley to the mountainside, but there is not enough water. He thinks water is the core issue upon which denial of this application should be denied.

James Defenderfer stated he lives in Eden on Powder Mountain Road and the biggest issue with this project is water; most of the reason that other big development projects have been stopped is because of the lack of water. He acknowledged the applicant's mention of drilling a well but wondered if he has the water rights to proceed with drilling a well. If he were a member of the Planning Commission, he would not even entertain this project until the applicant can prove that they have sufficient water to support the project without taking from the Valley. He added that he does not like the loose definition of high density in the Valley versus Powder Mountain. Geographically, one could say that the Valley stops at Powder Mountain Road, but those travelling to any development on Powder Mountain will travel through the Valley to get there, so that is a density impact on other areas of the Valley.

Manuel Pierto stated he lives in Wolf Creek, and he agrees with many of the comments that have been made, but he wonders if there may be an opportunity to discuss including a number of moderate-income housing units as part of projects that may be more dense in nature. This may make that housing more attainable for employees who will live in the units. If the units are mostly occupied by employees, the traffic in the Valley will be reduced.

There were no additional persons appearing to be heard and the public hearing was closed.

Principal Planner Ewert stated he was originally working with Mr. Strong on his project, and he wished to provide some input regarding his thoughts about the project. Whether the Commission approves or tables the application is of no concern to staff, but he wanted to clarify the intent of the General Plan, which was the basis of staff's recommendation for at least partial approval of the application. He noted that many people have not read the General Plan, but they speak as if they are familiar with its directives. He would recommend that anyone interested in this or other projects in the Valley obtain a copy of the General Plan and read through it. The ideal outcome of the TDR concept is to move them out of the Valley floor into the mountain. The General Plan is not a zoning plan, but it discusses policy outcomes that later become zoning. Anyone who is asking for resort-oriented development in the mountains is asking for a zone change and the General Plan states that as much density should be located in the mountains as possible to get it off the Valley floor, as long as density is not added to the Ogden Valley Planning Area. In other words, density points should be taken out of the Valley and hidden in the mountains. This is a way of preserving open and farmland on the Valley floor. It is very difficult to move density into the mountains, so for someone to pursue a project that is a one for one trade of density from the Valley to the mountain is unique. If the County lets this opportunity pass, the opportunity to move quite a few development units from the Valley floor will be lost. There is a bit of confusion about the number of units in the project; there are actually 16 buildings, and each has eight units. He and Mr. Strong performed project calculations together and if he wishes to pursue eight-plex's, he will need to ensure that five acres can be identified for the project site. Staff does not want to see the entire 40-acre parcel zoned FR-3 and they only support changing the zoning for the minimum amount of land that is needed for the project. He stated that as he was originally talking to Mr. Strong about the project, his proposal was more modest and he was only asking for four or five buildings, but he encouraged him to ask for more in order to implement the General Plan, which calls for relocation of density from the Valley floor onto the mountain. He stated that if the Planning Commission is

concerned about the number of dwellings or buildings, they can consider a lesser amount. He then addressed the concerns regarding water; a developer is unlikely to invest a lot of money to pursue development of property unless they know there is a political will for the project. Essentially, if the applicant does not have the support from the County to move forward, he will not spend a great deal of money on engineering or exploring the idea of buying and securing water rights for the project until they know if they have approval of the zoning. If they do secure the rezone, and are unable to secure water, the project will never receive a building permit. His suggestion is to consider a development agreement that grants the zoning for a defined number of years, during which they must secure water and sewer connections, develop a snow and avalanche control plan, and perform a traffic study. If those things are not done within the defined period of time – perhaps five years – the zoning of the property would revert back to the previous zoning. This would give the landowner the security they need to begin investing in the land, while protecting the County. He concluded by addressing the TDR concept; there is a notion that the County must have a TDR ordinance in order to approve a project with TDRs, but this is not true. If someone secures an up zone or downzone, they are essentially transacting a TDR. That is all the subject project is; the applicant is swapping density on the Valley floor for density on the mountain. If the applicant cannot execute the TDR within a timeframe defined in the development agreement, again the zoning would revert back to the previous zoning. He stated that one of the people who spoke during the public comment period indicated they felt the project was not very well thought out, and it is his hope that what he just explained to the Commission suggests otherwise. Staff has been working with this applicant for six months and this is a very well thought out plan. He feels that it is reasonable and has a likelihood of receiving approval from the County Commission if it moves forward to that step in the process. He stated that before the Commission makes a decision, he would suggest they talk with the applicant to see what he prefers. If tabling is an option, he suggests that the Commission hold a work session to discuss the project further.

Commissioner Shuman stated his understanding is that if five acres of property can be identified and the FR-3 zoning is granted, that Mr. Strong could build 23 units without a TDR. Mr. Burton stated he has not performed that calculation as five acres of property were not identified. Commissioner Shuman stated that the FR-3 zoning gives the property the ability to build one unit for every 7,500 square feet and if the Commission approved the zone change, there would be approximately 22 units added to the Valley. If the TDR were required, the result would be moving 67 units from the Valley floor. He stated that understands the concerns regarding water, but he has spoken with the water companies that serve the area and his understanding is that they have water rights, but no wells. It would be the developer's responsibility to drill and pay for the wells to provide the actual water. He then noted that the majority of water usage is for landscaping, but most of the companies are trying to eliminate landscape watering. If the applicant is required to move between 60 and 96 units from the Valley floor, that could eliminate 96 three-acre lots that could be single family homes with a great deal of landscape. That means that this project could actually save a great deal of water that would otherwise be used on the Valley floor. Chair Lewis stated that may be true based upon calculations, but in reality, the water source must be moved further up the hill. Commissioner Shuman stated that is correct, but if the applicant can address that matter, it may be beneficial.

Commissioner Francis stated she understands that the General Plan recommends moving density from the Valley floor onto the mountain, but she is concerned about the amount of density that is designed for the areas along Powder Mountain Road, which is a very dangerous road where many accidents have occurred. She believes that the density could be moved to many other areas that do not have as many water issues or that have better transportation networks. She stated that area is at a tipping point in terms water availability, and she would be more supportive of development in other areas. She added that the units in this proposed project would be for recreational use and would not really be accessible to single families or employees working at the resort. Additionally, the people living or staying in the units will drive along the roads and have an impact on services and infrastructure in the Valley.

Mr. Burton echoed Mr. Ewert's comments about the General Plan directives regarding this project; he feels that a work session for this application would have been more appropriate, but the applicant asked for a public hearing and action on his application.

Chair Lewis invited additional input from the applicant. Mr. Strong stated that density creep did not cross his mind in terms of the area surrounding this property; he has walked the property and there really are no other areas that can be developed. He is willing to enter into a development agreement that limits the number of units that can be developed. He reiterated that he has met with UDOT regarding the project and the ingress/egress point identified by them is the flattest part of the road and it is near the bus stop. Staff would like him to preserve or possibly enhance the bus stop area to improve its functionality. He then addressed water and sewer and noted that Powder Mountain Sewer and Water has not promised him water or sewer connections; rather, he will need to provide new water sources for the district. He does understand the concerns that have been expressed and the suggestion to delay and discuss the project in greater detail in a work session, but he does not want to wait until the TDR ordinance is

developed as he believes that a development agreement can accomplish the same things that would be accomplished by the TDR ordinance.

Chair Lewis called for a motion.

Commissioner Shuman stated he is inclined to make a motion to recommend approval, but he is concerned that the project boundary is not clearly enough defined.

Commissioner Shuman moved to table ZMA 2021-05, rezone request from F-40 to FR-3 on 37 acres of property located at approximately 5793 North Powder Mountain Road, Eden, until the project boundary can be clearly identified.

Chair Lewis offered a friendly amendment for the motion; he stated that he thinks it is a good idea to give the applicant as much direction as possible regarding the items the Commission would like to see before considering approval; he heard concerns about the lack of a will serve letter for the project, concerns about building heights, traffic issues, and the TDR action.

Commissioner Shuman amended his motion to table ZMA 2021-05, rezone request from F-40 to FR-3 on 37 acres of property located at approximately 5793 North Powder Mountain Road, Eden, until the following are addressed:

- Revised site plan identifying the total project area and project boundary;
- Clarified building heights;
- Will-serve letter for water and sewer for the project;

Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

### **3.2 ZMA 2021-07 - Public Hearing to consider and take action on a rezone request from AV-3 to CV-2 on 5 acres, property located at approx. 4708 E 2650 N, Eden, UT. *Presenter Steve Burton.***

A staff memo from Planner Burton explained this is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments. This item is an applicant-driven request to amend the zoning map from AV-3 to CV-2. This purpose of this application is to extend the CV-2 zoning to the eastern edge of parcel 22-040-0030 and to extend the CV-2 zoning slightly north on the same parcel. Parcel 22-040-0030 received a rezoning approval from AV-3 to CV-2 on September 22, 2020. The purpose is also to amend the site plan and architectural standards required by the development agreement. This proposal also includes a request to amend the development agreement that was approved as part of the rezone in September of 2020. The proposed changes to the development agreement include removing the requirement for a dumpster, eliminating the provision for roofs to develop a natural patina over time, and allowing the sheer wall massing to be 100 feet instead of 25 feet. The proposal also eliminates page 20 of the development agreement, which specifies design and materials palette. The developer is also proposing to eliminate the requirement to use "five inch reclaimed solid wood wall paneling" on page 21 of the development agreement. The staff memo included a rendering of the developer's desired architectural requirements, proposing to allow metal siding instead of wood. The developer is also proposing to eliminate the "fair share intersection improvements" section and to add language that requires the developer to pay the roadway impact fee as development occurs. Lastly, the proposed amendment includes a revised conceptual site plan, showing 188 total units compared to the original site plan that allowed for 100 units. The architectural standards that were written into the original development agreement were meant to provide an aesthetic to the surrounding area that masked the industrial nature and architecture of storage units. The building massing requirements and barn architecture with wood materials fits into the Eden Village described in the Ogden Valley General Plan. Planning staff recommends that all of the architectural requirements of the development agreement remain in place. Regarding the proposal to expand the zoning to the property boundary and amend the site plan, staff feels that these proposed changes should be approved, as long as the architectural requirements of the development agreement remain in place. Regarding the proposal to eliminate the "Fair Share of Intersection Improvements" section, it should be noted that the storage units may have a significant impact on this specific intersection, and that roadway impact fees apply to entire street systems, not necessarily this specific intersection. Staff feels that the "Fair Share of Intersection Improvements" should remain in the development agreement.

Regarding the proposal to remove the required dumpster from the development agreement, staff is comfortable with this proposal because there should be no need for a dumpster if users are loading, unloading, and storing personal items in the storage units.

County Rezoning Procedure: The applicant has submitted a complete application as outlined in the County's rezoning procedures in Sec 102-5. The land use code lists the following as considerations when the Planning Commission makes a recommendation to the County Commission:

*"A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:*

- a. *Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.*
- b. *Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.*
- c. *The extent to which the proposed amendment may adversely affect adjacent property.*
- d. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.*
- e. *Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.*
- f. *Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service."*

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed rezone of approximately 5 acres located at approximately 4708 E 2650 N, Eden, from AV-3 to CV- 2, provided the architectural, massing, and material requirements listed in the original development agreement are not changed, and that the "fair share of intersection improvements" section remains unchanged in the development agreement. Additionally, staff recommends that the site plan be amended as proposed and added as part of the development agreement, provided the architectural requirements, including the requirement to have horizontal fines be broken every 25 feet, be implemented as specified on page 20 of the original development agreement. Staff recommends approval of the proposal to remove the requirement to provide a dumpster on site. This recommendation may come with the following findings:

- a. The use helps support the 2016 Ogden Valley General Plan by providing for a market demand in a location outside an intended village area.
- b. The use offers a design theme recommended by the 2016 Ogden Valley General Plan.
- c. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities.
- d. The impacts of the development on adjacent landowners are proposed to be appropriately minimized by use of natural and built buffers, vegetation, and architectural styling.
- e. The development will enhance the overall health, safety, and welfare of the community.

Mr. Burton reviewed his staff memo and the applicant's proposed revised site plan for the project.

Commissioner Howell stated that based upon the layout of the site and the identified access. It may be difficult for a larger vehicle or a truck pulling a trailer to safely access the site.

Commissioner Torman asked if there is an area for water detention on the site. Mr. Burton stated he is unsure there is a water detention on the site plan, but the applicant will be required to submit a design review application, which will be reviewed by the Engineering Division to determine the amount of hard surface, water runoff, and detention/retention requirements.

Commissioner Shuman inquired as to the dumpster requirements for the project. Mr. Burton stated that there was some concern that there may be a great deal of junk or garbage left on the site by people moving in and out of their storage units, so staff is requesting that there be a single dumpster on-site that is screened.

Chair Lewis invited input from the applicant.

Lance Anderson stated he is performing engineering for the applicant; he discussed other storage unit projects in the area and

stated this is not the first application for this site. However, as he has reviewed the project and site constraints, the site plan has been amended to allow for greater functionality. He referenced staff's recommendations regarding architecture for the project; he feels that the design meets the intent of the development agreement and adding wood to the buildings is not necessary or appropriate. Wood is not typically seen on storage buildings.

Commissioner Torman inquired as to the building materials used on the applicant's other storage project in the Valley, to which Mr. Anderson answered it is masonry and metal. Wood is a challenging product, and it would be broken up a great deal along the walls of the buildings. Additionally, ongoing maintenance of the wood would be much more difficult than metal or masonry. He then addressed the topography of the property; the elevation varies throughout the property and there is a canal, beyond which there is a 10–15-foot drop. There are also a great deal of trees on the site, so the development will be well hidden and screened. He feels the architecture conforms with the existing development themes in the area. He then discussed traffic associated with the project and stated that storage unit projects typically do not have high traffic impacts and he feels the proportional share or impact will be addressed with the impact fees versus relocating the access to a nearby intersection. He added that storage units typically do not have dumpsters because the owners do not want people to be able to pull in and drop their junk there. If someone is not paying their storage fees or they abandon their unit, the items left behind will be removed and taken to the dump.

Commissioner Howell stated that using metal roofs will result in the snow sliding off and creating a snow removal issue in the project. Mr. Anderson stated that the roofs on the buildings will not have a steep pitch in an effort to keep snow on the roof.

Chair Lewis opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

Chair Lewis stated that staff recommends approval of the rezone, they are comfortable with the increase in units, but they did recommend that the project conform with architectural standards for the area.

Commissioner Shuman stated that he is concerned about allowing this project to deviate from those architecture standards when other property owners in close proximity to the subject property have adhered to those standards. He stated there are some metal materials that have the appearance of wood. Commissioner Francis agreed and stated that the Commission spent a great deal of time working on the architectural standards.

There was then a brief discussion about the proposal to expand the boundary to which the requested zoning would apply. Mr. Anderson stated that the zoning was assigned to the property previous to his ownership, but he has secured an accurate meets and bounds description for the property and is requesting that the zoning be assigned to that entire property. Chair Lewis stated he feels that is an accurate representation of past zoning decisions for this property.

There was then high-level discussion regarding the architecture standards included in the original development agreement for the property. Mr. Burton noted that the agreement allows for substitute material of similar visual quality as determined by the Planning Director. Mr. Grover recalled the discussions about the architecture standards for projects in this area and the great deal of public input the County received; he does not believe he can accept metal as a substitute for solid reclaimed wood as a building material on this project. He is concerned about allowing a building constructed entirely of metal; if there were a mix of rock and metal, or different colored metals, he may be more supportive, but he would want the Commission's support for whatever decision he makes. Chair Lewis suggested that the Commission ask for a sample of the type of material the applicant would like to use as a substitute for the wood. Mr. Grover agreed and noted that materials, such as smart side, have the appearance of wood, but they are longer lasting and require minimal maintenance. Commissioner Shuman stated he feels the applicant has done a great job with their design and he does not think it is too far off from receiving support. This led to continued high level discussion of optional building materials that may be accepted as meeting the architectural standards; the applicant stressed the difficulty in obtaining reclaimed wood for this type of project and noted that meeting that requirement could be very costly. He also reiterated that the maintenance of wood is very difficult and costly over the long term.

Commissioner Shuman asked if the Commission could grant conditional approval and ask that the applicant come back with a sample of the building materials they would like to use on the project. Legal Counsel Erickson stated staff recommends granting the rezone of the property with all development requirements in-tact aside from the dumpster requirement and the site plan. Commissioner Shuman stated he wants to approve based upon the standards that have already been established but ask that the applicant come back with greater detail on their site plan and the building materials they would like to use. Mr. Burton stated if the Commission recommends approval of the site plan as proposed, the application will need to come back to the Planning Commission in the form of design review to compare the site plan with the requirements of the development agreement. Mr.

Erickson added that the applicant could come back at any time and ask for an amendment to the development agreement, but that is already part of this application and staff has recommended against that type of amendment. Mr. Burton again reviewed the recommendation language in his staff report. Commissioner Shuman stated he would like to have a clear understanding of the exact amendments the Commission is considering.

Commissioner Shuman moved to forward a positive recommendation to the County Commission for ZMA 2021-07, rezone request from AV-3 to CV-2 on 5 acres, property located at approximately 4708 E. 2650 N., Eden, based on the findings and conditions listed in the staff report, with an additional amendment to the development agreement to change the approval authority of a building material change from the Planning Director to the Planning Commission, and inviting the developer to come before the County again to detail their requested amendments and to provide sample building materials. Commissioner Howell seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

Mr. Burton asked if the intent of the motion was to require the applicant to come before the Planning Commission to address development agreement amendments specific to impact fees and building materials. The Commission discussed the matter and determined they are comfortable with the application going directly to the County Commission and noted that body can perform the analysis regarding the development agreement amendments and building materials. Mr. Erickson suggested the Commission make a motion to that effect.

Commissioner Shuman made a motion to allow the applicant to take their application directly to the County Commission and to be prepared to respond to the conditions included in the Planning Commission's motion. Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

### **3.3 ZTA 2021-09- Public Hearing to consider and take action on a county driven request to amend the Stream Corridor Sensitive Lands Ordinance, to exempt certain lots from setback requirements.**

A staff memo from Planner Burton explained this is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments. The Weber County Stream Corridor ordinance was first approved and adopted as part of the Land Use Code on December 30, 2005. There are currently no exemptions to these regulations for lots that were legally platted prior to December 30, 2005. The proposed ordinance amendment will allow lots that were platted with building envelopes or buildable areas prior to January 1, 2006 to be exempt from the stream corridor setbacks listed in the ordinance. Over the past few years, the County has received several applications for dwellings or accessory buildings on lots that have 'buildable areas' due to rivers or streams (seasonal and year-round) adjacent to the lot. The owners of such lots have submitted site plans that show the improvements within the lot's buildable area, but the stream corridor regulations adopted after the recording of the subdivision are more restrictive than the buildable area. Under this proposed ordinance amendment, lots adjacent to streams or rivers that had designated buildable areas prior to the adoption of the stream corridor ordinance will be exempt from the stream and river corridor setback requirements. "Lots platted prior to January 1, 2006 with designated buildable areas, building envelopes, or river or stream corridor setbacks shown on the subdivision plat, are exempt from the setback requirements of this chapter."

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed text amendment. This recommendation may come with the following findings:

1. The proposal will protect rivers and streams within the Ogden Valley while also allowing lot owners, whose lots were restricted by previous county stream and river setback requirements, to be able to develop their lots within the bounds of their buildable area or building envelope.
2. The proposal preserves private property rights on lots recognized previous county stream and river corridor requirements.

Mr. Burton reviewed his staff memo.

Commissioner Francis stated she is comfortable with this proposal so long as waterways will still be preserved.

Chair Lewis opened the public hearing.

Marth Crawford stated she lives in Huntsville, and she feels that adoption of this amendment will set a precedent whereby people can request a conditional use permit (CUP) to build closer to a river or stream. The current setbacks are really quite minimal, and she suggested that they be preserved. She encouraged the Commission to vote in opposition to the proposed amendment.

There were no additional persons appearing to be heard and the public hearing was closed.

Commissioner Shuman asked if this amendment will only apply to building lots on which a home has not been built and how many properties will be impacted by this amendment. Mr. Burton stated that it will apply to lots upon which a home has already been built; if there was a lot in a subdivision that was developed before the ordinance was put in place, they could have built a home, but may now like to add on to their home. This amendment will essentially expand the buildable area of lots on plats that acknowledge a stream and associated setback. He is unsure of the total number of properties that stand to be impacted by this ordinance.

Commissioner Francis stated that the amendment would also apply to properties upon which the owner wants to build an accessory dwelling unit (ADU). Mr. Burton stated that is correct as long as the lot legally existed before the ordinance was adopted and had a buildable envelope on it. He then presented a plat that would be impacted by the ordinance amendment to illustrate the manner in which the setback requirement would be adjusted if this ordinance is approved. Commissioner Francis acknowledged the need to provide protection to homeowners, but she is also concerned about providing protection for the streams and waterways. She discussed past flooding events and spoke to the need to preserve an appropriate setback from the streams to avoid future floods. Mr. Burton stated the issue is that the setback has been increased for some properties from 50 to 75 feet; the issue is not the high watermark for waterways.

Commissioner Shuman moved to forward a positive recommendation to the County Commission for ZTA 2021-09, amending the Stream Corridor Sensitive Lands Ordinance, to exempt certain lots from setback requirements, based on the findings and subject to the conditions listed in the staff report. Commissioner Howell seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

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

There were no public comments.

#### **5. Remarks from Planning Commissioners**

There were no additional remarks from Planning Commissioners.

#### **6. Planning Director Report**

Mr. Grover had nothing additional to report.

#### **7. Remarks from Legal Counsel**

Mr. Erickson had nothing additional to report.

**Meeting Adjourned: The meeting adjourned at 9:14 p.m.**

**Respectfully Submitted,**

*Cassie Brown*





Minutes of the Work Session of the Ogden Valley Planning Commission for December 7, 2021. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/87900398529>, the time of the meeting, commencing at 5:00 p.m.

**Ogden Valley Planning Commissioners Present:** Chair John Lewis, Chair; Shanna Francis, Vice Chair, John (Jack) Howell, and Justin Torman.

**Absent/Excused:** Commissioners Jeff Burton, Ron Lackey, and Trevor Shuman

**Staff Present:** Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Lewis asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

**WS1: The CW Basin – Conditional Use Permit Options.**

Chair Lewis announced this item was removed from the agenda prior to the meeting.

**WS2: ZTA 2021-08: County Proposed Manufacturing Zone Amendments: Presenter Scott Perkes.**

Planner Perkes presented a redlined version of a draft ordinance amending County Land Use Code (LUC) Section 101-2-13 pertaining to the County's manufacturing zone. He summarized the issues that were the catalyst for this proposed text amendment, noting the Western Weber Planning Commission has already held a public hearing and staff recommends the Ogden Valley Planning Commission hold a public hearing on December 28 before forwarding a recommendation to the County Commission. He provided a high level overview of the ordinance amendments, which included the clarification of the definitions of a large concentrated animal feeding operation, lot frontage, and lot of record; amendments to the rezoning application requirements; amendments to boundaries of zones; the addition of a new section titled 'rules of interpretation'; repealing section 104-1-3, rules or ordinance and maps; addition of a new section 'large concentrated animal feeding operations', which included a table defining permitted uses and accessory uses; amendments to special regulations for automobile wrecking yard and junk yard, mixing plant for certain construction material, and mixing facility for asphalt or concrete – temporary; amendments to the application and review process;

Throughout the presentation, Planner Perkes and Principal Planner Ewert engaged in high-level discussion with the Commission responsive to their requests for clarification of terms or explanations of the purposes of amendments, after which staff indicated they will utilize the feedback provided by the Commission to adjust the ordinance prior to presenting it to the body for a public hearing. Commissioner Torman stated that for future zone text amendments, it would be helpful for the Commission to have a copy of the proposal prior to the meeting so that they can review the document in preparation for the meeting. Mr. Perkes stated he will ensure the Commission has the document well in advance of the public hearing and will also send future text amendments to the Commission prior to a first reading in a work session meeting.

**Meeting Adjourned: The meeting adjourned at 6:25 p.m.**

Respectfully Submitted,

*Cassie Brown*

Weber County Planning Commission



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the County's zoning ordinance to adjust and clarify permitted and conditional uses and site development standards in the manufacturing zones (MV-1, M-1, M-2, & M-3), to include general administrative and clerical amendments along with a county-initiated proposal to amend the Unified Land Use Code's definitions of a "Lot of Record".
<b>Agenda Date:</b>	Tuesday, January 25, 2022
<b>Applicant:</b>	Weber County Planning Division
<b>File Number:</b>	ZTA 2021-08

#### Staff Information

<b>Report Presenter:</b>	Scott Perkes sperkes@webercountyutah.gov (801) 399-8772
<b>Report Reviewer:</b>	CE

### Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions); Chapter 2 (Definitions)
- Weber County Land Use Code Title 102 (Administration); Chapter 5 (Rezoning Procedures); Section 4 (Application Requirements)
- Weber County Land Use Code Title 104 (Zones); Chapter 21 (Manufacturing Zones MV-1, M-1, M-2, & M-3)
- Weber County Land Use Code Title 108 (Standards; Chapter 1 (Design Review)
- Weber County Land Use Code Title 108 (Standards); Chapter 3 (Cluster Subdivisions); Section 7 (Lot Development Standards)

### Summary and Background

This County-driven text amendment (see **Exhibit A**) has been undertaken primarily due to interest having been shown from a food processing and manufacturing company that is looking to potentially locate in the Manufacturing zoned areas of western Weber County. However, certain provisions of the existing manufacturing zoning ordinance have been identified as concerns for a potential food processing/manufacturing operation. As such, staff have combed through the existing ordinance and identified several amendments and clarifications needed to not only facilitate a food processing/manufacturing operation within a modified M-2 zoning classification, but to also prepare for other potential mixed-uses that are likely to locate within the manufacturing areas of west Weber County. In addition to the food processing/manufacturing provisions and protections, other general improvements, clarifications, and desired formatting have been proposed to allow the manufacturing zoning ordinance to be consistent with updating efforts that have already been done with the agricultural zoning ordinance, and that which is desired for the commercial zoning ordinance through future amendments.

### Summary of Proposed Amendments

#### Clerical Edits (House Keeping):

With all text amendments, there are a certain number of clerical edits that are proposed to adjust overall ordinance formatting and to clarify both existing and proposed language. These clerical edits can be found in various sections of the proposed ordinance and are generally "House Keeping" in nature.

#### Edits to Add/Edit Definitions for Terms Within the Land Use Code:

- An amended definition has been proposed for "Lot of Record". The amended definition is needed due to three separate reasons.
  - 1) Adjustments to the existing paragraphs (d) &(e) are proposed as House Keeping adjustments to facilitate the

identification of historic lots of record (grandfathered) that may have met the zoning at a specific point in time (December 31, 1992) that represents a cut off of grandfathered rights.

- 2) The added paragraph (g) has been added as a reprieve to the platting requirements for especially large lots (>100 acres) that may accommodate larger scale developments.
- 3) The added paragraph (h) is proposed as a House Keeping provision to help existing unplatted lots of record to be adjusted without having to go through a full subdivision platting process.

Edits to the Application Requirements for Rezoning Procedures: This edit softens the requirements for applicants to provide a will-serve letter for water and sewer connectivity at the time of rezone application. This edit is proposed to allow large-scale projects to propose rezoning requests while working through water and sewer connections that may require larger infrastructure connections or the formation of a service district prior to the ability to obtain traditional will-serve letters.

Edits to the Manufacturing Zoning Ordinance Use Tables: The language in the header paragraph for the proposed manufacturing zoning use tables has been updated to provide specificities related to uses found in the tables and to clearly indicate that all uses are considered “indoor” unless explicitly stated otherwise with the terms “outdoor” or “yard”.

The current manufacturing zoning use tables are proposed to be repealed in place of the proposed tables. The proposed tables have been reformatted and recategorized under a logical hierarchy of manufacturing uses and include minor adjustments to permitted, conditionally-permitted, and not-permitted uses. These minor adjustments have been selective and intentional to further stratify and create a distinct separation between the M-1, M-2, and M-3 zones. Special attention has been placed on the allowances and protections surrounding food processing/manufacturing within the M-2 classification. More specifically, proposed adjustments have been selected to ensure potentially impactful manufacturing uses (inks, paints, chemicals, odorous processes, dust generation, etc.) are adequately separated and mitigated from impacting food processing/manufacturing uses.

At this time, the majority of uses currently listed as permitted, conditionally permitted, or not permitted in the MV-1 zone are proposed to continue to hold true through the rest of the proposed amendments. However, as part of the restructuring of the land use tables, some uses have been moved and/or regrouped based on their stage and type of manufacturing process. Additionally, some uses have been further separated out as unique uses. In these instances, a new MV-1 zoning allowance has been assigned. Staff recommends that commissioners read through the full list of uses as they pertain to the MV-1 zone to ensure comfort with what is being proposed as permitted, conditionally permitted, and not permitted uses.

Edits to the Manufacturing Zones Special Regulations: A special regulation is proposed for an Automobile Wrecking Yard or Junkyard use. This special regulation intends to help further mitigate and separate such a use from other uses in the M zones as well as other adjacent zoning classifications.

Additional edits to the manufacturing zones special regulations include a separation of requirements for a “Mixing Plant for Certain Construction Material” and a “Mixing Facility for Asphalt or Concrete, Temporary”.

Edits to the Manufacturing Zoning Site Development Standards: These edits remove a minimum lot width requirement and clarify setback requirements based on a lot’s proximity to existing or planned rights-of-way/s or residential zones. These adjustments are house keeping in nature, but also anticipate and facilitate a variety of manufacturing uses in the County.

Edits to the Application and Review Section of the Design Review Chapter: The proposal adds a provision to the application and review section of the Design Review chapter. This added provision will allow the Design Review requirements to be waived or modified by the County Commission by means of an executed and recorded development agreement.

Edits to the Cluster Subdivision Lot Development Standards: These edits are House Keeping in nature and address an omission in rear yard setback requirements for accessory buildings in cluster subdivided lots. This adjustment brings the setback requirements into alignment with the setbacks required for accessory buildings in other residential zones.

## **Analysis of the 2016 Ogden Valley General Plan**

The 2016 Ogden Valley General Plan is quite limited in its references to manufacturing uses. In its limited referencing, manufacturing is generally grouped together with references to commercial development. That said, implementation strategy 1.1.2 under the commercial development goal # 1 states that the community should avoid rezoning new property to

commercial or manufacturing until such time that the community supports it. At present, there are only about 8 acres of land zoned MV-1. The proposed amendments to the manufacturing zoning ordinance are intended to leave the MV-1 zoning allowances largely unchanged.

### **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:

1. Posted on the County's Official Website
2. Posted on the Utah Public Notice Website
3. Published in a local newspaper

### **Staff Recommendation**

Staff's recommendation to the Ogden Valley Planning Commission is outlined below:

Staff recommends that the Ogden Valley Planning Commission review the proposed amendments with special attention to the proposed permitted, conditionally permitted, and not permitted uses in the MV-1 Zone. If the Commission is comfortable with the proposal a positive recommendation could be forwarded to the County Commission based on the following findings:

1. The changes are supported by the 2016 Oden Valley General Plan.
2. The changes are necessary to address the growing needs of manufacturing uses looking to locate in Weber County.
3. The changes will enhance the general health and welfare of County residents.

### **Exhibits**

- A. Proposed Manufacturing Zoning Amendments

# Exhibit A

**SECTION 1: AMENDMENT** “Sec 101-2-13 Lot Definitions” of the Weber County Code is hereby *amended* as follows:

## AMENDMENT

### Sec 101-2-13 Lot Definitions

**Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Such parcel shall also have frontage on a street or on a right-of-way approved by the planning director. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

**Lot area.** The term "lot area" means the area contained within the boundary of a lot.

**Lot, corner.** The term "corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

**Lot coverage.** The term "lot coverage" means the percentage of the lot area which is occupied by all building, and other covered structures and impervious surfaces.

**Lot, double frontage.** The term "double frontage lot" means any building lot which has both the front and rear yard lot line abutting a street.

**Lot, flag.** The term "flag lot" means an "L" shaped lot comprised of a narrow access strip connected to a street (staff portion) which opens into the lot area (flag portion).

**Lot, frontage.** The term "~~frontage~~ lot frontage" also referred herein as "street frontage" or "street frontage of a lot," means the yard lot line abutting one side of a street right-of-way. ~~all the property fronting or abutting one side of the street and/or right-of-way. No lot shall utilize any part of the temporary end or dead end of a street for frontage. At no point shall the frontage be less than 50 feet, and shall meet the lot width at the front yard setback.~~

**Lot, interior.** The term "lot, interior" means any building lot other than a corner lot.

**Lot, irregular shaped.** The term "irregular shaped lot" means any building lot whose boundaries are:

- (a) Comprised of three or more than four lot lines;
- (b) A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
- (c) In which the rear lot line is not parallel to the front lot line.
- (d) Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard

designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

***Lot line adjustment.*** The term "lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. An amended plat is required to do a lot line adjustment.

***Lot, lot line.*** The term "lot line lot" means the boundary of a lot traditionally prescribed with a front, a rear and two sides. Where two lot lines converge and the lot's line bearing changes, the interior angle of which will determine, if it is greater than 135 degrees, whether the lot line may continue with the same yard designation. When the interior angle is 135 degrees or less, then the lot lines designation shall be different.

***Lot line, front.*** The term "front lot line" means the boundary line of the lot which abuts a public dedicated street or other legal access from which the front yard setback is measured which determines the lot width and where ingress and egress generally is made to the lot.

***Lot line, front for flag lot.*** The term "lot line, front for flag lot" means the front lot line of a flag lot which is the lot line parallel to a dedicated public street and at the end of the stem.

***Lot line, rear.*** The term "rear lot line" means the boundary of a lot which is most distant from, and is most parallel to the front lot line; except that in the case of an irregular shaped lot, the rear lot line is the line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet.

***Lot line, side, for corner lots.*** The term "side lot line for corner lots" means all interior lot lines for multi-frontage lots. For other corner lots, that interior lot line which has been designated as the side lot line by the lot owner previously demonstrated by placement of structures.

***Lot line, side, for interior lots.*** The term "side lot line for interior lots" means those interior lines laying opposite each other, running between the front and rear lot lines.

***Lot, nonconforming.*** The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

***Lot, restricted.*** The term "restricted lot" means a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section.

***Lot of record.*** A lot of record is defined as any one of the following circumstances:

- (a) A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
- (b) A parcel of real property identified as a building lot on a subdivision plat that has been

approved by Weber County and recorded in the office of the Weber County Recorder;  
or

- (c) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
- (d) A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder ~~in-between January 1, 1966, and June 30~~on or before December 31, 1992, which complied with the zoning requirements in effect ~~at the time of its creation and was shown to be the first or second division of a larger parent parcel~~on the same date; or
- (e) A parcel or lot that was created in its current size and configuration and contained a lawfully permitted single-family dwelling prior to ~~July 1~~December 31, 1992; ~~or~~
- (f) A parcel of real property that contains at least 100 acres;
- (g) A parcel/lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record; or:
- (h) A reconfigured parcel or lot that met the criteria of (a) through (g) of this definition prior its reconfiguration, as long as:
  - (1) The reconfiguration did not make the parcel or lot more nonconforming;
  - (2) No new lot or parcel was created; and
  - (3) All affected property was outside of a platted subdivision.

**Lot right-of-way.** The term "lot right-of-way" means a strip of land of not less than 16 feet wide connecting a lot to a street for use as private access to that lot.

**SECTION 2: REPEAL** “Sec 104-21-3 Land Use Table” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 104-21-3 Land Use Table~~ (Repealed)

USE	MV-1	M-1	M-2	M-3	SPECIAL PROVISIONS
Accessory use customarily incidental to a main use, including an accessory building incidental to the use of a main building, and a main building designed or used to accommodate the main use to which the premises are devoted.	P	P	P	P	
Acetylene gas manufacturing,					



compounding, processing, packing, treatment, and/or storage.	N	N	C	C	
Aircraft engine testing, including jet, missile and chemical engines.	N	N	N	C	
Aircraft or aircraft parts manufacturing.	N	N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Airport.	N	P	P	P	
Any permitted use in a C-3 Zone, except dwelling unit.	P	P	P	P	
Any conditional use allowed in a C-3 Zone, except dwelling unit.	C	C	C	C	
Animal hospital.	P	P	P	P	
Automobile or automobile part manufacturing.	N	N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Automobile recycling (parts dismantling).	N	N	C	C	See Section 104-21-4.
					The use shall be conducted

Automobile repair, auto body and fender work.	C	P	P	P	d within an enclosed building.
Automobile wrecking yard.	N	N	C	C	The use shall be enclosed within a seven foot high solid fence or wall. In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Battery manufacture.	N	C	C	C	
Blacksmith shop.	N	C	P	P	
Blast furnace.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Boat building.	N	P	P	P	
Bookbinding.	N	P	P	P	
Bottling works, soft drinks.	N	P	P	P	

Brewery, small.	P	P	P	P	
Building materials sale yard.	N	C	P	P	See Section 108-7-34. See Section 104-21-4.
Cannabis production establishment.	N	P	P	P	
Carnival or other transient amusement enterprise.	N	C	C	C	
Carpenter shop, cabinet shop.	P	P	P	P	
Carpet and rug cleaning and dyeing.	N	P	P	P	
Cement batch plants.	C	C	C	C	See Section 104-21-4.
Cement, mortar, plaster or paving material, central mixing plant.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Coal, fuel and wood yards.	N	P	P	P	The use shall be enclosed within a building or by a solid fence of not less than six feet in

					height.
Construction of buildings to be sold and moved off the premises.	N	P	P	P	
Contractor's equipment storage yard or rental of equipment used by contractors.	P	C	P	P	
Dairy.	N	P	P	P	
Disposal, reduction, or dumping of animal by-product, plant, garbage, offal or dead animals.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Dry cleaning plant.	N	P	P	P	
Dwelling unit for night watchman or guard and family.	P	P	P	P	See Section 104-21-4.
Egg handling, processing and sales.	N	P	P	P	
Electric appliances and/or electronic instruments assembling.	N	P	P	P	
Express office.	N	P	P	P	
Family food production.	N	P	P	P	
Farm implement sales.	P	P	P	P	
Fat rendering.	N	C	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone

					boundar y.
Feed, cereal or flour mill.	N	N	N	C	
Fertilizer and soil conditioner manufacture, processing and/or sales.	N	C	C	C	Limited to non- animal products and by- products.
Food processing, small-batch artisan.	P	P	P	P	Limited to food for human consump tion, e.g., baked goods, confectio neries, and craft cheese.
Foundry, casting light weight, non- ferrous metal without causing noxious odors or fumes.	N	C	C	C	
Foundry or forage plant.	N	N	N	C	
Garage, public.	N	P	P	P	
Garden supplies and plant material sales.	P	P	P	P	
Gravel pit, quarry, or mine.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundar y.

Greenhouse and nursery.	P	P	P	P	
Gymnasium.	P	P	P	P	
Honey extraction.	P	P	P	P	
Ice manufacturing and storage.	N	P	P	P	
Incinerator.	N	N	C	C	No objectionable fumes and odors shall emitted.
Kennel.	N	P	P	P	
Knitting mill.	N	P	P	P	
Laboratory.	N	P	P	P	
Lawn mower sales and/or service.	P	P	P	P	
Laundry.	P	P	P	P	
Machine shop.	P	P	P	P	
Manufacturing, compounding, processing, packing and treatment of bakery goods, candy, dairy products, and pharmaceuticals.	N	P	P	P	
Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: cellophane, canvas, cloth, cork, felt, shell, straw, textile, wood, and yarn.	N	P	P	P	
Manufacturing, compounding, processing, packing and treatment of the products: cosmetics; food products, excluding the following: fish, sauerkraut, pickles, vinegar; yeast; toiletries.	N	C	C	C	
Manufacturing, compounding and treatment of articles or merchandise from the following previously prepared material: bone; feathers; Fiber; fish; glass;	N	C	C	C	

hair; horn; leather; paint; paper; plastic; rubber; tobacco.					
Manufacturing, fabrication, assembly, canning, compounding, packaging process treatment, storage and/or maintenance of the following: alcohol; brass, brick; candles, cast stone products, cement and cinder products, copper, ceramic products, clay products; dyestuff; feathers, felt, fiber, fish, fish food products, and film; glass, glucose, gypsum; hair; ink, iron; lampblack, linoleum, lime; malt, meats; oilcloth, oiled rubber goods; paper, paint, pulp, pickles, plaster, plaster of paris, plastic; sauerkraut, sheet metal, shellac, shoddy, shoe polish, stove polish soap and detergent, soda, starch, steel; terracotta, tile, turpentine; varnish, vinegar; yeast.	N	N	C	C	
Manufacturing, fabrication, assembly, canning, compounding, packaging process, treatment, storage and/or maintenance of the following: automobile and parts; cans; emery cloth excelsior; hardware; machinery; matches; oxygen; salt.	N	N	P	P	
Manufacturing, fabrication, assembly, compounding, process, treatment and storage of products made from the family of metals and carbons, including but not limited to the following: brass; iron; copper; steel; graphite and their substitutes.	N	C	C	C	
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	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any

waterproofing materials, rubber or guttapercha, tallow grease or lard, tar, wood, roofing or waterproofing materials, furs, wool, hides, or metals crushing for salvage.					zone boundary.
Manufacturing and maintenance of the following: business machines; cameras and photographic equipment; electric and neon sign, billboards and/or commercial advertising structures; light sheet metal products, including heating and ventilating ducts and equipment; musical instruments; novelties; rubber and metal stamps; and toys.	N	P	P	P	
Manufacturing of brick and all clay, ceramic, cinder, concrete, synthetic, cast stone, plastic and pumice stone products, including the manufacture of fabrication of building blocks, tile or pipe from raw material for use in building construction or for sewer or drainage purposes, and including rock or gravel crushings or raw materials which is incidental to the manufacture or fabrication of the above described products, and provided that such crushing facilities shall be located not closer than 200 feet to any property line.	N	C	C	C	
Meat custom cutting and wrapping.	P	P	P	P	No slaughtering allowed.
Meat products smoking, curing and packing, provided that no objectionable fumes are emitted.	N	C	C	C	
Metals and metal products treatment and processing.	N	N	C	C	
Metals extraction. The extraction, processing and manufacturing of magnesium chloride, magnesium, potassium, sodium, lithium, boron, bromine and their salts or chemical	N	N	N	C	



derivatives.					
Missiles and missile parts.	N	N	N	C	
Monument works or sales.	P	P	P	P	
Motion picture studio.	N	P	P	P	
Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning.	N	P	P	P	
Oil or lubricating grease compounding.	N	N	C	C	
Ore beneficiation, smelting, or refining of metal materials.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Ornamental iron sales or repair.	P	P	P	P	
Outdoor storage.	N	N	C	C	
Parking lot.	N	P	P	P	
Pest control.	P	P	P	P	
Petroleum refining and storage.	N	N	C	C	
Planing mill.	N	P	P	P	
Plumbing shop.	P	P	P	P	
Printing services.	P	P	P	P	
Public and quasi public uses.	P	P	P	P	
Public safety training facility.	N	C	C	C	
Public transit yards.	N	P	P	P	
Public utility substations.	C	C	C	C	
Racing, go cart racing or drag strip.	N	N	C	C	
Radio and television transmitting towers.	N	P	P	P	

Railroad yards, shop and/or roundhouse.	N	N	C	C	
Raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals.	N	C	C	C	
Recreation area, private.	N	N	N	C	
Recreation center.	P	P	P	P	
Recreation center daycare. A daycare accessory to a recreation center.	P	P	P	P	
Recreational vehicle storage.	P	P	P	P	
Rental shop, home and garden equipment.	P	P	P	P	
Retail sales, limited.	P	P	P	P	See Section 104-21-4.
Rock crusher.	N	N	C	C	
Roofing sales or shop.	P	P	P	P	
Rubber welding.	N	P	P	P	
Sand blasting.	N	P	P	P	
Self-storage. Indoor self storage units for personal and household items.	P	P	P	P	
Service station.	N	P	P	P	
Shooting range or training course, indoor or outdoor.	N	N	N	C	See Section 104-21-4.
Sign painting shop.	P	P	P	P	
Site leveling and preparation for future development.	C	C	C	C	
Smelting or refining of materials.	N	N	C	C	In the M-2 zone, this use shall be located at least

					600 feet from any zone boundary.
Soil and lawn service.	P	P	P	P	
Space craft and space craft parts manufacturing.	N	N	N	C	
Steel or iron mill mines.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Stockyards, slaughterhouse.	N	N	C	C	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Taxidermist.	P	P	P	P	
Temporary building for uses incidental to construction work.	P	P	P	P	The buildings must be removed upon completion or abandonment of

					the construction work.
Tire retreading and/or vulcanizing.	N	P	P	P	
Track or trails for motorcycle and off road vehicle.	N	C	C	C	Accessory concession stand, picnic area, park and playground facilities are allowed.
Trade or industrial school.	P	P	P	P	
Transfer company.	N	P	P	P	
Truck service station.	N	P	P	P	
Trucking terminal.	N	P	P	P	
Upholstering, including mattress manufacturing, rebuilding and renovating.	P	P	P	P	
Used car lot.	N	P	P	P	
Ventilating equipment sales and service.	P	P	P	P	
Veterinarian and small animal grooming.	N	P	P	P	
Warehouse.	P	P	P	P	
Wastewater treatment or disposal facility.	C	C	C	C	
					Only allowed when developed by a public agency and meeting

Water storage reservoir.	C	C	C	C	the requirements of Title 108, Chapter 10 of this Land Use Code.
Weaving.	N	P	P	P	
Welding shop.	N	P	P	P	
Wholesale business.	N	P	P	P	
Window washing establishment.	P	P	P	P	
Wrecked car sales.	N	N	C	C	

**SECTION 3:**            **ADOPTION** “Sec 104-21-3\* Land Use Table M-1, M-2, M-3” of the Weber County County Code is hereby *added* as follows:

**ADOPTION**

Sec 104-21-3\* Land Use Table M-1, M-2, M-3(*Added*)

In the following tables of possible uses, a use designated in any zone as "P" is a permitted use. A use designated in any zone 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 as "N" will not be allowed in that respective zone. Unless more specifically regulated in the following table, any use listed as "P" in the C-3 zone is a permitted use in the M-1, M-2, and M-3 zones, and any use listed as "C" in the C-3 zone is a conditional use. Likewise, any use listed as a "P" in the CV-2 zone is a permitted use in the MV-1 zone, and any use listed as "C" in the CV-2 zone is a conditional use. All uses listed are indoor uses unless explicitly stated otherwise with the terms "outdoor" or "yard." When a use fits more than one use listed in these tables, the more specific or more restrictive provision applies. In all manufacturing zones, any manufacturing process that will result in odors, dust, fumes, or other airborne contaminants that have the potential of negatively affecting the manufacturing of products, or the work environment in which this manufacturing occurs, shall provide mechanisms, by installation or otherwise, that will keep the airborne contaminants from leaving the site.

***(a) Aeronautical, Space-Based, or Defense-Based Manufacturing.***

	<u>MV</u> <del>-1</del>	<u>MV</u> -1	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<i><u>Aircraft engine testing, including jet, missile and chemical engines.</u></i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<i><u>Aircraft or aircraft parts manufacturing.</u></i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.</u>
<i><u>Missiles and missile parts.</u></i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<i><u>Space craft and space craft parts manufacturing.</u></i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>

***(b) Animal Byproduct Harvesting, Processing, or Refining.***

	<del>MV</del> <del>-1</del>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<i><u>Animal byproduct manufacturing, generally.</u></i>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<i><u>Fat rendering.</u></i>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>

(c) *Animal-Related Uses.*

	<del>MV</del> <del>-1</del>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<i><u>Animal hospital.</u></i>	<del>P</del>	<u>P</u>	P	P	P	
<i><u>Farm for the raising and grazing of horses, cattle, sheep or goats.</u></i>	<del>N</del>	<u>N</u>	N	C	C	
<i><u>Kennel.</u></i>	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i><u>Large concentrated animal feed operation.</u></i> The siting of a large concentrated animal feed operation, as defined by State Code.	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>See Section 104-1-5.</u>
<i><u>Stockyards.</u></i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<i><u>Slaughterhouse.</u></i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<i><u>Veterinarian and small animal grooming.</u></i>	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

(d) Commercial Services.

	<del>MV</del> <u>-1</u>	<del>MV</del> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<u>Building material sales yard.</u>	<del>N</del>	N	P	P	P	See Section 104-21-4
<u>Contractor's equipment storage yard or rental of equipment used by contractors (indoor or outdoor).</u>	<del>C</del>	P	<u>C</u>	P	P	
<u>Fertilizer and soil conditioner manufacturing or processing (indoor or outdoor).</u>	<del>N</del>	N	N	N	<u>C</u>	No animal products or by-products allowed to be used.
<u>Gas station or convenience store. A gas station or convenience store, with accessory and incidental outdoor uses.</u>	<del>N</del>	P	P	P	P	
<u>Laboratory.</u>	<del>P</del>	N	P	P	P	
<u>Machine shop.</u>	<del>P</del>	P	P	P	P	
<u>Metal working, shaping, or assembling shop.</u>	<del>N</del>	N	P	P	P	
<u>Motion picture studio.</u>	<del>N</del>	N	P	P	P	
<u>Motion picture studio, outdoor.</u>	<del>N</del>	N	<u>C</u>	<u>C</u>	P	
<u>Repairing or reconditioning of motor vehicles, trailers, bicycles, boats, and similar.</u>	<del>P</del>	<u>C</u>	P	P	P	
<u>Sand blasting.</u>	<del>N</del>	N	P	P	P	



(e) Commercial Sales.

	<del>MV</del> <del>-1</del>	MV <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL PROVISIONS</u>
<u>Fertilizer and soil conditioner sales (indoor or outdoor).</u>	<del>N</del>	<u>N</u>	C	C	C	
<u>Wrecked car sales (indoor or outdoor).</u>	<del>N</del>	<u>N</u>	N	C	C	

(f) Construction Material Manufacturing, Temporary.

	<u>MV</u> <u>-1</u>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<i><u>Mixing facility for asphalt or concrete, temporary (indoor or outdoor). An onsite asphalt or concrete mixing facility, incidental to large site development.</u></i>	€	N	C	C	C	<u>See Section 104-21-4.</u>
<i><u>Rock crusher, temporary (indoor or outdoor). A mobile rock crushing operation incidental to large site development.</u></i>	€	N	C	C	C	

**(g) Food Manufacturing and Packaging.**

	<u>MV</u> <u>-1</u>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<i>Alcohol distillery.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Bakery goods manufacturing.</i>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Brewery.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Dairy and dairy product processing.</i>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Fat rendering.</i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	This use shall be located at least 600 feet from any zone boundary.
<i>Food products, small-batch artisan.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Limited to food for human consumption, e.g., baked goods, confectioneries, and craft cheese.
<i>Food products manufacturing.</i> The manufacturing of food products may include use of potentially hazardous chemicals incidental and accessory to the processing of the food onsite.	<u>N</u>	<u>N</u>	<u>C</u>	<u>P</u>	<u>P</u>	
<i>Meat custom cutting and wrapping, excluding slaughtering.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Meat products smoking, curing and packing.</i>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<i>Packaging and distribution of food products produced onsite.</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Packaging and distribution of food products produced offsite.</i>		<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<i>Tobacco manufacturing.</i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	

(h) **Gaseous or Liquid Nonfood Manufacturing.**

	<del>MV</del> <del>-1</del>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b><u>SPECIAL PROVISIONS</u></b>
<b><u>Hazardous products.</u></b> <u>Chemicals, paints, inks, and other products that are or have potential of being combustible, explosive, oxidizers, organic peroxides, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property or environment.</u>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<b><u>Nonhazardous products.</u></b>	<del>N</del>	<u>C</u>	C	P	P	

(i) **Mining, Rock, or Gravel Production.**

	<del>MV</del> <del>-1</del>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b><u>SPECIAL PROVISIONS</u></b>
<b><u>Mining or extraction of metals or other minerals (indoor or outdoor).</u></b>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<b><u>Gravel extraction (indoor or outdoor).</u></b>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<b><u>Rock crusher (indoor or outdoor).</u></b>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	

(j) **Pharmaceutical.**

	<u>MV</u> <del>1</del>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL</u> <u>PROVISIONS</u>
<u>Cannabis cultivation establishment.</u>	<del>N</del>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 108-7-34.</u>
<u>Cannabis production establishment.</u>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>See Section 108-7-34.</u>
<u>Pharmaceuticals, generally.</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	

(k) Processing or Refining of Raw Material Into the Basic Material From Which a Final or Semi-Final Nonfood Product Can be Made.

	<u>MV</u> <u>-1</u>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<b><u>Metals processing or refining, hazardous metals.</u></b> Products that are or have potential of being <u>combustible, explosive, oxidizers, organic peroxides, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property or environment.</u>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<b><u>Metals processing or refining, nonhazardous metals.</u></b>	<del>N</del>	<u>N</u>	N	C	P	
<b><u>Metals processing or refining, large foundry or forage plant.</u></b>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	
<b><u>Metals processing or refining, small foundry for light weight and non-ferrous metals.</u></b>	<del>N</del>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>	
<b><u>Plastic processing or refining.</u></b>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	
<b><u>Organics processing or refining, hazardous organics.</u></b> Products that are or have potential of being <u>combustible, explosive, oxidizers, organic peroxides, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property or environment.</u>	<del>N</del>	<u>N</u>	N	N	C	<u>This use shall be located at least 600 feet from any zone boundary.</u>
<b><u>Organics processing or refining, nonhazardous</u></b>	<del>N</del>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	

<u>organics.</u>						
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(1) **Processing, Compounding, Assembling, or Fabricating of a Final or Semi-Final Product From Solid Materials Previously Processed or Refined.**

	<del>MV</del> <del>-1</del>	MV <u>-1</u>	M-1	M-2	M-3	SPECIAL PROVISIONS
<b><u>Batteries.</u></b> The compounding, assembling, or fabricating of batteries or battery parts.	<del>N</del>	<u>N</u>	C	C	C	
<b><u>Mixing plant for certain construction material (indoor or outdoor).</u></b> A mixing or batching plant for cement, cinder, mortar, brick, plaster, paving or similar construction material or products.	<del>N</del>	<u>N</u>	N	N	C	<u>See Section 104-21-4.</u>
<b><u>Motor vehicle, trailer, bicycle, boat, and similar manufacturing, including parts thereof.</u></b>	<del>N</del>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.</u>
<b><u>Products, hazardous.</u></b> Products that are or have potential of being combustible, explosive, oxidizers, organic peroxides, poisonous or infectious, radioactive, or otherwise hazardous or capable of posing a risk to health, safety, property or environment.	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	
<b><u>Products, nonhazardous.</u></b> The creation of nonhazardous products.	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b><u>Rubber products.</u></b> The compounding, assembling, or fabricating of real or synthetic rubber products.	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>This use shall be located at least 600 feet from any zone boundary.</u>

(m) Public, Quasipublic, and Institutional.

	<u>MV</u> <del>1</del>	<u>MV</u> <u>-1</u>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<u>SPECIAL</u> <u>PROVISIONS</u>
<u>Public and quasi public uses, including public buildings (indoor or outdoor).</u>	<del>P</del>	<u>P</u>	P	P	P	
<u>Public safety training facility (indoor or outdoor).</u>	<del>N</del>	<u>N</u>	C	C	C	
<u>Public transit storage or maintenance facility (indoor or outdoor).</u>	<del>P</del>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Recreation center. May also include a daycare center as an incidental and accessory use.</u>	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

(n) Recreational.



	<del>MV</del> <del>-1</del>	MV -1	M-1	M-2	M-3	SPECIAL PROVISIONS
<u>Racing, go cart racing or drag strip; indoor.</u>	P	P	P	P	P	
<u>Racing, go cart racing or drag strip; outdoor.</u>	<del>N</del>	N	N	N	C	
<u>Recreation area, private; outdoor.</u>	<del>N</del>	N	N	N	C	
<u>Shooting range or training course; indoor or outdoor.</u>	<del>N</del>	N	N	N	C	See Section 104-21-4.
<u>Track or course for motor vehicle competition; indoor</u>	<del>N</del>	N	P	P	P	
<u>Track or course for motor vehicle competition; outdoor with spectators</u>	<del>N</del>	N	N	C	P	
<u>Track or course for motor vehicle competition; outdoor without spectators</u>	P	N	C	P	P	
<u>Track or course for off road vehicles; indoor</u>	<del>N</del>		C	C	C	

(o) Storage.

	<del>MV</del> <del>-1</del>	MV -1	M-1	M-2	M-3	SPECIAL PROVISIONS
<u>Self-storage.</u> Indoor self storage units for personal and household items.	P	P	P	P	P	
<u>Recreational vehicle storage, indoor.</u>	P	P	P	P	P	
<u>Outdoor storage.</u>	<del>N</del>	N	N	C	C	

(p) Textiles.

	<del>MV</del> <del>+1</del>	MV -1	M-1	M-2	M-3	SPECIAL PROVISIONS
<u>Carpet and rug manufacturing and dyeing.</u>	<del>N</del>	<u>N</u>	P	P	P	
<u>Dry cleaning plant.</u>	<del>N</del>	<u>N</u>	P	P	P	
<u>Textile manufacturing or maintenance.</u>	<del>P</del>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Upholstering, including furniture manufacturing, rebuilding and renovating.</u>	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

(q) Transportation, Nonmanufacturing.

	<del>MV</del> <del>+1</del>	MV -1	M-1	M-2	M-3	SPECIAL PROVISIONS
<u>Airport.</u>	<del>N</del>	<u>N</u>	P	P	P	
<u>Freight transfer, indoor.</u>	<del>N</del>	<u>N</u>	P	P	P	
<u>Freight transfer, outdoor.</u>	<del>N</del>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	
<u>Parking lot, outdoor.</u>	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Parking structure.</u>	<del>P</del>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Railroad yards, shop and/or roundhouse (indoor or outdoor).</u>	<del>N</del>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	
<u>Truck service station.</u>	<del>N</del>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	

(r) Waste Disposal and Recycling.

	<u>MV</u> <del>1</del>	<u>MV</u> <del>1</del>	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>	<b>SPECIAL PROVISIONS</b>
<i>Automobile wrecking yard or junkyard. (Indoor or outdoor)</i>	<del>N</del>	<u>N</u>	N	N	C	<u>See Section 104-21-4</u>
<i>Automobile recycling and parts dismantling.</i>	<del>N</del>	<u>N</u>	N	C	C	<u>See Section 104-21-4</u>
<i>Disposal, reduction, or dumping of animal by-product, plant, garbage, offal or dead animals. (Indoor or outdoor)</i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	
<i>Incinerator.</i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	
<i>Solid waste dump. (Indoor or outdoor)</i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	
<i>Radioactive waste disposal.</i>	<del>N</del>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
<i>Recycling facility. The recycling of metals, plastics, paper, or glass.</i>	<del>N</del>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>	

**SECTION 4: AMENDMENT** “Sec 104-21-4 Special Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-4 Special Regulations

The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-21-3. Due to the nature of the use, each shall be further regulated as follows:

- (a) *Automobile recycling* ~~(and parts dismantling)~~. This use shall be conducted within a

completely enclosed building. In the M-2 zone, 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.

(b) **Automobile wrecking yard or junkyard.** This use shall be enclosed within a solid wall or fence of not less than seven feet in height. In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.

(c) **Building material sales yard.** In the M-1 and M-2 zones, a building material sales yard may include the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall exclude concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section.

(d) ~~Cement batch plants~~ **Mixing plant for certain construction material.** The following standards apply to ~~a cement batch~~ a mixing plant:

- (1) The cement silo mixer shall not be larger than 300 barrels. ~~in the M-1, M-2, and M-3 zones, and 200 barrel in the MV-1 zone.~~
- (2) There shall be a 15-foot landscape buffer with a six-foot-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-foot berm when the property abuts agricultural or residential zones.
- (3) There shall be no more than three cement trucks, and no more than two other semi-trucks and trailers used with this operation stored on site.
- (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) The property shall be at least one acre in size.
- (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted with the permit application.

(e) **Mixing facility for asphalt or concrete, temporary.** The following standards apply to a temporary mixing facility:

- (1) The cement silo mixer shall not be larger than 200 barrels.
- (2) There shall be no more than two cement trucks, and no more than two other semi-trucks and trailers used with this operation stored on site.
- (3) Evaluation of the storing of 40 yards or more of sand and gravel mix onsite shall be subject to additional review for detrimental effects through the conditional use permitting process. The sand and gravel mix shall be stored in a three-wall bin and covered when not in use.

- (4) 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.
- (5) The project site shall be at least ten acres in size.
- (6) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be submitted with the permit application.

- (f) ***Dwelling unit for night watchman or guard and family.*** The dwelling unit shall be for the exclusive use of a night watchman or guard and his or her immediate family. The site shall provide an additional 3,000 square feet of landscaped area for the residential use.
- (g) ***Retail sales, limited.*** This use is limited to the sales of products produced by, developed in conjunction with, or normally required and used in the performance of a commercial or manufacturing operation ~~permitted~~ allowed in this zone, and provided the retail sales 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. No retail sale of products may be made in conjunction with a warehousing or wholesale business.
- (h) ***Shooting range or training course, indoor or outdoor.*** The facility shall provide designated shooting positions for which ballistic backstops are designed. No shooting is allowed except in these designated shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the requirements and conditions of the local fire authority. The range operator shall be onsite at all times shooting is occurring.

~~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 5:            AMENDMENT** “Sec 104-21-5 Site Development Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-5 Site Development Standards

The following site development standards shall apply to the Manufacturing Zones:

- (a) Lot area:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Minimum lot area:	None	None	None	20,000 square feet	Except minimum required by health department if not connected to sewer system.

(b) Lot width:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Minimum lot width:	<u>None</u> <del>+100</del> feet	<u>None</u> <del>+100</del> feet	<u>None</u> <del>+100</del> feet	<u>None</u> <del>+100</del> feet	

(c) Yard Setbacks

(1) Front yard setbacks:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Minimum front yard setback	30 feet	30 feet	30 feet	50 feet	Except 50 feet if on a street <u>right-of-ways that is or is planned to become</u> 80 feet or wider.

(2) Side yard setbacks:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Minimum side yard setback	None	None	None	None	Except 20 feet where <u>the lot is</u> adjacent to a residential zone, or for a side yard on a corner lot.

(3) Rear yard setback:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Minimum rear yard setback	None	None	None	None	Except 30 feet where <del>building</del> <u>the lot</u> rear on a residential zone.

(d) Building height:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Minimum building height	1 story	1 story	1 story	1 story	
Maximum building height	50 feet	None	None	None	

(e) Lot coverage:

	MV-1	M-1	M-2	M-3	ADDITIONAL RESTRICTION
Maximum lot coverage by buildings	10,000 square feet	80 percent	80 percent	80 percent	

*Editors note: This section was previously devoted to the CV-1 and CV-2 zones. Ordinance No. 2020-24 consolidated the CV-1 and CV-2 zones into Chapter 104-20.*

(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 6:** **AMENDMENT** “Sec 108-1-2 Application And Review” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-1-2 Application And Review

- (a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All

plans shall be reviewed and approved by the planning commission with the exception that small buildings or additions with a total footprint of less than 10,000 square feet, and which impact an area of less than one acre may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, the buildings with a total footprint of less than 75,000 square feet may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances and/or the intent of the applicable master plan. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.

(b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

(c) The applicability of the provisions of this chapter may be waived or modified by the County Commission by means of an executed and recorded development agreement. The specific waiver or modification shall be explicitly stated in the development agreement. The specific waiver or modification is subject to a public hearing with, and recommendation from, the Planning Commission prior to County Commission final decision.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014; Ord. No. 2016-4, Exh. C2, 5-24-2016)

**SECTION 7:            AMENDMENT** “Sec 108-3-7 Lot Development Standards” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

##### Sec 108-3-7 Lot Development Standards

Unless otherwise provided for in this section, residential building lots shall be developed in a manner that meets all applicable standards, including but not limited to those found in the Weber County Land Use Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The following specific site development standards apply to lots in cluster subdivisions:

- (a) *Lot area.* Unless otherwise regulated by the Weber-Morgan Health Department, a lot located within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless otherwise provided in section 108-3-8.
- (b) *Lot width.* Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot width in a cluster subdivision is as follows:



Zone	Lot Width
F-40 and F-10 zones:	100 feet
FR-1, F-5, and AV-3 zones:	80 feet
RE-15, RE-20 zones:	60 feet
A-1, A-2, and A-3 zones:	60 feet
FR-3 zone:	50 feet
DRR-1 zone:	50 feet

(c) *Yard setbacks.* The minimum yard setbacks in a cluster subdivision are as follows:

(1) Front yard setbacks:

	Setback
<b>Front:</b>	20 feet

(2) Side yard setbacks:

Side:	Setback
Dwelling or other main building:	8 feet
Accessory building:	8 feet; except one foot if located at least six feet in rear of dwelling
Accessory building over 1,000 square feet:	See section 108-7-16
Corner lot side facing street:	20 feet

(3) Rear yard setbacks:

<u>Rear:</u>	Setback
<u>Dwelling or other main building</u> <del>Rear:</del>	20 feet
<u>Accessory building:</u>	<u>1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot</u>

(d) *Building height.* The maximum height for a building in a cluster subdivision is as follows:

<b>Building</b>	<b>Height</b>
Dwelling:	40 feet
Accessory building:	30 feet

(Ord. No. 2018-6, Exh. A, 5-8-2018)



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Request for recommendation of final approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, private road dedication, and an alternative access request to access lot 1.

**Type of Decision:** Administrative

**Agenda Date:** Tuesday, January 25, 2022

**Applicant:** OVB Investments, LLC

**Representative:** Nate Reeve

**File Number:** UVG062221

### Property Information

**Approximate Address:** 748 E Hwy 39, Huntsville, UT, 84317

**Project Area:** 14.1702 acres

**Zoning:** Forest (F-5)

**Existing Land Use:** vacant

**Proposed Land Use:** Residential

**Parcel ID:** 21-013-0007, 21-013-0009, 21-013-0001

**Township, Range, Section:** T6N, R2E, Section 11 S

### Adjacent Land Use

<b>North:</b> Vacant	<b>South:</b> Highway 39
<b>East:</b> Vacant	<b>West:</b> Vacant

### Staff Information

**Report Presenter:** Tammy Aydelotte  
taydelotte@webercountyutah.gov

**Report Reviewer:** SB

## Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Stream corridors, wetlands, shorelines)
- Weber County Land Use Code Title 104 (Zones) Chapter 9 (F-5 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 22 (Natural Hazard Areas)

## Background and Summary

The applicant is requesting a recommendation of final approval for Gateway Estates Subdivision Phase 1, consisting of ten lots, in the F-5 zone. The only lots that do not have frontage along Hwy 39 are lots 1 and 10. Lot 1 is proposed to gain access by a private access easement. Lot 10 will have frontage along a newly dedicated private right of way extending from the Highway to the northeast corner of lot 10. The proposed subdivision and lot configuration are in conformance with the applicable zoning and subdivision requirements as required by the Uniform Land Use Code of Weber County (LUC). Dedication of a new County road is included with this proposal. The following is a brief synopsis of the review criteria and conformance with LUC.

The Planning Commission previously expressed concerns with the number of shared accesses. In the end, it was determined that County Engineering would call out any concerns with regards to shared access along SR-39, with regards to this development. Engineering has no concerns regarding access off of Highway 39, so there are still 4 shared access, and two accesses taken off of the proposed roadway between lots 9 and 10.

## Conditions of Preliminary Approval

1. An approved plan with Weber Fire District must be submitted prior to going before the County Commission for final approval. – **Dave Reed, with Weber Fire District has approved of the fire suppression plan for this subdivision.**
2. UDOT shall grant written approval for the proposed shared accesses off of Highway 39, prior to going before the planning commission for a recommendation of final approval, if this has not yet been completed already. – **See Exhibit B.**

3. Well permits must be obtained prior to appearing before the planning commission for a recommendation of final approval, per LUC 106-4-2.1(c). – See Exhibit C.
4. The proposed access shall comply with safety, design, and parcel/lot standards as outlined in LUC. – Engineering and Fire have both requested private roadways with grades of no more than 12%. Improvement plans will be required prior to going before the County Commission for final approval.
5. An alternative access covenant, shall be recorded with the final plat. – This will be required prior to recording this subdivision.
6. An onsite wastewater disposal covenant shall be recorded with the final plat. – This will be required prior to recording this subdivision.
7. All required improvements shall be either installed, escrowed for, or a combination of both, prior to County Commission approval.

## Analysis

**General Plan:** The request is in conformance with the Ogden Valley General Plan as it is intended to preserve private property rights while also preserving the rural characteristics of the Valley.

**Zoning:** The subject property is located in the F-5 Zone. Single-family dwellings are a permitted use in the F-5 Zone.

**Lot area, frontage/width and yard regulations:** In the LUC § 104-9-4, the F-5 zone requires a minimum lot area of 5 acres for a single family dwelling and a minimum lot width of 300 feet. The width of all ten lots in this proposed subdivision meet this requirement. The area for the lots ranges between 5.03 acres and 14.97 acres. Dedication of a new public road, located between lots 9 and 10, is included as part of this proposal.

As part of the subdivision process, the proposal has been reviewed for compliance with the current subdivision ordinance in the LUC § 106-1, and the F-5 zone standards in LUC § 104-9.

**Public Road Connectivity:** Given the stated geologic hazards/issues within this, and subsequent phases, County Engineering and Planning are not willing to accept public road dedication at this time. There will be a

**Culinary water and sanitary sewage disposal:** Weber-Morgan Health Department has performed the necessary soil testing to provide feedback and recommendations regarding wastewater disposal systems, and the placement of private wells. Though there are well protection areas shown on each lot, the developer is proposing shared wells (4) for this phase. The applicant has obtained approval from the State to begin drilling wells. These wells must be drilled and pump-tested prior to recording this subdivision per LUC 106-4-2.1:

The applicant is proposing 1 acre-foot of water per lot. This allows for 0.45 acre-feet for culinary purposes and 0.55 acre-feet for secondary purposes.

(2) **Private well capacity assessment.** For a private well’s water supply and delivery system, the capacity assessment shall include: For a private well’s water supply and delivery system, the capacity assessment shall include:

1. Written verification from the Utah Division of Water Rights that authorization to drill has been obtained for each proposed private well.
2. 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
3. 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.”

### “Improvements required for private well.

1. **Private well drilling and testing.** Prior to final plat recording, each well shall be dug and pump-tested for a minimum of 48 hours, and a sample of water analyzed according to applicable agency requirements. 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 and quality 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.

2. **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.”

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Secondary water requirements: LUC 106-4-2.1 (b):

**“Required water quantity.** Each developable lot shall be connected to a system that provides sufficient water quantity, quality, flow, rights or shares, and storage, if applicable, to accommodate all intended uses of the water.

1. **Culinary water quantity and quality.** The quantity and quality 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.
  1. **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. As a baseline, each secondary water provider is encouraged to adopt water-wise landscaping requirements as provided in Subsection (b)(2)b. of this Section 106-4-2.1.
  2. **Secondary water by private well.** If secondary water will be provided by a private well, then by default, a water allocation sufficient to water 30 percent of the lot is required unless specifically provided otherwise herein. This percent shall be increased to the actual area watered if more than 30 percent of the lot is or will be watered. This percent may be reduced to the actual percentage of the lot covered by vegetation that is not drought-tolerant or non-native wildland if:
    1. All areas with drought-tolerant vegetation are provided sufficient water allocation for the vegetation type and an automatic watering system is installed that has separate valves and stations on which vegetation with similar watering needs shall be grouped, if applicable;
    2. A restricted-landscape covenant is recorded to the lot that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable;
    3. A note is placed on the final recorded plat as required in Section 106-1-8.20; and
    4. The approved Exchange Application from the Utah Division of Water Rights is submitted to the County for each well. It shall demonstrate the total acre-feet approved for each well, and demonstrate that all proposed wells within the subdivision, including all phases, were simultaneously submitted to the division for approval.”

There will be landscaping and watering restrictions on any of the lots, a note will need to be added to the final plat that generally explains the watering and landscaping restrictions, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

**Natural hazards/wetlands:** Per LUC § 104-28-2, the proposed subdivision area has intermittent streams that run through this it. All streams, and their associated setbacks, as well as and springs and their associated easements, shall be shown on the final plat prior to going before County Commission for final approval.

*Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark from the existing ephemeral streams located within the proposed subdivision, unless a stream alteration is approved by the Army Corps of Engineers and State Department of Natural Resources*

The proposed subdivision is located within a ridgeline area. Per LUC § 104-28-4,

*All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.*

The proposed subdivision lies within a geologic hazard study area. Further reports have been required, and obtained. All recommendations contained within the submitted reports (AGEC project no. 1210067). Additional, site-specific, geotechnical reports will be required with each building permit submitted, per the recommendations outlined in the report. All recommendations contained in the submitted reports shall be followed, and a note shall be recorded on the plat indicating the need for further reports.

Review Agencies: To date, the proposed subdivision has been reviewed by the Planning Division, Engineering Division, and the Weber Fire District. The Weber Fire District is requiring that all structures in Phase 1 be constructed with sprinklers/fire suppression systems. A note on the final plat will be required indicating this requirement. The County Surveyor's Office will review a proposed final plat, once one has been submitted. All review agency requirements must be addressed and completed prior to this subdivision being recorded.

Tax Clearance: There are no outstanding tax payments related to these parcels. The 2021 property taxes are not considered due at this time, but will become due in full on November 30, 2021.

## Staff Recommendation

Staff recommends final approval of Gateway Estates Subdivision Phase 1, consisting of ten lots, dedication of new public road, and an associated alternative access request for lot 1, located at approximately 748 E Hwy 39, Huntsville. This recommendation is subject to all review agency requirements prior to recording of the subdivision, and the following conditions:

1. Per LUC 106-4-2.1 Wells must be drilled and pump-tested prior to recording this subdivision.
2. All required improvements shall be installed or escrowed for, or a combination of both, and an improvements guarantee agreement signed, prior to appearing before the County Commission for final approval.
3. An onsite wastewater disposal covenant shall be recorded with the final plat.
4. An alternative access covenant, shall be recorded with the final plat, with regards to accessing lot 1.
5. A restricted-landscape covenant shall be recorded with the final plat, to the lots that restricts the area of non-drought tolerant vegetation to the actual area allowed by the lot's water allocation, water rights, or water shares, given the water duty for crop irrigation as prescribed by the Utah Division of Water Rights, and specifies the automatic watering system requirements herein, if applicable. (See LUC 106-1-8.2)
6. Private road dedication and improvements along the eastern boundary of lot 10 shall be shown on the final plat, and escrowed for or installed prior to final approval from the County Commission.
7. A note on the final plat will be required indicating that sprinkler systems will be required in each residential structure within Phase 1 of Gateway Estates.

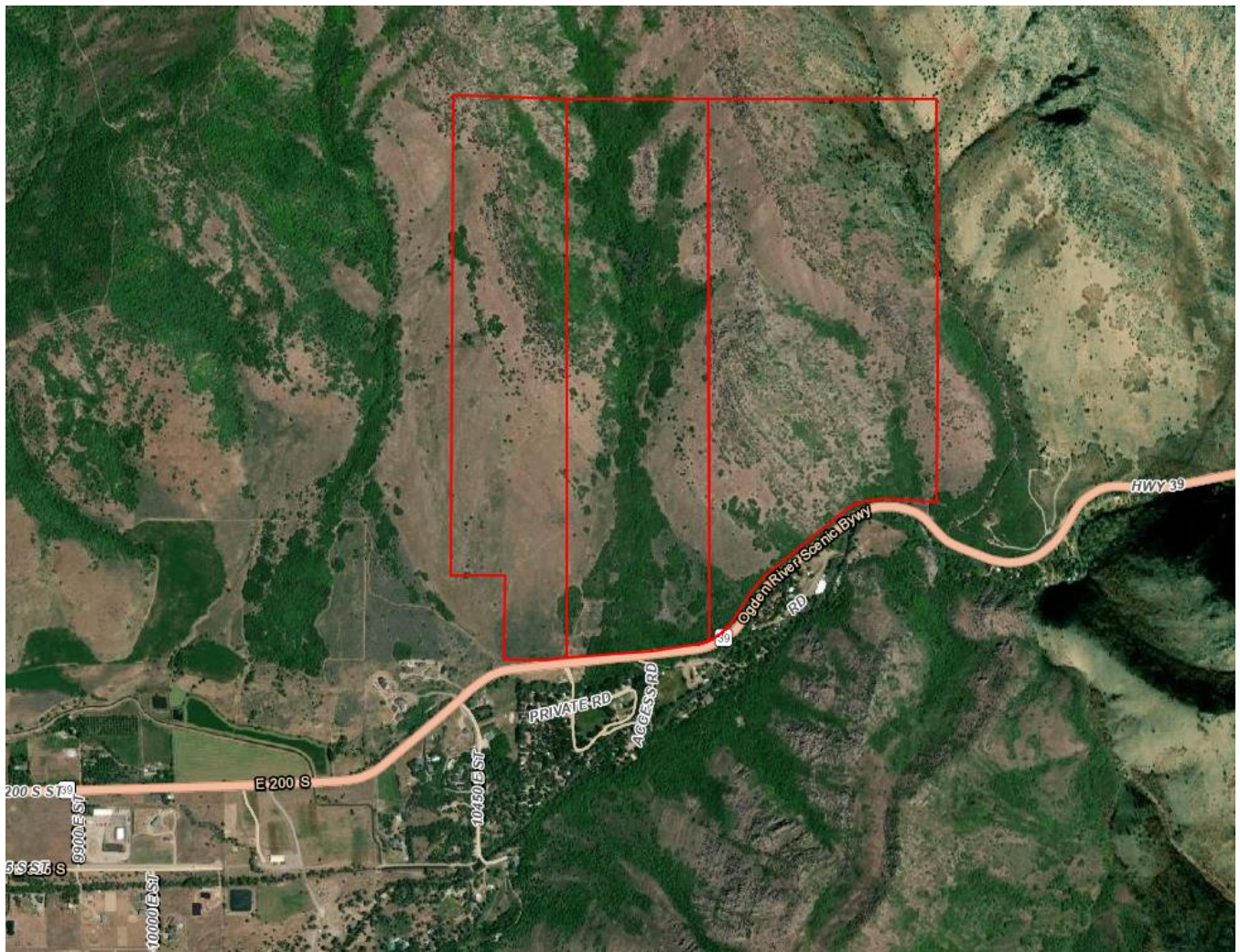
This recommendation is based on the following findings:

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

## Exhibits

- A. Subdivision Plat
- B. UDOT Access Approval
- C. State Well Approval

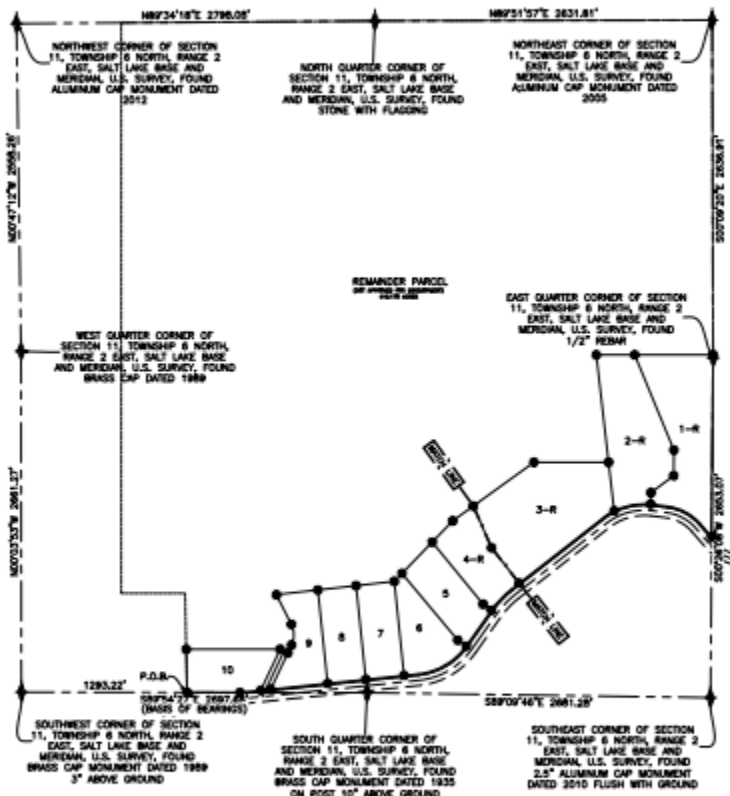
Area Map



SHEET 1 OF 3

# GATEWAY ESTATES SUBDIVISION PHASE 1

PART OF THE SOUTH HALF OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
WEBER COUNTY, UTAH  
JANUARY, 2022



**VICINITY MAP**  
SCALE: NONE

**LOT RESTRICTION NOTE**

"R" LOTS ARE RESTRICTED AND MUST HAVE HILLSIDE REVIEW PRIOR TO BUILDING PERMIT BEING ISSUED.

**SOIL TEST PIT INFORMATION**

LOT 1, 2, 5, 6, 7, & 8: ANTICIPATED GROUND WATER TABLES NOT TO EXCEED 75 INCHES, FALL WITHIN THE RANGE OF ACCEPTABILITY FOR THE UTILIZATION OF A CONVENTIONAL WASTEWATER DISPOSAL SYSTEM AS A MEANS OF WASTEWATER DISPOSAL. MAXIMUM TRENCH DEPTH IS LIMITED TO 24 INCHES. THE ABSORPTION SYSTEM IS TO BE DESIGNED USING A MAXIMUM LOADING RATE OF 0.45 GAL./SQ. FT. /DAY AS REQUIRED FOR A SANDY CLAY LOAM, BLOCKY STRUCTURE SOIL HORIZON WITH A DOCUMENTED PERCOLATION RATE OF LESS THAN 60 MINUTES PER INCH.

LOT 3, 4, 9, & 10: ANTICIPATED GROUND WATER TABLES NOT TO EXCEED 75 INCHES, FALL WITHIN THE RANGE OF ACCEPTABILITY FOR THE UTILIZATION OF A PACKED BED MEDIA WASTEWATER DISPOSAL SYSTEM AS A MEANS OF WASTEWATER DISPOSAL. MAXIMUM TRENCH DEPTH IS LIMITED TO 24 INCHES. THE ABSORPTION SYSTEM IS TO BE DESIGNED USING A MAXIMUM LOADING RATE OF 0.4 GAL./SQ. FT. /DAY AS REQUIRED FOR A SANDY CLAY LOAM, MASSIVE STRUCTURE SOIL HORIZON WITH A DOCUMENTED PERCOLATION RATE BETWEEN 60-80 MINUTES PER INCH.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS PLAT IS BETWEEN THE SOUTHWEST CORNER AND THE SOUTH QUARTER CORNER OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SHOWN HEREON AS: SB75°27'7"

**NARRATIVE**

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE BELOW DESCRIBED PROPERTY INTO LOTS AND STREETS AS SHOWN. ALL BOUNDARY CORNERS AND REAR LOT CORNERS WERE SET WITH A 5/8" X 24" REBAR AND PLASTIC CAP STAMPED "RECIE & ASSOCIATES". THE BOUNDARY WAS DETERMINED FROM FOUND SECTION CORNER MONUMENTS AS SHOWN.

**LEGEND**

- = SECTION CORNER
- = SET 5/8" X 24" REBAR AND PLASTIC CAP STAMPED "RECIE & ASSOCIATES"
- = BOUNDARY LINE
- = LOT LINE
- = ADJOINING PROPERTY
- = SECTION TIE LINE
- = ROAD CENTERLINE



**DEVELOPER:**

MATT LOWE  
8028 S. REDGLEN DR., STE. 200  
ODDEN, UT. 84405  
(801) 648-8229









1/13/2022	Region 1	(21-082) Gateway Estates	118832		
Physical Address	City	Permit Type	Access Use Type		
11100 E HWY 39	HUNTSVILLE	New	Residential		
PERMITEE INFORMATION					
Property Owner Name	Primary Contact	Primary Phone	Email		
Matt Lowe	Nate Reeve, Project Engineer	(801) 621-3100	eroche@reeve-assoc.com		
LOCATION, WIDTH, AND ACCESS CATEGORY INFORMATION					
State Route	Milepost Marker	DD Center Latitude	DD Center Longitude	Access Width	Access Category
0039	22.92			30	4 - Regional Rural
0039	22.92	41.2642019	-111.6945491	30	4 - Regional Rural
0039	22.931	41.2642208	-111.6943323	30	4 - Regional Rural

A Conditional Access Permit is hereby authorized subject to the Utah Department of Transportation's (the Department's) Access Management Rule (Utah Administrative Code R-930-6), the Utility Accommodation Rule (Utah Administrative Code R930-7), the Standard Specifications for Road and Bridge Construction, and any terms, conditions, and limitations set forth herein. Per Utah Administrative Code R930-6-8(6)(g), a Conditional Access Permit shall expire if the access construction is not completed within twelve (12) months of the issuance date as identified at the top left of this document.

By carrying out the activities authorized by this approval the permittee and the permittee's successors in interests and/or assigns agree to accept all terms, conditions, and limitations, of the approval including any attachments submitted with the Conditional Access Permit Application. In addition, the permittee certifies they will comply with all applicable regulations, properly control and warn the public of said work to prevent accident, and shall defend, indemnify and hold harmless the Department from all damages arising out of any and all operations performed during construction and operation of said access. Per Utah Administrative Code R930-6-8(5)(e), the permittee understands any intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of receiving a more favorable determination is sufficient grounds for permit revocation. The access allowed under this permit creates a license to only access a state highway to the extent provided in the permit. The access may be closed, modified or relocated by UDOT if, at any time, UDOT determines in its sole discretion that safety, efficiency or other reasons so require. UDOT will not be liable for any costs, losses or damages resulting from UDOT's review and comments on the submitted plan sets for a Conditional Access Permit.

**This conditional access permit does NOT allow construction or other activities within a state right-of-way. An encroachment permit must be separately applied for and issued before any construction within a state right-of-way may commence. Work on UDOT's right-of-way is seasonally restricted from October 15 to April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours of 6:00 A.M. to 9:00 A.M. and 3:30 P.M. to 6:00 P.M. Some exceptions to this A.M./P.M. peak travel work restriction may be permissible for low AADT routes in rural areas. Any such exception requires special Region approval and must be explicitly stated on the approved encroachment permit.**

Authorizing Name (printed)	Rodger Genereux	Authorizing Name (signed)	
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**TERMS, CONDITIONS, AND LIMITATIONS**

1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
3. By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
4. All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
5. The primary function of the highway is for transportation purposes. All other highway purposes are subordinate to this primary purpose. By conducting the activities authorized by this permit, the permittee agrees to timely prosecute the permitted activities in a manner that minimizes transportation-related impacts including but not limited to; ensuring overall site safety as an overarching priority, and by applying systematic efforts to minimize, or shorten, the project schedule.
6. UDOT may cancel, suspend, or revoke this permit due to:
  - A) Non-compliance with the permit provisions including terms, conditions, and limitations



- B) Deviating from the approved permit provisions without written authorization
- C) Misrepresentation(s) discovered on the originating application, or associated documents
- D) Adverse weather or traffic conditions
- E) Concurrent transportation construction or maintenance operations in conflict with the permit
- F) Any condition deemed unsafe for workers or for the traveling public
- G) Any other condition that arises where work stoppage may be warranted for cause

In the event of a cancellation, suspension, or revocation the permittee shall promptly terminate occupancy of the right-of-way.

7. At all times the permittee and all activities authorized under this permit will comply with all applicable federal and state constitutions, law, rules, codes, orders, and regulations, including applicable licensure and certification requirements.
  8. Use current edition of UDOT standard drawings for traffic control. Use Utah MUTCD standards for traffic control elements not shown in UDOT standard drawings. Traffic control must be maintained at the encroachment site for the entire encroachment period.
  9. Before constructing the access connection authorized by this conditional access permit, an encroachment permit must be secured first.
  10. The permittee agrees to maintain the permitted access in a professional workmanlike manner, free from physical defects including but not limited to potholes or other similar substandard conditions for the life of the permit. The permit holder's maintenance-related responsibilities shall extend to UDOT's edge of asphalt where said permitted access physically connects to UDOT's main traveled way and shall be guaranteed in perpetuity. Failure to properly maintain said private access point shall be grounds for permit revocation and for the closure of the permitted access point.
1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
  2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
  3. By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
  4. All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
  5. The primary function of the highway is for transportation purposes. All other highway purposes are subordinate to this primary purpose. By conducting the activities authorized by this permit, the permittee agrees to timely prosecute the permitted activities in a manner that minimizes transportation-related impacts including but not limited to; ensuring overall site safety as an overarching priority, and by applying systematic efforts to minimize, or shorten, the project schedule.
6. UDOT may cancel, suspend, or revoke this permit due to:
    - A) Non-compliance with the permit provisions including terms, conditions, and limitations
    - B) Deviating from the approved permit provisions without written authorization
    - C) Misrepresentation(s) discovered on the originating application, or associated documents
    - D) Adverse weather or traffic conditions
    - E) Concurrent transportation construction or maintenance operations in conflict with the permit
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  - G) Any other condition that arises where work stoppage may be warranted for cause

In the event of a cancellation, suspension, or revocation the permittee shall promptly terminate occupancy of the right-of-way.

7. At all times the permittee and all activities authorized under this permit will comply with all applicable federal and state constitutions, law, rules, codes, orders, and regulations, including applicable licensure and certification requirements.
8. Use current edition of UDOT standard drawings for traffic control. Use Utah MUTCD standards for traffic control elements not shown in UDOT standard drawings. Traffic control must be maintained at the encroachment site for the entire encroachment period.
9. Before constructing the access connection authorized by this conditional access permit, an encroachment permit must be secured first.
10. The permittee agrees to maintain the permitted access in a professional workmanlike manner, free from physical defects including but not limited to potholes or other similar substandard conditions for the life of the permit. The permit holder's maintenance-related responsibilities shall extend to UDOT's edge of asphalt where said permitted access physically connects to UDOT's main traveled way and shall be guaranteed in perpetuity. Failure to properly maintain said private access point shall be grounds for permit revocation and for the closure of the permitted access point.
1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
3. By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
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SPENCER J. COX  
*Governor*  
DEIDRE M. HENDERSON  
*Lieutenant Governor*

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

BRIAN C. STEED  
*Executive Director*

TERESA WILHELMESEN  
*State Engineer/Division Director*

**ORDER OF THE STATE ENGINEER**  
**For Exchange Application Number 35-13861 (E6148)**

Exchange Application Number 35-13861 (E6148) in the name of OVB Investments LLC was filed on March 11, 2021, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 52009 associated with Tax I.D. Number 21-013-0007) for its use with Weber Basin Water Conservancy District (WBWCD). The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well to be located North 104 feet and West 1028 feet from the S $\frac{1}{4}$  Corner of Section 11, T6N, R2E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit. The water is to be used in all or portion(s) of Section 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on April 1 and 8, 2021. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-13861 (E6148) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and WBWCD. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 1.00 acre-foot of water per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.
- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13861 (E6148)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **August 31, 2026**, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.



Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

**It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right, please contact the Division at the phone number below.**

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. he telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 6 day of August, 2021.

  
Teresa Wilhelmson, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13861 (E6148)

Page 4

Mailed a copy of the foregoing Order this 6 day of August, 2021 to:

OVB Investments LLC  
6028 South Ridgeline Dr, Suite 203  
Ogden UT 84405

Weber Basin Water Conservancy District  
2837 East Highway 193  
Layton UT 84040

Cole Panter, River Commissioner  
PO Box 741  
OGDEN UT 84402

Division of Water Rights  
Distribution Section  
c/o Susan Odekirk  
OGDEN RIVER

BY: Doralee Cannon  
Doralee Cannon, Applications/Records Secretary



**APPLICANT CARD** for Exchange Application: E6148(35-13861)

**IMPORTANT:** THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WELL DRILLER. PROOF DUE/EXPIRATION DATE: August 31, 2026

OWNER/APPLICANT: OVB Investments LLC

MAILING ADDRESS: 6028 South Ridgeline Dr, Suite 203, Ogden, UT 84405

PHONE NUMBER: 801-648-8229

WELL LOCATION: N 104' W 1028' from S4 Cor, S11, T 6N , R 2E, SLB&M

WELL UTM COORDINATES: Easting: 441748 Northing: 4568359

WELL ACTIVITY:  NEW(X)  REPLACE()  REPAIR()  DEEPEN()

WELL COMPLETION DATE: \_\_\_\_\_

NAME OF DRILLING COMPANY/LICENSEE: \_\_\_\_\_

\_\_\_\_\_  
Owner/Applicant Signature Date

**NOTICE TO APPLICANT:** COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.  
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER, - YOU MUST RETURN IT.  
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: \_\_\_\_\_  
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**START/APPLICANT CARD INSTRUCTIONS:** First, for each well, you must give a Driller (Start) Card to \_\_\_\_\_



SPENCER J. COX  
Governor  
DEIDRE M. HENDERSON  
Lieutenant Governor

**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES  
Division of Water Rights

BRIAN C. STEED  
Executive Director

TERESA WILHELMSSEN  
State Engineer/Division Director

**ORDER OF THE STATE ENGINEER**  
For Exchange Application Number 35-13960 (E6225) **NOV 19 2021**

Exchange Application Number 35-13960 (E6225) in the name of OVB Investments LLC was filed on July 14, 2021, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 52010 associated with Tax I.D. Number 21-013-0001 and others) for its use with Weber Basin Water Conservancy District. The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well to be located North 774 feet and East 916 feet from the S $\frac{1}{4}$  Corner of Section 11, T6N, R2E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit. The water is to be used in all or portion(s) of Section 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-13960 (E6225) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 1.00 acre-foot of water per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.
- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **November 30, 2028**, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

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SCANNED SM

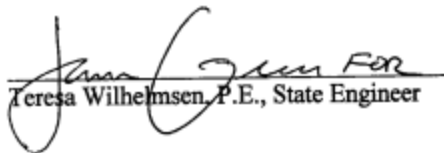
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

**It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right please contact the Division at the phone number below.**

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 19 day of November, 2021.

  
Teresa Wilhelmson, P.E., State Engineer

SCANNED SM

ORDER OF THE STATE ENGINEER  
Exchange Application Number  
35-13960 (E6225)  
Page 4

Mailed a copy of the foregoing Order this 19 day of November, 2021 to:

OVB Investments LLC  
6028 South Ridgeline Dr, Suite 203  
Ogden UT 84405

Weber Basin Water Conservancy District  
2837 East Highway 193  
Layton UT 84040

Cole Panter, River Commissioner  
PO Box 741  
OGDEN UT 84402

Division of Water Rights  
Distribution Section  
c/o Susan Odekirk  
OGDEN RIVER

BY: Doralee Cannon  
Doralee Cannon, Applications/Records Secretary

SCANNED SM





SPENCER J. COX  
*Governor*  
DEIDRE M. HENDERSON  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

BRIAN C. STEED  
*Executive Director*

TERESA WILHELMSSEN  
*State Engineer/Division Director*

## ORDER OF THE STATE ENGINEER

### For Exchange Application Number 35-13961 (E6226)

Exchange Application Number 35-13961 (E6226) in the name of OVB Investments LLC was filed on July 14, 2021, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 52010 associated with Tax I.D. Number 21-013-0001 and others) for its use with Weber Basin Water Conservancy District. The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well to be located South 929 feet and West 376 feet from the E $\frac{1}{4}$  Corner of Section 11, T6N, R2E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit. The water is to be used in all or portion(s) of Section 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-13961 (E6226) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 1.00 acre-foot of water per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.
- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13961 (E6226)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **November 30, 2028**, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13961 (E6226)

Page 3

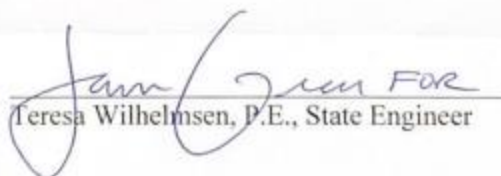
Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

**It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right, please contact the Division at the phone number below.**

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 18 day of November, 2021.

  
Teresa Wilhelmson, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13961 (E6226)

Page 4

Mailed a copy of the foregoing Order this 18 day of November, 2021 to:

OVB Investments LLC  
6028 South Ridgeline Dr, Suite 203  
Ogden UT 84405

Weber Basin Water Conservancy District  
2837 East Highway 193  
Layton UT 84040

Cole Panter, River Commissioner  
PO Box 741  
OGDEN UT 84402

Division of Water Rights  
Distribution Section  
c/o Susan Odekirk  
OGDEN RIVER

BY: Doralee Cannon  
Doralee Cannon, Applications/Records Secretary



**APPLICANT CARD** for Exchange Application: E6226(35-13961)

**IMPORTANT:** THIS CARD MUST BE COMPLETED, SIGNED AND RETURNED BY THE WELL OWNER/APPLICANT AS SOON AS THE WELL IS DRILLED BY A LICENSED UTAH WELL DRILLER. PROOF DUE/EXPIRATION DATE: November 30, 2028

OWNER/APPLICANT: OVB Investments LLC

MAILING ADDRESS: 6028 South Ridgeline Dr, Suite 203, Ogden, UT 84405

PHONE NUMBER: 801-648-8229

WELL LOCATION: S 929' W 376' from E4 Cor, S11, T 6N , R. 2E, SLB&M

WELL UTM COORDINATES: Easting: 442776 Northing: 4568833

WELL ACTIVITY:  NEW(X)  REPLACE( )  REPAIR( )  DEEPEN( )

WELL COMPLETION DATE: \_\_\_\_\_

NAME OF DRILLING COMPANY/LICENSEE: \_\_\_\_\_

\_\_\_\_\_  
**Owner/Applicant Signature** **Date**

**NOTICE TO APPLICANT:** COMPLETE AND RETURN THIS PORTION UPON FINAL WELL COMPLETION.  
DO NOT GIVE THIS CARD TO LICENSED WELL DRILLER. - YOU MUST RETURN IT.  
STATE OF UTAH DIVISION OF WATER RIGHTS Phone No. 801-538-7416 - FAX No. 801-538-7467

COMMENTS: \_\_\_\_\_



SPENCER J. COX  
*Governor*  
DEIDRE M. HENDERSON  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

BRIAN C. STEED  
*Executive Director*

TERESA WILHELMESEN  
*State Engineer/Division Director*

## ORDER OF THE STATE ENGINEER

### For Exchange Application Number 35-13965 (E6230)

Exchange Application Number 35-13965 (E6230) in the name of OVB Investments LLC was filed on July 14, 2021, to exchange 1.00 acre-foot of water, as evidenced by Water Right Number 35-827 (A27608) owned by the U.S. Bureau of Reclamation and a contract (Number 52010 associated with Tax I.D. Number 21-013-0001, Others) for its use with Weber Basin Water Conservancy District. The 1.00 acre-foot of water is to be released from Pineview Reservoir and, in lieu thereof, 1.00 acre-foot of water will be diverted from a well to be located North 290 feet and East 84 feet from the S $\frac{1}{4}$  Corner of Section 11, T6N, R2E, SLB&M (6-inch well, 100-500 feet deep). The water is to be used for the irrigation of 0.1833 acre from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit. The water is to be used in all or portion(s) of Section 11, T6N, R2E, SLB&M.

Notice of the exchange application was published in the Standard Examiner on August 5 and 12, 2021. No protests were received.

It is the opinion of the State Engineer that this exchange application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application, which can be demonstrated by the completion of the project as proposed in the exchange application.

It is, therefore, **ORDERED** and Exchange Application Number 35-13965 (E6230) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicant and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn under this application if a contract is not in effect.
- 2) Total diversion under this exchange application is limited to 1.00 acre-foot of water per year for the irrigation of 0.1833 acre (0.55 acre-foot) from April 1 to October 31; and year-round, indoor, domestic requirements of 1.00 equivalent domestic unit (0.45 acre-foot).
- 3) The water being exchanged shall be released from Pineview Reservoir into Ogden River as called for by the river commissioner.
- 4) The applicant shall construct or install and maintain controlling works and a measuring device as required by Section 73-5-4 of Utah Code.

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13965 (E6230)

Page 2

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before **November 30, 2028**, or a request for extension of time must be acceptably filed; otherwise, the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicant.

When the work is complete, an Affidavit of Beneficial Use may be submitted by an applicant without hiring a proof professional if it qualifies under statute. An affidavit qualifies if all of the following criteria are met:

- The water right is associated with a residence, either full- or part-time. (NOTE: Any irrigation or stock use on the affidavit must be associated with the residence.)
- The water use is for a quarter acre of irrigation or less.
- The water use is for the watering of ten head of livestock (or equivalent) or less.
- The water use does not include any uses in addition to the three listed above.

As noted, this approval is granted subject to prior rights. The applicant shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof of diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses and extent of your water right.

Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicant must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights, which may be approved to be diverted from those sources.



Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this exchange application.

**It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership. Additionally, if ownership of this water right or the property with which it is associated changes, the records of the Division of Water Rights should be updated. For assistance in updating title to the water right, please contact the Division at the phone number below.**

Your contact with this office, should you need it, is with the Weber River/Western Regional Office. The telephone number is 801-538-7240.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically it shall be submitted to: [waterrights@utah.gov](mailto:waterrights@utah.gov), which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review must be filed within 30 days after the date of this Order or, if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 18 day of November, 2021.

  
Teresa Wilhelmsen, P.E., State Engineer

ORDER OF THE STATE ENGINEER

Exchange Application Number

35-13965 (E6230)

Page 4

Mailed a copy of the foregoing Order this 18 day of November, 2021 to:

OVB Investments LLC

6028 South Ridgeline Dr, Suite 203

Ogden UT 84405

Weber Basin Water Conservancy District

2837 East Highway 193

Layton UT 84040

Cole Panter, River Commissioner

PO Box 741

OGDEN UT 84402

Division of Water Rights

Distribution Section

c/o Susan Odekirk

OGDEN RIVER

BY: Doralee Cannon  
Doralee Cannon, Applications/Records Secretary







## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

- Application Request:** Public hearing to discuss and/or take action on a county-initiated ordinance to amend various sections of the Weber County Land Use Code to define and regulate Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations, and to include general administrative and clerical amendments.
- Agenda Date:** Tuesday, January 25, 2022
- Report Author:** Scott Perkes (sperkes@webercountyutah.gov)  
(801) 399-8772

### Applicable Ordinances

- § 101-2-2 – An Definitions
- § 104-1-2 – Boundaries of Zones
- § 104-1-3 – Rules of Ordinance and Maps
- § 104-2 – Agricultural Zones
- § 104-21 – Manufacturing Zones

### 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

During the 2021 General Session, the Utah State Legislature passed S.B. 130 (See **Exhibit A**) which served to accomplish the following:

- 1) Enacted the Large Concentrated Animal Feeding Operations Act (17-27a-11) (Effective 5/5/2021).
- 2) Provide defined terms for Animal Feeding Operations (AFO) and Large Concentrated Animal Feeding Operations (LCAFO).
- 3) Required adoption of a county LCAFO land use ordinance.
- 4) Addressed the scope of a county LCAFO land use ordinance.
- 5) Addressed the geographic area where large concentrated animal feeding operations may be located.

Per item #3 above, the Act requires that counties adopt an LCAFO land use ordinance by no later than February 1<sup>st</sup> 2022. Pursuant to this requirement, Planning staff have worked with the County Commission in work session as well as the Western Weber Planning Commission and Ogden Valley Planning Commission in work session on potential regulation scenarios that could be implemented prior to the February 1<sup>st</sup> 2022 deadline.

Through work sessions and a public hearing, the Western Weber Planning Commission moved to forward a positive recommendation on a regulation scenario that would serve to accomplish the following:

- 1) Only allow new LCAFOs to locate in the A-3 or M-3 zones as Conditionally Permitted Uses.
- 2) Existing LCAFOs not located in the A-3 or M-3 zones may continue to operate as non-conforming uses.
- 3) Although unlikely, any existing LCAFOs located in the A-3 or M-3 zones may expand if market forces support an expansion.
- 4) Existing AFOs (Animal Feeding Operations) in the A-3 or M-3 zones, known as “Livestock Feed Yards” under the current land use code, may continue operating as conforming uses and may expand if market forces support an expansion.
- 5) Existing AFOs not located in the A-3 or M-3 zones may continue to operate as nonconforming uses but

are not allowed to expand.

- 6) New and existing farms (dairy, poultry, cattle, sheep, goats, etc.) (Proposed to be defined as an Animal Grazing operation), will continue to be a permitted uses in all Agriculture zones with applicable special regulations.

The attached regulatory draft (**Exhibit B**) has been crafted to implement the outlined scenario above into the Land Use Code. Some edits are clerical in nature and are intended to allow the proposed amendments to merge into the structure of the existing code.

## 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 if the Planning Commission supports the proposed regulation, a positive recommendation could be forwarded to the County Commission for file ZTA2021-10, a proposal to add definitions, regulatory language, and clerical edits to the Land Use Code regarding Animal Grazing, Animal Feeding Operations, and Large Concentrated Animal Feeding Operations.

This recommendation is consistent with the regulation scenario drafted as **Exhibit B**, and is based on the following findings:

1. The proposal protects existing Animal Grazing, AFOs and LCAFOs ability to continue operations for as long as the prevailing markets allow.
2. The proposal gives clear direction to any potentially new Animal Grazing, AFO, or LCAFO operation regarding the zones where such uses are permissible and the associated operational standards under which they will need to operate.
3. The proposal is in the best interest of the public both in the short term and in the long term.
4. The proposal is not detrimental to the general plan.

## Exhibits

- A. S.B. 130 – Regulation of Concentrated Animal Feeding
- B. Proposed Regulatory Language

1                   **REGULATION OF CONCENTRATED ANIMAL FEEDING**  
2   **OPERATIONS**

3   2021 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Scott D. Sandall**

6   House Sponsor: Joel Ferry

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8 **LONG TITLE**

9 **General Description:**

10           This bill enacts provisions related to large concentrated animal feeding operations.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ enacts the Large Concentrated Animal Feeding Operations Act, including:

- 14                   • defining terms;
- 15                   • requiring adoption of county large concentrated animal feeding operation land
- 16 use ordinances under certain circumstances;
- 17                   • addressing scope of a county large concentrated animal feeding operation land
- 18 use ordinance; and
- 19                   • addressing determining the geographic area where large concentrated animal
- 20 feeding operations may be located.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 ENACTS:

27           **17-27a-1101**, Utah Code Annotated 1953

28           **17-27a-1102**, Utah Code Annotated 1953

29 [17-27a-1103](#), Utah Code Annotated 1953

30 [17-27a-1104](#), Utah Code Annotated 1953

31 

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **17-27a-1101** is enacted to read:

34 **Part 11. Large Concentrated Animal Feeding Operations Act**

35 **17-27a-1101. Title.**

36 This part is known as the "Large Concentrated Animal Feeding Operations Act."

37 Section 2. Section **17-27a-1102** is enacted to read:

38 **17-27a-1102. Definitions.**

39 (1) "Animal feeding operation" means a lot or facility where the following conditions  
40 are met:

41 (a) animals have been, are, or will be stabled or confined and fed or maintained for a  
42 total of 45 days or more in any 12-month period; and

43 (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the  
44 normal growing season over any portion of the lot or facility.

45 (2) (a) "Commercial enterprise" means a building:

46 (i) used as a part of a business that manufactures goods, delivers services, or sells  
47 goods or services;

48 (ii) customarily and regularly used by the general public during the entire calendar  
49 year; and

50 (iii) connected to electric or water systems.

51 (b) "Commercial enterprise" does not include an agriculture operation.

52 (3) "County large concentrated animal feeding operation land use ordinance" means an  
53 ordinance adopted in accordance with Section [17-27a-1103](#).

54 (4) "Education institution" means a building in which any part is used:

55 (a) for more than three hours each weekday during a school year as a public or private:



Enrolled Copy

- 56 (i) elementary school;  
57 (ii) secondary school; or  
58 (iii) kindergarten;  
59 (b) a state institution of higher education as defined in Section 53B-3-102; or  
60 (c) a private institution of higher education in the state accredited by a regional or  
61 national accrediting agency recognized by the United States Department of Education.  
62 (5) "Health care facility" means the same as that term is defined in Section 26-21-2.  
63 (6) "Large concentrated animal feeding operation" means an animal feeding operation  
64 that stables or confines as many as or more than the numbers of animals specified in any of the  
65 following categories:  
66 (a) 700 mature dairy cows, whether milked or dry;  
67 (b) 1,000 veal calves;  
68 (c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including  
69 heifers, steers, bulls, and cow calf pairs;  
70 (d) 2,500 swine each weighing 55 pounds or more;  
71 (e) 10,000 swine each weighing less than 55 pounds;  
72 (f) 500 horses;  
73 (g) 10,000 sheep or lambs;  
74 (h) 55,000 turkeys;  
75 (i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure  
76 handling system;  
77 (j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other  
78 than a liquid manure handling system;  
79 (k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure  
80 handling system;  
81 (l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure  
82 handling system; or

83 (m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.

84 (7) "Manure" includes manure, bedding, compost, a raw material, or other material  
85 commingled with manure or set aside for disposal.

86 (8) "Public area" means land that:

87 (a) is owned by the federal government, the state, or a political subdivision with  
88 facilities that attract the public to congregate and remain in the area for significant periods of  
89 time;

90 (b) (i) is part of a public park, preserve, or recreation area that is owned or managed by  
91 the federal government, the state, a political subdivision, or a nongovernmental entity; and

92 (ii) has a cultural, archaeological, scientific, or historic significance or contains a rare  
93 or valuable ecological system, including a site recognized as a National Historic Landmark or  
94 Site; or

95 (c) is a cemetery.

96 (9) "Religious institution" means a building and grounds used at least monthly for  
97 religious services or ceremonies.

98 Section 3. Section **17-27a-1103** is enacted to read:

99 **17-27a-1103. County adoption of a county large concentrated animal feeding**  
100 **operation land use ordinance.**

101 (1) (a) The legislative body of a county desiring to restrict siting of large concentrated  
102 animal feeding operations shall adopt a county large concentrated animal feeding operation  
103 land use ordinance in accordance with this part by no later than February 1, 2022.

104 (b) A county may consider an application to locate large concentrated animal feeding  
105 operations in the county before the county adopts the county large concentrated animal feeding  
106 operation land use ordinance under this part.

107 (2) A county large concentrated animal feeding operation land use ordinance described  
108 in Subsection (1) shall:

109 (a) designate geographic areas of sufficient size to support large concentrated animal

110 feeding operations, including state trust lands described in Subsection 53C-1-103(8) and  
111 private property within the county, including adopting a map described in Section  
112 17-27a-1104;

113 (b) establish requirements and procedures for applying for land use decision that  
114 provides a reasonable opportunity to operate large concentrated animal feeding operations  
115 within the geographic area described in Subsection (2)(a);

116 (c) disclose fees imposed to apply for the land use decision described in Subsection  
117 (2)(b);

118 (d) disclose any requirements in addition to fees described in Subsection (2)(c) to be  
119 imposed by the county; and

120 (e) provide for administrative remedies consistent with this chapter.

121 (3) (a) This part does not authorize a county to regulate the operation of large  
122 concentrated animal feeding operations in any way that conflicts with state or federal statutes  
123 or regulations.

124 (b) Nothing in this part supersedes or authorizes enactment of an ordinance that  
125 infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection  
126 Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

127 Section 4. Section 17-27a-1104 is enacted to read:

128 **17-27a-1104. Criteria considered in adopting the geographic area of a county**  
129 **large concentrated animal feeding operation land use ordinance -- Maps -- Exception.**

130 (1) (a) To determine the geographic areas where large concentrated animal feeding  
131 operations may be located under a county large concentrated animal feeding operation land use  
132 ordinance, the county shall consider:

133 (i) the distance of the geographic area measured in feet from the following:

134 (A) a residential zone;

135 (B) a health care facility;

136 (C) a public area;

- 137            (D) an education institution;  
138            (E) a religious institution;  
139            (F) a commercial enterprise;  
140            (G) a municipal boundary; and  
141            (H) a state or county highway or road;  
142            (ii) prevailing winds;  
143            (iii) topography;  
144            (iv) economic benefits to the county; and  
145            (v) reasonable access to transportation, water, and power infrastructure.  
146            (b) A county may consider criteria in addition to those described in Subsection (1)(a).  
147            (2) After considering the factors described in Subsection (1), the county shall designate  
148 the geographic areas where large concentrated animal feeding operations may locate as  
149 required by Subsection [17-27a-1103\(2\)\(a\)](#) and prepare a map available to the public showing  
150 the geographic areas in the county.  
151            (3) A county may not designate a geographic area for large concentrated animal  
152 feeding operations based solely on a uniform setback distance requirement from the locations  
153 described in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all  
154 criteria in Subsection (1).  
155            (4) A county shall designate at least one geographic area within the county where large  
156 concentrated animal feeding operations for all animal species listed in Subsection  
157 [17-27a-1102\(6\)](#) may be located unless the county demonstrates that one of the following makes  
158 it not feasible for the county to meet the criteria described in this section:  
159            (a) the county's population density; or  
160            (b) the county's population density relative to the amount of private land within the  
161 county.

1 **Sec 101-2-2 An-Definitions**

2 Animal feeding operation. The term "animal feeding operation" means a lot or facility where the following  
3 conditions are met:

4 (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days  
5 or more in any 12-month period; and

6 (b) the area of confinement devoted to the feeding of the animals does not sustain grazing vegetation  
7 during the normal growing season for the purpose of feeding the confined animals.

8 Animal feeding operation, large concentrated. The term "large concentrated animal feeding operation"  
9 means the same as provided in the Large Concentrated Animal Feeding Operations Act of State Code.

10 Animal grazing. The term "animal grazing" means the pasturing or ranging of animals for the purpose of  
11 grazing at an animal density that does not exceed the land's ability to perpetually sustain vegetation for  
12 grazing during the normal growing season.

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

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

20 ...

21 **Sec 104-1-2 Boundaries Of Zones**

22 (a) The boundaries of each of the said zones are hereby established as described herein or as shown  
23 on the maps entitled "Zoning Map of Weber County", which map or maps are attached and all  
24 boundaries, notations and other data shown thereon are made by this reference as much a part of  
25 this title as if fully described and detailed herein.

26 (b) Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

27 (1) Wherever the zone boundary is indicated as being approximately upon the centerline of  
28 a street, alley or block, or along a property line, then, unless otherwise definitely  
29 indicated on the map, the centerline of such street, alley or block or such property line,  
30 shall be construed to be the boundary of such zone.

31 (2) Whenever such boundary line of such zone is indicated as being approximately at the  
32 line of any river, irrigation canal or other waterway or railroad right-of-way, or public  
33 park or other public land or any section line, then in such case the center of such stream,  
34 canal or waterway, or of such railroad right-of-way or the boundary line of such public  
35 land or such section line shall be deemed to be the boundary of such zone.

36 (3) Where such zone boundary lines cannot be determined by the above rules, their location  
37 may be found by the use of the scale appearing upon the map.

38 (4) Where the application of the above rules does not clarify the zone boundary location, the  
39 board of adjustment shall interpret the map.

40 **Editors Note:** Ord. No. **2021-XX** consolidated the text that was in Section 104-1-3 Rules or Ordinance And  
41 Maps into this Section 104-1-2 Boundaries Of Zones, and changed Section 104-1-3 to Rules of  
42 Interpretation.

43 (Ord. of 1956, § 2-2 and § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

44 ...

45 **Sec 104-1-3 Rules Of Interpretation of Land Use Tables or Lists of Uses. Ordinance and Maps**

46 ~~Where uncertainty exists as to the boundary of any zone, the following rules shall apply:~~

- 47 ~~1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street,~~
- 48 ~~alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the~~
- 49 ~~centerline of such street, alley or block or such property line, shall be construed to be the boundary~~
- 50 ~~of such zone.~~
- 51 ~~2. Whenever such boundary line of such zone is indicated as being approximately at the line of any~~
- 52 ~~river, irrigation canal or other waterway or railroad right of way, or public park or other public land~~
- 53 ~~or any section line, then in such case the center of such stream, canal or waterway, or of such~~
- 54 ~~railroad right of way or the boundary line of such public land or such section line shall be deemed~~
- 55 ~~to be the boundary of such zone.~~
- 56 ~~3. Where such zone boundary lines cannot be determined by the above rules, their location may be~~
- 57 ~~found by the use of the scale appearing upon the map.~~
- 58 ~~4. Where the application of the above rules does not clarify the zone boundary location, the board of~~
- 59 ~~adjustment shall interpret the map.~~

60 The Land Use Table or list of permitted uses and conditional uses of each zone are plenary. As such, the

61 following rules of interpretation apply:

- 62 (a) A use that is not explicitly listed as a permitted or conditional use in the respective zone is not an
- 63 allowed use in that zone.
- 64 (b) The omission of a use from a zone's Land Use Table or a zone's list of permitted or conditional
- 65 uses shall not be construed in any manner as an allowed use in the zone.
- 66 (c) A use that is specifically listed in one zone's Land Use Table or the zone's list of permitted or
- 67 conditional uses that is not specifically listed in another zone's Land Use Table or list of permitted
- 68 or conditional uses is not permitted in the other zone.

69 *Editors Note: Ord. No. 2021-XX consolidated the text that was in this section, which was named Section*

70 *104-1-3 Rules or Ordinance And Maps, into Section 104-1-2 Boundaries Of Zones, and changed this*

71 *Section 104-1-3 to Rules of Interpretation.*

72 (Ord. of 1956, § 2-4; Ord. No. 2008-20; Ord. No. 2009-15; Ord. No. 2010-09)

73 ...

74 **Animal-related agricultural-wholesale or noncommercial uses.** The following are animal-related uses

75 that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
<u>Animal grazing, Animal grazing, as defined in Section 101-2.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Section 104-2-4, 5-acre use.</u>

Exhibit B

<u>Animal feeding operation. An animal feeding operation, as defined in Section 101-2.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>See Section 104-2-4. 5-acre use.</u>
<u>Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>See Section 104-2-4. 5-acre use.</u>
Apiary.	P	P	P	P	
<u>Aquaculture, animal related.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See <u>Section 104-2-4.</u>
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See <u>Section 104-2-4. 2-acre use.</u>
<del>Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>5-acre use.</del>
<del>Farm for the raising and grazing of horses, cattle, sheep or goats.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>See Section 104-2-4. 5-acre use.</del>
<del>Fur farm.</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>P</del>	<del>5-acre use.</del>
<del>Hog farm, small.</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>See Section 104-2-4. 5-acre use.</del>
<del>Hog farm, large.</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>	<del>See Section 104-2-4. 5-acre use.</del>

<del>Livestock feed or sales yard.</del>	N	N	N	E	
<b>Stable for horses, noncommercial.</b> Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
<b>Slaughterhouse.</b>	N	N	N	C	
<b>Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs,</b> when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
<b>Slaughtering of rabbits or beavers</b> raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

76 ...

77 **Sec 104-2-4 Special Regulations**

78 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-2-3. Due to  
79 the nature of the use, each shall be further regulated as follows:

80 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals,  
81 except when in compliance with the following:

82 (1) It may only be carried on during times that are reasonable and necessary due to lack of  
83 natural growing feed as a result of seasonal changes or extreme and temporary  
84 meteorological events.

85 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,  
86 and 40 head per acre of used land in the A-2 and A-3 zones;

87 (3) It shall not be closer than 300 feet to any dwelling, public or semi-public building on an  
88 adjoining parcel of land; and

89 (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or  
90 other buildings normally associated with an animal feeding operation

91 (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is  
92 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not  
93 produced on the premises. The following additional standards apply for hog feeding:

94 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

95 (2) Drainage structures and disposal of animal waste shall be provided and properly  
96 maintained as required by the local health department.



97 (c) Animal feeding operation, large concentrated. A large concentrated animal feeding operation  
 98 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with  
 99 another zone in which this use is allowed.

Commented [E1]: Replaces "livestock feed or salesyard"

100 ~~(d)~~ (d) Corral, stable or building for keeping animals or fowl. This use shall be located no less  
 101 than 100 feet from a public street and not less than 25 feet from any side or rear lot line.

102 ~~(e)~~ (e) Custom exempt meat cutting. This use shall be limited to animals that are part of one or  
 103 more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a  
 104 dwelling onsite, completely enclosed within a building with no outdoor storage, and located on  
 105 and with access directly from a collector or arterial street.

106 ~~(f)~~ (f) Dog breeding, dog kennels, or dog training school. This use shall not exceed ten dogs of  
 107 more than ten weeks old, per acre, at any time. Any building or enclosure for animals shall be  
 108 located not less than 100 feet from a public street and not less than 50 feet from any side or rear  
 109 property line.

110 ~~(g)~~ (g) Family food production.

111 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or  
 112 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten  
 113 pheasants, five turkeys, five ducks, five geese, or five pigeons.

114 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that  
 115 is less than 40,000 square feet.

116 (3) No more than six combined Group A animals and sets of Group B animals or fowl may  
 117 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel  
 118 greater than two acres, except that an additional six combined Group A and and sets of  
 119 Group B animals or fowl may be kept per each additional acre greater than two.

120 ~~1. Hog farm.~~

121 ~~1. Hog farm, small.~~ This use is limited to not more than ten hogs, more than 16 weeks old. It  
 122 is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not  
 123 produced on the premises.

124 ~~2. Hog farm, large.~~ It is prohibited to feed hogs any market refuse, house refuse, garbage, or  
 125 offal that was not produced on the premises. All pens and housing for hogs shall be concrete  
 126 and maintained in a sanitary manner. Drainage structures and disposal of animal waste  
 127 shall be provided and properly maintained as required by the local health department.

Commented [E2]: This language has been inserted into "concentrated feeding operation" regs above

128 ~~2. Raising and grazing of horses, cattle, sheep or goats.~~ This use shall not include the supplementary  
 129 or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or  
 130 slaughterhouse except when in compliance with the following:

Commented [E3]: This use is covered by "animal feeding operation" above

131 ~~1. It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones;~~  
 132 ~~and 40 head per acre of used land in the A-2 and A-3 zones;~~

133 ~~2. It may only be carried on during the period of September 15 through April 15;~~

134 ~~3. It shall not closer than 300 feet to any dwelling, public or semi public building on an~~  
 135 ~~adjoining parcel of land; and~~

136 ~~(4) It shall not include the erection of any permanent fences, corrals, chutes, structures or~~  
 137 ~~other buildings normally associated with a feeding operation.~~

138 ~~(h)~~ (h) Parking of construction vehicle. The off-site for-profit nonagricultural use of the  
 139 construction vehicle shall be restricted to the owner or operator of an actively operating

140 agricultural use on the same lot or parcel on which it is parked, or the owner or operator's  
 141 employee. This use shall:

- 142 (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- 143 (2) Be restricted to vehicles and related equipment that are used for the actively-operating  
 144 agricultural use;
- 145 (3) Include no more than one three-axle truck, and no pups.

146 ~~(i)~~ (i) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000  
 147 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are  
 148 exempt from these restrictions.

149 ~~(i)~~ (i) **Temporary building or use.** The building or use shall be removed upon completion or  
 150 abandonment of the construction work.

151 HISTORY

152 *Adopted by Ord. 2021-6 on 3/23/2021*

153 ...

154 **Chapter 104-21 Manufacturing Zones MV-1, M-1, M-2, and M-3**

155 ...

156 [Sec 104-21-3 Land Use Table](#)

...

	MV-1	M-1	M-2	M-3	Special Provisions
Accessory use customarily incidental to a main use, including an accessory building incidental to the use of a main building, and a main building designed or used to accommodate the main use to which the premises are devoted.	P	P	P	P	
Acetylene gas manufacturing, compounding, processing, packing, treatment, and/or storage.	N	N	C	C	
Aircraft engine testing, including jet, missile and chemical engines.	N	N	N	C	
Aircraft or aircraft parts manufacturing.	N	N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
Airport.	N	P	P	P	

Exhibit B

<b>Any permitted use in a C-3 Zone, except dwelling unit.</b>	P	P	P	P	
<b>Any conditional use allowed in a C-3 Zone, except dwelling unit.</b>	C	C	C	C	
<a href="#">Animal feeding operation. An animal feeding operation, as defined in Section 101-2.</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<a href="#">See Section 104-21-4. 5-acre use.</a>
<a href="#">Animal feeding operation, large concentrated. A large concentrated animal feeding operation, as defined in Section 101-2.</a>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<a href="#">See Section 104-21-4. 5-acre use.</a>
<a href="#">Animal grazing. Animal grazing, as defined in Section 101-2.</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<a href="#">See Section 104-21-4. 5-acre use.</a>
<b>Animal hospital.</b>	P	P	P	P	
<a href="#">Apiary.</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<b>Automobile or automobile part manufacturing.</b>	N	N	P	P	In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
<b>Automobile recycling (parts dismantling).</b>	N	N	C	C	See Section 104-21-4.
<b>Automobile repair, auto body and fender work.</b>	C	P	P	P	The use shall be conducted within an enclosed building.
<b>Automobile wrecking yard.</b>	N	N	C	C	The use shall be enclosed within a seven foot high solid fence or wall. In the M-2 zone, this use shall be located at least 600 feet from any zone boundary.
<a href="#">Aviary.</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-

Battery manufacture.	N	C	C	C	
Blacksmith shop.	N	C	P	P	

157 ...

Railroad yards, shop and/or roundhouse.	N	N	C	C	
<del>Raising and grazing of horses, cattle, sheep or goats as part of a farming operation, including the supplementary or full feeding of such animals.</del>	N	C	C	C	
Recreation area, private.	N	N	N	C	

**Commented [E4]:** Being replaces with animal grazing, animal feeding operation, and/or large concentrated animal feeding operation.

158 ...

159 **Sec 104-21-4 Special Regulations**

160 The uses listed below correspond with certain uses listed in the Land Use Table in Section 104-21-3. Due  
161 to the nature of the use, each shall be further regulated as follows:

162 (a) Animal grazing. This use shall not include the supplementary or full feeding of the animals,  
163 except when in compliance with the following:

164 (1) It may only be carried on during times that are reasonable and necessary due to lack of  
165 natural growing feed as a result of seasonal changes or extreme and temporary  
166 meteorological events.

167 (2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,  
168 and 40 head per acre of used land in the A-2 and A-3 zones;

169 (3) It shall not be closer than 300 feet to any dwelling, public or semi-public building on an  
170 adjoining parcel of land; and

171 (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or  
172 other buildings normally associated with an animal feeding operation

173 (b) Animal feeding operation. This use may include supplemental or full feeding. However, it is  
174 prohibited to feed animals any market refuse, house refuse, garbage, or offal that was not  
175 produced on the premises. The following additional standards apply for hog feeding:

176 (1) All pens and housing for hogs shall be concrete and maintained in a sanitary manner.

177 (2) Drainage structures and disposal of animal waste shall be provided and properly  
178 maintained as required by the local health department.

179 (c) *Animal feeding operation, large concentrated.* A large concentrated animal feeding operation  
 180 shall not be located within a half-mile of a zone boundary, unless the boundary is shared with  
 181 another zone in which this use is allowed.

Commented [E5]: Replaces "livestock feed or salesyard"

182 ~~(d)~~ *Automobile recycling (parts dismantling).* This use shall be conducted within a completely  
 183 enclosed building. In the M-2 zone, the recycling facility shall have no more than 40 automobiles  
 184 at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a  
 185 solid wall or fence of not less than seven feet in height

186 ~~(e)~~ *Building material sales yard.* In the M-1 zone, a building material sales yard may include  
 187 the sale of rock, sand, gravel and the like, as an incidental part of the main business, but shall  
 188 exclude concrete mixing except as such concrete mixing is necessary in the preparation and  
 189 manufacture of any of the products specified in this section.

190 ~~(f)~~ *Cement batch plants.* The following standards apply to a cement batch plant:

191 (1) The cement silo mixer shall not be larger than 300 barrel in the M-1, M-2, and M-3  
 192 zones, and 200 barrel in the MV-1 zone.

193 (2) There shall be a 15-foot landscape buffer with a six-foot-high earth berm planted with  
 194 six feet or larger evergreen trees. The trees shall be Canada Hemlock, Scotch Pines,  
 195 Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The  
 196 evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be  
 197 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees  
 198 per 100 feet. These trees shall be Maples, Linden, Quaking Aspens, Cottonless  
 199 Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch  
 200 caliper. This landscaping shall be planted on the crest of the six-foot berm when the  
 201 property abuts agricultural or residential zones.

202 (3) There shall be no more than three cement trucks, and no more than two other semi-trucks  
 203 and trailers used with this operation stored on site.

204 (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand  
 205 and gravel mix shall be stored in a three-wall bin and covered when not in use.

206 (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of  
 207 the lot shall be dedicated for this use.

208 (6) The property shall be at least one acre in size.

209 (7) A vehicle/trailer washout area is required. A detailed plan for the washout area shall be  
 210 submitted with the permit application.

211 ~~(g)~~ *Dwelling unit for night watchman or guard and family.* The dwelling unit shall be for the  
 212 exclusive use of a night watchman or guard and his or her immediate family. The site shall provide  
 213 an additional 3,000 square feet of landscaped area for the residential use.

214 ~~(h)~~ *Retail sales, limited.* This use is limited to the sales of products produced by, developed in  
 215 conjunction with, or normally required and used in the performance of a commercial or  
 216 manufacturing operation permitted in this zone, and provided the retail sales is clearly an  
 217 accessory use to the main permitted use and is conducted within the same building or, if the main  
 218 use is not a building, then on the same property. No retail sale of products may be made in  
 219 conjunction with a warehousing or wholesale business.

220 ~~(i)~~ *Shooting range or training course, indoor or outdoor.* The facility shall provide  
 221 designated shooting positions for which ballistic backstops are designed. No shooting is allowed  
 222 except in these designated shooting positions. All sides down range of a shooting position shall  
 223 have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of

224 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of  
225 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.  
226 The range operator shall be onsite at all times shooting is occurring.

227 ~~Reserved.~~

228 (Ord. of 1956, § 18B-4; Ord. No. 2011-5, § 18B-4, 3-15-2011; Ord. No. 2012-17, § 18B-4, 10-23-2012;  
229 Ord. No. 2016-10, Exh. A, 8-23-2016)

230 HISTORY

231 Amended by Ord. 2020-11 on 8/4/2020

232 Amended by Ord. 2020-24 on 12/15/2020

233 Amended by Ord. 2021-16 on 5/25/2021



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

<b>Application Request:</b>	Public hearing to discuss and/or take action on a county-initiated ordinance to define specific zones in the Ogden Valley Planning Area where dwelling unit rights may be transferred from for the purposes of constructing detached accessory dwelling units, to adjust the definitions of a "Lot of Record", and to include general administrative and clerical amendments.
<b>Agenda Date:</b>	Tuesday, January 25, 2022
<b>Applicant:</b>	Weber County Planning Division
<b>File Number:</b>	ZTA 2021-11

#### Staff Information

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### Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions); Chapter 2 (Definitions)
- Weber County Land Use Code Title 108 (Standards); Chapter 19 (Accessory Dwelling Units)

### Summary and Background

This County-initiated text amendment (see **Exhibit A**) has been undertaken in order to add clarification to the Accessory Dwelling Unit ordinance regarding areas/zones where dwelling unit rights may be transferred from for the purposes of constructing detached accessory dwelling units (ADUs) on lots or parcels which do not have a sufficient balance of dwelling units rights available.

As a reminder, the current ADU ordinance was adopted in a form that allowed ADUs to be permitted on any residential lot or parcel as long as the ADU was integrated architecturally with the primary residence (connected by a breeze way of not more than 15 feet, or the ADU is created within the footprint of the existing home). Alternatively, a detached ADU could be permitted if the lot or parcel contained at least one surplus dwelling unit right (i.e. 6 acre lot in a 3 acre zone with a primary home and a detached ADU). If a lot or parcel did not contain a surplus dwelling unit right (i.e. 3 acre lot in a 3 acre zone with a primary home), an owner could transfer a dwelling unit right from another lot or parcel with a surplus dwelling unit right in the Ogden Valley Planning Area over to their property in order to permit a detached ADU.

In practice, the current language of the ADU ordinance allows for transferred dwelling unit rights from anywhere in the Ogden Valley Planning Area. This includes the Ogden Canyon and the far-eastern backcountry areas. This led potential applicants looking for transfer properties with the "lowest hanging fruit" to transfer dwelling unit rights to other property for the building of detached ADUs. These "lowest hanging fruit" were identified as grandfathered lots of record in the Ogden Canyon and the old historic lots in the F-40 zone such as lots in Evergreen.

Staff believes that the original intention behind the transfer of dwelling unit rights requirement of the ADU ordinance was to transfer density off of the valley floor or valley foot hills. The transfer of rights from outside of the valley floor would have create an increased density in the valley that wasn't anticipated or supported by the General Plan. For these reasons, staff have initiated the proposed amendments to clarify the areas where dwelling unit rights may be transferred from for the purposes of building detached accessory dwelling units. See below for a summary of the proposed amendments.

### Summary of Proposed Amendments

#### Clerical Edits (House Keeping):

With all text amendments, there are a certain number of clerical edits that are proposed to adjust overall ordinance formatting and to clarify both existing and proposed language. These clerical edits can be found in various sections of the

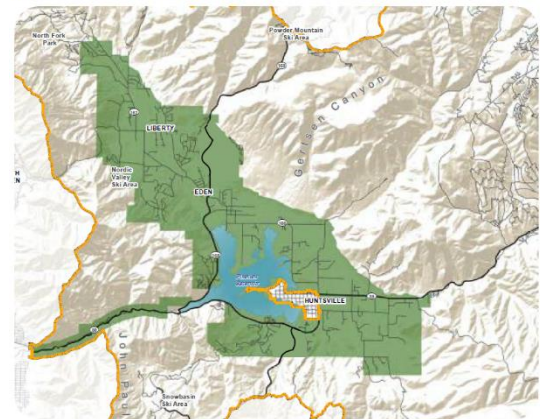
proposed ordinance and are generally “House Keeping” in nature. The house keeping items included in this proposal include the following:

- An amended definition is being proposed for “Lot Frontage”. This definition has been simplified and removes the listed standards from the definition which is generally viewed as an undesirable location for standards to be listed.
- An amended definition is being proposed for “Lot of Record”. The amended definition is needed due to three separate reasons.
  - 1) Adjustments to the existing paragraphs (d) &(e) are proposed to facilitate the identification of historic lots of record (grandfathered) that may have met the zoning at a specific point in time (December 31, 1992) that represents a cut off of grandfathered rights.
  - 2) The added paragraph (g) has been added as a reprieve to the platting requirements for especially large lots (>100 acres) that may accomodate larger scale developments.
  - 3) The added paragraph (h) is proposed to help existing unplatted lots of record to be adjusted without having to go through a full subdivision platting process.
- An added definition is being proposed for “Lot Width”. This definition is new and is being added to support the proposed amendment to the definition of “Lot Frontage”.

Applicability of transferred dwelling unit rights associated with the construction of detached accessory dwelling units:

The proposed amendments designate appropriate “sending areas” where surplus dwelling unit rights may be trasfered from for the purposes of building detached ADUs on properties that lack a surplus of dwelling unit rights. The proposed “sending zones” are as follows: RE-15, RE-20, AV-3, FV-3, FR-3, and S-1. With exception to the Ogden Canyon, these sending zones closely reflect the “Valley Floor” as referenced by Map 3 on Pg. 11 of the 2016 Ogden Valley General Plan (see image to the right).

MAP 3: VALLEY FLOOR AREA



**Analysis of the 2016 Ogden Valley General Plan**

Land Use Goal #1 of the 2016 Ogden Valley General Plan is clear that additional density should not be authorized in the Ogden Valley Planning Area above that allowed by current zoning. Additionally, Land Use Principle 1.1 indicates that the County will support the transfer of existing development rights as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Staff believes the proposed amendments are in alignment with the General Plan’s goals and principles by preventing additional density from outside of the valley floor to be transferred into the valley.

**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:

1. Posted on the County’s Official Website
2. Posted on the Utah Public Notice Website
3. Published in a local newspaper

**Staff Recommendation**

Staff recommends that the Ogden Valley Planning Commission review the proposed amendments in ZTA2021-11. If the Commission is comfortable with the proposal, a positive recommendation could be forwarded to the County Commission based on the following findings:

1. The changes are supported by the 2016 Oden Valley General Plan.
2. The changes are necessary to guide the appropriate transfer of dwelling unit rights for detached ADUs.
3. The changes will enhance the general health and welfare of County residents.

**Exhibits**

- A. Proposed Amendments to the Accessory Dwelling Unit Ordinance



**Title 101 General Provisions**

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**Sec 101-2-13 Lot Definitions** [Edit](#)

**Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Such parcel shall also have frontage on a street or on a right-of-way approved by the planning director. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

**Lot area.** The term "lot area" means the area contained within the boundary of a lot.

**Lot, corner.** The term "corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

**Lot coverage.** The term "lot coverage" means the percentage of the lot area which is occupied by all building, and other covered structures and impervious surfaces.

**Lot, double frontage.** The term "double frontage lot" means any building lot which has both the front and rear yard lot line abutting a street.

**Lot, flag.** The term "flag lot" means an "L" shaped lot comprised of a narrow access strip connected to a street (staff portion) which opens into the lot area (flag portion).

**Lot, frontage.** The term "~~frontage~~ lot frontage" also referred herein as "street frontage" or "street frontage of a lot," means the yard lot line all the property fronting or abutting one side of the street and/or right-of-way. ~~No lot shall utilize any part of the temporary end or dead end of a street for frontage. At no point shall the frontage be less than 50 feet, and shall meet the lot width at the front yard setback.~~

**Lot, interior.** The term "lot, interior" means any building lot other than a corner lot.

**Lot, irregular shaped.** The term "irregular shaped lot" means any building lot whose boundaries are:

1. Comprised of three or more than four lot lines;
2. A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
3. In which the rear lot line is not parallel to the front lot line.
4. Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

**Lot line adjustment.** The term "lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. An amended plat is required to do a lot line adjustment.

**Lot, lot line.** The term "lot line lot" means the boundary of a lot traditionally prescribed with a front, a rear and two sides. Where two lot lines converge and the lot's line bearing changes, the interior angle of which will determine, if it is greater than 135 degrees, whether the lot line may continue with the same yard designation. When the interior angle is 135 degrees or less, then the lot lines designation shall be different.

**Lot line, front.** The term "front lot line" means the boundary line of the lot which abuts a public dedicated street or other legal access from which the front yard setback is measured, ~~which determines the lot width~~ and where ingress and egress generally is made to the lot.

**Lot line, front for flag lot.** The term "lot line, front for flag lot" means the front lot line of a flag lot which is the lot line parallel to a dedicated public street and at the end of the stem.

**Lot line, rear.** The term "rear lot line" means the boundary of a lot which is most distant from, and is most parallel to the front lot line; except that in the case of an irregular shaped lot, the rear lot line is the line

within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet.

**Lot line, side, for corner lots.** The term "side lot line for corner lots" means all interior lot lines for multi-frontage lots. For other corner lots, that interior lot line which has been designated as the side lot line by the lot owner previously demonstrated by placement of structures.

**Lot line, side, for interior lots.** The term "side lot line for interior lots" means those interior lines laying opposite each other, running between the front and rear lot lines.

**Lot, nonconforming.** The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

**Lot, restricted.** The term "restricted lot" means a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section.

**Lot of record.** A lot of record is defined as any one of the following circumstances:

1. A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
2. A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
3. A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
4. A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder ~~in between January 1, 1966, and June 30~~ on or before December 31, 1992, which complied with the zoning requirements in effect ~~on the same date at the time of its creation and was shown to be the first or second division of a larger parent parcel;~~ or
5. A parcel or lot that was created in its current size and configuration and contained a lawfully permitted single-family dwelling prior to ~~July 1~~ December 31, 1992; ~~or~~
6. A parcel of real property that contains at least 100 acres;
7. A parcel ~~or~~ lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record; ~~or;~~
8. A parcel or lot that meets the criteria of (a) through (g) of this definition may be reconfigured as long as:
  1. The reconfiguration does not make the parcel or lot more nonconforming;
  2. No new lot or parcel is created; and
  3. All affected property is outside of a platted subdivision.

**Lot right-of-way.** The term "lot right-of-way" means a strip of land of not less than 16 feet wide connecting a lot to a street for use as private access to that lot.

**Lot width.** The term "lot width" means the width of a lot as measured along a line that runs parallel to the front lot line and is at the minimum building setback applicable to the lot's zone.

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**Chapter 108-19 Accessory Dwelling Units**

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**Sec 108-19-2 Applicability**

- (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, an accessory dwelling unit located in an accessory building shall only be allowed in one of the two following circumstances:

(1) The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the accessory dwelling unit; the number of dwelling unit rights subtracted from the base density by any other means; and the number of dwelling unit rights remaining for the property.

(2) A landowner has successfully negotiated the reallocation of a dwelling unit right from another lot or parcel, and is in compliance with the following:

a. ~~With exception to properties located within the Ogden Canyon, the reallocated dwelling unit right may only be transferred from a lot or parcel~~ that:

1. ~~Is located within the "Valley Floor Area" (Depicted as Map 3 on Page 11 of the 2016 Ogden Valley General Plan as otherwise reproduced digitally by the County)~~ in one of the following zones: RE-15, RE-20, AV-3, FV-3, FR-3, and S-1; and-

2. ~~T~~ hat has an available dwelling unit right. Available dwelling unit rights are ~~as~~ determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition.

~~a.b.~~ The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units developed on the lot or parcel, including the accessory dwelling unit, if applicable; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.

## HISTORY

Adopted by Ord. 2020-27 on 12/22/2020

**RULES OF ORDER  
WEBER COUNTY PLANNING COMMISSIONS**

**A. ORGANIZATION**

1. Appointment of Chair and Vice Chair

The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

2. Chair - Duties

(a) The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. Announcing the business before the Commission in the order in which it is to be acted upon;
- ii. Receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. Putting to a vote all questions, which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. Informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. Maintaining order at the meetings of the Commission;
- vi. Moving the agenda along, holding down redundancy, referencing handouts and procedures in a sensitive way during meetings;
- vii. Recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. Receiving documents or other physical evidence as part of the record.

(b) It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

(c) The Chair may rule out of order any comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice Chair

The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice Chair, the Commission shall elect a temporary Chair to serve until the Chair or Vice Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary - Duties

The Planning Director or his designee shall serve as secretary of the Commission. The secretary shall have the following duties:

- (a) Give notice of all Commission meetings as hereinafter provided; attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- (b) Keep the minutes of the proceedings of the Commission and to record the same;
- (c) Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- (d) Perform such other duties as may be required by these rules.

**B. CONDUCT OF MEMBERS OF THE COMMISSION**

1. Addressing Members

Commission members shall be addressed as "Commissioner" or Mr. or Ms. and their last name.

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site, they shall disclose any observations.

3. Members Shall Attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive regular or work session meetings or four regular or work session meetings within a calendar year without being excused by the Chair, the Chair may recommend to the County Commission that the member be removed from the Commission for cause. A member may be removed from office for misconduct or failure to comply with attendance requirements by an affirmative vote of the majority of the County Commission.

Planning Commission members shall attend required training.

4. Conflict of Interest

A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission. The Commission shall then vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist, and whether the Commissioner should withdraw from participation and voting. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting. A Commissioner who has a conflict of interest shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon.

(a) Disqualification

No member of the Planning Commission shall participate in the discussion of an application or vote on an application for any action when any of the following conditions exist:

- i. Any of the following have a direct or substantial financial interest in the proposal: members of the Planning Commission or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
- ii. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.

(b) Disclosure of Potential Conflict of Interest

Whether or not he/she is disqualified, a public official shall disclose any potential conflict of interest as required by state law.

(c) Ex Parte Contacts

An ex parte contact is any communication with a party or person outside of a planning commission meeting regarding administrative applications. Commissioners are not to engage in these communications. Anyone speaking to Commissioners on administrative matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. Communications regarding legislative matters are generally permitted.

Planning Commission members shall reveal any pre-meeting or ex parte contacts with regard to administrative matters at the commencement of the public meeting on the matter. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on an application received by a Planning Commissioner whether by mail, telephone or other communication should be made part of the public record. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain.

(d) Planning Commission Members Wishing to Give Comment

A member who desires to make comments at a meeting may do so only after declaring intent to comment, abstaining from voting on the proposal, and vacating the seat and physically joining the audience. Before commenting, the Commission member shall make full disclosure of his/her status and position at the time of addressing the Planning Commission and disclose that the person is commenting as an interested member of the public and not in his/her capacity as a member of the Commission; upon commenting the member shall leave the Commission Chamber during the time in which the matter in question is being discussed and voted upon. If a member is an applicant, he / she can fully participate in the matter.

(e) Gifts and Favors. Gifts and favors standards are found in UCA 67 16 5. No public officer or employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation or loan for themselves or another if it tends to influence them in the discharge of duties. Exceptions to this are: an occasional non-pecuniary gift, having a value less than \$50 or an award publicly presented in recognition of public service.

(f) Treatment of Information. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all. All reports in an official meeting agenda are public information. Communication with planning staff members is not an ex parte contact and is allowed.

(g) Political Activity. Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of nor prohibited to Planning Commissioners. The extent of participation in political activities should be governed by professional judgment as well as limited by any applicable civil service law or regulation. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.

## C. MEETINGS

### 1. Place

Meetings of the Commission shall be held in the Weber County Commission Chambers on the first floor of the Weber Center Building, Ogden, Utah, 2380 Washington Blvd., Ogden. If the Chambers is not available on those dates, then the meeting may be held in another room of the Weber Center Building or at such other place in Weber County as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Weber County for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

### 2. Regular Meetings

Regular meetings of the Western Weber Planning Commission shall be held on the second Tuesday of each month at 5:00 p.m. Field trips may be held on the second Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

Regular meetings of the Ogden Valley Planning Commission shall be held on the fourth Tuesday of each month at 5:00 p.m. Field trips may be held on the fourth Tuesday of each month at the hour of 3:00 p.m. or at such other appropriate times. In the event that a field trip is not held then a pre-meeting will be held at 4:30 p.m.

The date of the regular meeting may be changed by the majority of the total membership of the Planning Commission provided at least one week notice is given each member of the new date of a regular meeting.

### 3. Special Meetings

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone to the member of the Commission. Such notice may also be given by electronic mail, facsimile, or United States Mail, directed to the member of the Commission and sent not less than three (3) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings - Matters Considered

Any matter pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

5. Quorum

Four members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. An abstaining or disqualified member of the Planning Commission shall not be counted as if present for purposes of forming a quorum. Except as otherwise specifically provided in these Rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

6. Work Sessions

A regular work session of the Western Weber Planning Commission shall be held after a regular meeting has concluded, which regular meeting is scheduled on the second Tuesday of each month at the hour of 5:00 p.m.

A regular work session of the Ogden Valley Planning Commission shall be held on the first Tuesday of each month at the hour of 5:00 p.m.

A joint work session of the Ogden Valley Planning Commission and the Western Weber Planning Commission may be held on the first Tuesday of each month at the hour of 5:00 p.m.

Work sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission shall be open to the public. All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 8:30 p.m. the Planning Commission will finish the item presently being considered. All items remaining to be heard will be forwarded to the next agenda for consideration.

9. Electronic Meetings

The Utah Open and Public Meetings Act allows public bodies to hold electronic meetings, subject to certain requirements. The Planning Commission hereby adopts the following rules to allow electronic meetings and govern their use. If future changes in state law conflict with these rules, the conflicting provisions of the new state law shall be automatically incorporated into these rules by reference, superseding the conflicting provisions of these rules, until the rules can be amended to conform to the new state law.

(a) The Planning Commission will only hold an electronic meeting in the following circumstances:

1. A matter coming before the Commission requires prompt attention;
2. The Planning Director or designee determines that there will not be a quorum present for the next meeting unless the Commission allows one or more members to attend electronically; and
3. The Chair, or the Vice Chair in the absence of the Chair, determines that all items



on the proposed agenda are appropriate for discussion and action in an electronic meeting.

- (b) Electronic meetings will originate from an “anchor location,” as required by state law. The anchor location will be the regular meeting location in the Weber Center, 2380 Washington Blvd., Ogden, Utah. As with regular meetings, interested persons and members of the public may attend and monitor the open portions of the meetings at that location.
- (c) In accordance with state law, public notice shall be given as required for a regular meeting, including posting written notice in the Weber Center. This public notice shall be given no less than 24 hours before the meeting. Notice of the electronic meeting shall also be given to members of the Commission at least 24 hours before the meeting and shall include a description of how the members will be connected to the electronic meeting.

**D. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business

The order of business in the Commission shall be as follows:

- (b) Chair opens the meeting and welcomes those in attendance
- (c) Pledge of Allegiance
- (d) Roll call. At all meetings before proceeding to business, the roll of the Commission members shall be taken and the names of those present and those absent shall be entered on the record.
- (e) Approval of minutes of prior meetings
- (f) Planning Director reads opening meeting statement
- (g) Chair asks commissioners if there are any ex parte communications or conflicts of interest to disclose
- (h) Consent Agenda
- (i) Petitions, Applications and Public Hearings
  - 1. Administrative Items
    - a. Old Business
    - b. New Business
  - 2. Legislative Items
    - a. Old Business
    - b. New Business
- (j) Public Comment for Items not on the Agenda
- (k) Planning Commission Remarks
- (l) Planning Director Report
- (m) Legal Counsel Remarks
- (n) Chair Adjourns Meeting

2. Agenda for Meetings

The secretary shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission at least seven (7) days in advance of a regular meeting.

3. Approval of Minutes from Prior Meetings

The Chair shall ask the Commissioners if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission, the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an

opportunity to review the minutes, approval shall be postponed to the next meeting.

As an alternative procedure, the Commission may approve minutes through email communication, when requested by staff or by any member of the Commission. When such a request is made, the secretary shall send the draft minutes to all Commission members. After all members who were present at the meeting have responded, and after a majority of those members have given their approval, the Chair may declare the minutes approved. Otherwise, the minutes shall be placed on the next meeting agenda for approval. If minutes get approved through email communication, the approval shall be stated on the record at the next meeting.

4. Deadline for Agenda

Requests to be on a Planning Commission agenda shall be filed thirty (30) days prior to consideration by the Planning Commission. The Planning Staff shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Planning Director if he/she determines that good cause exists for waiving the deadline, the application is complete, and determined that Staff has sufficient time to analyze the request, adequately prepare a Staff Report and give proper notice.

5. Special Order of Business

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a majority of the members present.

**E. ORDER AND DECORUM**

1. Order of Consideration of Items

The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- (a) Chair introduces item;
- (b) Abstentions, conflicts of interest and challenges are entertained and any declaration of conflicts of interest and ex parte contacts;
- (c) Staff makes a presentation on the criteria, standards, and recommendations;
- (d) Applicant or applicant's agent presents evidence for the proposal;
- (e) Any opponents and/or proponents may comment;
- (f) Planning Commission members may question staff, applicant, or opponents on all the above;
- (g) Applicant's rebuttal if requested;
- (h) Closing of the public hearing, if applicable;
- (i) Concluding comments of Staff or Staff summary and recommendations;
- (j) Motion is made and seconded; the Planning Commission discusses the item and votes. Members are allowed to openly discuss the proposal and may further question any party appearing for or against the proposal as necessary, but generally questions should be asked while the public hearing is open. The Chair outlines possible actions: approval, disapproval, continue, or approval with conditions.

2. Consideration of Items

All parties shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- (a) Regulate the course and decorum of the meeting.
- (b) Dispose of procedural requests and similar matters.
- (c) Set reasonable time limits for individual public input, oral presentations, questions, and rebuttal information.
- (d) Question any person appearing, and allow other members to question any such person.
- (e) Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
- (f) Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

A ruling of the Chair may be challenged by any member of the Planning Commission present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

3. Time Limits

The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.

4. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- (a) Is disorderly, abusive, or disruptive.
- (b) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- (c) Comments without first receiving recognition from the Chair and stating his/her full name and residence.
- (d) Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience.

**F. PROCEDURE - MOTIONS**

1. Making of Motions

Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, except for the Chair, may make a motion; however, any Planning Commissioner may second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion citing compatible findings. Other members of the Commission may support the motion adding compatible findings. A motion shall die in the absence of a second. Discussion of the motion should not take place until it has been seconded and the Chair has stated the motion and called for discussion.

2. Withdrawing or Modifying a Motion

- (a) When a motion has been made but not yet stated by the Chair, whether or not it has been seconded, it can be withdrawn or modified by the mover if the member simply says, "Chair, I withdraw the motion."
- (b) If the mover wishes to modify his/her motion, he/she should specify the modification. Any member may suggest that the mover withdraw or modify his/her motion, but only

- the mover may do so.
- (c) If a motion is modified before being stated by the Chair, the second may withdraw his/her second.
  - (d) After the Chair states a motion, it is the property of the Commission. It can be withdrawn or modified at any time before voting by a majority vote to withdraw or modify.

3. Motions in Order During Debate

When a question is under debate, no motion shall be received except:

- (a) To fix the time to adjourn;
- (b) To adjourn;
- (c) To continue, table, or postpone indefinitely to a specified time;
- (d) To amend; to substitute;
- (e) Refer to committee;
- (f) Previous question (immediately close debate);
- (g) Limit or extend limits of debate;
- (h) Take a recess;
- (i) Call for orders of the day;
- (j) Suspension of the rules;
- (k) Appeal rulings by the Chair;
- (l) Reconsider an undebatable motion.

4. Motion must be Germane

No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.

5. Motions to Deny

Where a motion to deny a request has been defeated, a member of the Commission shall make another motion to dispose of the issue.

6. Substitute Motions

A motion to amend by striking out an entire section or paragraph of a main motion and inserting a different section or paragraph is called a motion to substitute. Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.

7. Amendments

All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance. All amendments to the main motion require a second. If any amendment is offered, the question shall be first upon the amendment. An amendment may be tabled without prejudice to the main motion or question. When an amendment is proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure. If any amendment be offered, the question shall be first upon the amendment.

8. Friendly Amendments

A Commissioner may make a friendly amendment without a formal motion with unanimous consent of the members present. Typically, such motions are appropriate for clean-up items or an issue discussed but inadvertently neglected by the maker of the motion.

**G. PROCEDURE - RECONSIDERATION**

1. Motion to Reconsider

A motion to reconsider must be made in the same meeting as the motion that was voted on. It can only be made by a member who voted on the prevailing side and must be seconded. Any

Commission member, regardless of vote on the main motion, may second the motion. It is a debatable motion. It can be made to a vote that was either affirmative or negative. This type of motion proposes no specific change in a decision but simply proposes that the original question be reopened. It requires a majority vote and cannot be reconsidered.

**H. PROCEDURE - DEBATE**

1. Interruptions and Questions

No member of the Commission shall interrupt or question another Commissioner without obtaining the Commissioner's consent. To obtain such consent, the Chair shall be addressed requesting to interrupt or ask a question; e.g., "Chair (name) I would like to ask Commissioner (name) a question or make a comment." The Commissioner speaking has the discretion to allow an interruption.

**I. PROCEDURE - VOTING**

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by aye (yeses) and nay (no's) given by members of the Commission by voice vote. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Minute Approval

The Chair shall ask the Commission if they have had the opportunity to read the minutes and if there are any additions or corrections. Upon hearing from the Commission the Chair shall declare the minutes approved either as presented or amended. If the Commission has not had an opportunity to review the minutes, approval shall be postponed to the next regular meeting.

3. Voting or Changing Vote Before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair unless the member has the permission of the Planning Commission by general consent or motion if a member objects.

4. Voting or Changing Vote After Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.

5. Commission Members Required to Vote - Late Voting

No member may abstain from voting unless there is a conflict of interest except as noted below. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.

6. Tie Votes

If a motion regarding any matter before the Commission receives an equal number of votes in the affirmative and in the negative, the motion fails. The Commission shall continue to make motions until a majority vote is obtained. The option of continuing an item with the possibility that an odd number of members of the Commission would be at a subsequent meeting may be considered.

7. Explaining Vote

After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.

8. Not to Vote Unless Present

No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

**J. DOCUMENTS OF THE COMMISSION**

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.
2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

**K. AMENDMENT**

These Rules of Order may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

Adopted Rules of Order may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

**L. RECORDING OF RULES - COPIES TO BE FURNISHED**

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission.

Effective Date:

Effective Date:

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John Lewis, Chair  
Ogden Valley Planning Commission

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Andrew Favero, Chair  
Western Weber Planning Commission

## TERMS OF OFFICE FOR BOTH PLANNING COMMISSIONS

### Western Weber Planning Commission

<u>Member Name</u>	<u>Date 1<sup>st</sup> Appointed</u>	<u>Term</u>	<u>Length</u>	<u>Expiration Date</u>
Bren Edwards	6/27/2018	1 <sup>st</sup> Term	4 Years	6/30/2022
Sarah Wichern	6/30/2020	1 <sup>st</sup> Term	4 Years	6/30/2024
Jed McCormick	6/30/2020	1 <sup>st</sup> Term	4 Years	6/30/2024
Camie Jo Clontz	01/18/2022	1 <sup>st</sup> Term	4 Years	6/30/2025
Chad Call	9/14/2021	1 <sup>st</sup> Term	4 Years	9/14/2025
Wayne Andreotti	6/30/2019	1 <sup>st</sup> Term	3 Years	6/30/2022
Andrew Favero	11/06/2018	1 <sup>st</sup> Term	4 Years	6/30/2022

### Ogden Valley Planning Commission

<u>Member Name</u>	<u>Date 1<sup>st</sup> Appointed</u>	<u>Term</u>	<u>Length</u>	<u>Expiration Date</u>
Jeffrey R. Burton	6/30/2019	1 <sup>st</sup> Term	3 Years	6/30/2022
Justin Torman	6/30/2021	1 <sup>st</sup> Term	4 Years	6/30/2025
John Howell	6/29/2010	3 <sup>rd</sup> Term	4 Years	6/30/2022
Trevor Shuman	6/30/2021	1 <sup>st</sup> Term	4 Years	6/30/2025
John Lewis	7/13/2016	2 <sup>nd</sup> Term	4 Years	6/30/2024
Shanna Francis	6/27/2018	1 <sup>st</sup> Term	4 Years	6/30/2022
Jared Montgomery	12/21/2021	1 <sup>st</sup> Term	3 Years	6/30/2024



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# 2022

## JULY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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31						

## AUGUST

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## SEPTEMBER

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## CALENDAR KEY:

	Western Weber County Planning Commission
	Ogden Valley Planning Commission (1 <sup>st</sup> Tues. Work Session)
	Board of Adjustment (Scheduled only if a case is received)
	WACOG
	County Holidays
	Administrative Review Meeting (ADM)
	Agency Review Committee (ARC)
	ELECTIONS

## OCTOBER

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## NOVEMBER

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## DECEMBER

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